

DECISION TITLE: Mental Health Section 75 Partnership Agreement
Councillor Irene Walsh
June 2021
Deadline date: June 2021

Cabinet portfolio holder: Responsible Director:	Councillor Irene Walsh, Cabinet Member for Adult Social Care, Health & Public Health Wendi Ogle-Welbourn – Executive Director People and Communities
Is this a Key Decision?	YES If yes has it been included on the Forward Plan: YES Unique Key decision Reference from Forward Plan: KEY/12APR21/01
Is this decision eligible for call-in?	YES
Does this Public report have any annex that contains exempt information?	NO
Is this a project and if so has it been registered on Verto?	NO

R E C O M M E N D A T I O N S

The Cabinet Member is recommended to:

1. Approve the amendment to the Mental Health Section 75 Partnership Agreement to revise the term of the agreement to a maximum period of 4 years commencing 1st April 2021 for a maximum value of £5.65M

1. PURPOSE OF THIS REPORT

- 1.1 This report is for Cabinet Member for Adult Social Care, Health & Public Health to consider exercising delegated authority under paragraph 3.4.3 of Part 3 of the constitution in accordance with the terms of their portfolio at paragraph (c)

2. TIMESCALES

Is this a Major Policy Item/Statutory Plan?	NO	If yes, date for Cabinet meeting	
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3. BACKGROUND AND KEY ISSUES

3.1 Peterborough City Council (PCC) has delegated the delivery of mental health services and specified statutory duties for people with mental health needs aged 18 years and over to the Cambridgeshire and Peterborough NHS Foundation Trust (CPFT) through a Partnership Agreement under Section 75 of the National Health Service Act 2006.

The delegation of these functions enables the delivery of both health and social care functions within a mental health trust so that services users and carers receive the best possible service addressing both clinical and social needs without the need for them to re-tell their story or receive multiple assessments.

The current Section 75 Partnership Agreement for Mental Health is managed through the Section 75 Governance Board which oversees and monitors performance against the agreement and annual work plan.

3.4 The investment in the Section 75 Agreement for Mental Health for 21/22 is £1,408,828 and may be varied in subsequent years as detailed in the Financial Implications below.

A full report outlining the performance of the Section 75 Agreement was presented to Peterborough City Council's Adults and Communities Scrutiny Committee in January 2021.

The report presented to Scrutiny Committee covered the following areas:

- Financial investment and performance
- Service performance, activity and outcomes
- Quality and Feedback
- Impact of Coronavirus
- Future Priorities

3.3 The Cabinet Member is asked to approve an amendment to this agreement to vary the Section 75 Agreement to provide for a contract term of 2 years plus 2 further optional extensions of one year (2+1+1) from 1 April 2021. The agreement would therefore continue from the 1st April 2021 and should all options to extend be utilised would end on 31st March 2025. This would enable commissioners to align a range of Section 75 Agreements with CPFT, which includes the agreements for Mental Health for Cambridgeshire County Council, to the same timeline ensuring most efficient use of resource.

3.2 A Cabinet Member Decision Notice JUL12/CMDN/071 was approved in July 2012 which confirmed the delegation of Mental Health Social Work to CPFT through a Section 75 arrangement. The approval was given for an initial period of 3 years with a 2-year extension and annually thereafter. Commissioners would like to take the opportunity to review the term of the contractual arrangement to set out a specific timeframe for the agreement. Any extension to the agreement beyond the new end date will be subject to further governance and approval from Peterborough City Council.

4. CONSULTATION

4.1 Consultation with the provider, CPFT, has been undertaken and they are in agreement with the proposal.

5. ANTICIPATED OUTCOMES OR IMPACT

- 5.1 The services delivered through the Section 75 Partnership Agreement provide good quality, specialist assessment, treatment and support for adults living with mental health problems in Cambridgeshire

It is anticipated that the Section 75 Agreement will remain in place but bringing the contractual term in line with a range of other Section 75 Agreements held with CPFT will:

- streamline the management of the arrangements
- provide opportunity for review of the Section 75 arrangement at specific points within the contract term

6. REASON FOR THE RECOMMENDATION

- 6.1 The recommendation to amend the term of the Section 75 Partnership Agreement is made on the following factors:

- to continue to delegate the delivery of statutory mental health social work to CPFT
- to ensure the agreement is in line with other Section 75 agreements being managed by Adult Social Care commissioners
- to enable appropriate governance and review of the arrangement to be undertaken by including a contract term with a specified end date.

7. ALTERNATIVE OPTIONS CONSIDERED

- 7.1 Alternative options considered:

- 1) Do nothing – to continue with current arrangements

Rejected – Current arrangements provide a recurrent agreement with no fixed end date through which the Council has the opportunity to review the arrangement through a formal governance route.

- 2) Enter into a new Section 75 Agreement

Rejected – The current Section 75 agreement remains fit for purpose and whilst the implications of the move to Integrated Care Systems are explored entering into a new Section 75 agreement would not be prudent.

8. IMPLICATIONS

Financial Implications

- 8.1 The current investment in the Mental Health Section 75 Partnership Agreement is £1,408,828. The value of the Section 75 Partnership Agreement may be varied in line with increases in salary increases and associated costs for the posts required by the agreement.

Legal Implications

- 8.2 Peterborough City Council has delegated the delivery of mental health services and specified statutory duties for people with mental health needs aged 18 years and over to the Cambridgeshire and Peterborough NHS Foundation Trust (CPFT) through a Partnership Agreement under Section 75 of the National Health Service Act 2006.

A Deed of Variation will be undertaken to confirm any changes to the original terms of the Section 75 Agreement.

Commissioners are also aware of the proposals for the development of Integrated Care Systems and the potential for this to impact on current arrangements with partners such as NHS Foundation Trusts and Clinical Commissioning Groups. Any current agreements will contain the ability for the Section 75 to be reviewed in light of any change in legislation which would enable system-wide changes in practice to be accommodated.

Equalities Implications

- 8.3 This service delivers the statutory obligations for individuals who require support under the Care Act 2014

Carbon Impact Assessment

- 8.4 Impact of the decision is neutral as all work carried out in relation to the amendment of the agreement will be held in an agile way using virtual platforms

9. DECLARATIONS / CONFLICTS OF INTEREST & DISPENSATIONS GRANTED

- 9.1 *There are none.*

10. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985) and The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

- 10.1 None

11. APPENDICES

- 11.1 *None*

Business Case Reference: BCSC1672