

## HAMPSHIRE COUNTY COUNCIL

### Decision Report

<b>Decision Maker:</b>	Executive Member for Adult Social Care
<b>Date:</b>	14 December 2012
<b>Title:</b>	Mental Health Futures project Integrated Mental Health services review
<b>Reference:</b>	4482
<b>Report From:</b>	Director of Adult Services

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### 1. Executive Summary

1.1. The purpose of this paper is to summarise the current partnership arrangements, for integrated Mental Health (MH) services, and the work planned to strengthen and provide a future sustainable working arrangement, since the last report of 23 March 2012, and to seek approval of the following:

- a) To seek approval for the extension of the Section 75 agreement (S75)\* between Adult Services and Southern Health NHS Foundation Trust (SHFT) from 1 April 2013, for one year ongoing.
- b) To seek approval for delegated authority to the Director of Adult Services to negotiate any changes to the current terms of the S75 with SHFT and take into account any additional changes to contractual agreements due to legislation, government guidance, funding arrangements and legal advice.
- c) To seek approval, subject to a consultation, to enter into a S75 between Adult Services and Surrey and Borders NHS Foundation Trust (SaBPFT).
- d) To seek approval for delegated authority, to the Director of Adult Services, to negotiate the terms and enter into a S75 with SaBPFT for integrated management arrangements to be formalised. The decision to be made in consultation with the Executive Member for Adult Social Care.
- e) Support for the development work currently being undertaken to 'strengthen' delivery of the social care priorities within the MH teams.
- f) Support for the development of a sustainable operational working arrangement between Adult Services and its partner Health providers for the future.

\* Section 75 agreement - An agreement between a Local Authority and a health Organisation using flexibilities under the NHS Act 2006 to put in place partnership arrangements around integrated management, pooled budgets or lead commissioning.

1.2. This paper seeks to propose the future direction for the review of the MH services, provided by Adult Services in partnership with SHFT and SaBPFT. It will cover the following areas:

- planned project work, to be known as the MH Futures Project, to ensure the MH service is sustainable and achieves the required outcomes for service users.
- information requested to be reported back to the Executive Member for Adult Social Care on 14 December 2012 following the decision to extend the S75 agreement with SHFT to 31 March 2013.

## 2. Contextual information

2.1 A report was presented to the Executive Member for Adult Social Care on 23 March 2012 which included a recommendation to extend the S75 agreement with SHFT for a further year to 31 March 2013, using the arrangement set out in the existing S75 agreement, for an integrated management structure for MH services provided in partnership with SHFT.

Executive Member for Adult Social Care approved:

- the recommendation to extend the S75 arrangement with SHFT for a further year to 31 March 2013
- a review of the MH services to develop a new structure for working with SHFT and SaBPFT.
- support the formation and implementation of a provision of a new governance arrangement at Departmental Management Team (DMT) level.

2.2 Adult Services has restated a commitment to continued Partnership working with SHFT and SaBPFT to ensure the Service User continues to receive integrated service delivery. Adult Services are mindful of current changes in Commissioning arrangements, with the emergence of the GP led Clinical Commissioning Groups (CCGs) and this will need to be taken into account in the development of future models of service delivery.

### 2.4 S75 with SHFT

2.4.1 The current S75 expires 31 March 2013. Its formal legal status allows for integrated management arrangements between Health and Social care staff. SHFT take the lead on the MH services and have three Area Directors, two of whom are SHFT employees. One community treatment team is managed by an Adult services employee the other managers are employed by SHFT. Area and team managers take responsibility for all aspects delivering both the health and social care functions, regardless of their employer. Although there is no financial pool some agreed costs are split between Adult Services and SHFT.

## **2.5 Working arrangements with SaBPFT**

2.5.1 The Locality Service Manager for the two MH teams operating in the North East of Hampshire is employed and fully funded by Adult Services. Two jointly funded Team managers are both Adult Services employees with costs split 50:50 between Adult Services and SaBPFT. The Locality Service Manager has a 'dotted' line of accountability to the Director of Older Adults, Psychiatric Liaison and North East Hampshire Services in SaBPFT. The teams are integrated and therefore comprise both social care and health care practitioners, with the Team Manager holding responsibility for all aspects of the integrated service.

2.5.2 To formalise this arrangement, a S75 is recommended with maximum flexibility for both parties written into the agreement. To progress the S75 a consultation amongst interested parties will be required. In order for the agreement to be in place by 1 April 2013 the consultation will run for 8 weeks rather than the recommended 12 weeks. This is considered sufficient time to enable people to respond to this consultation as it is specifically targeted to those involved with Adult MH services.

## **2.6 Delivery of Social care priorities**

2.6.1 There are a number of social care priorities that are delivered via the integrated service.

- Self-directed Support and Personalisation
- Safeguarding reporting.
- Adult Mental Health Practitioner (AMHPs) functions.

2.6.2 There is a requirement to ensure that Adult Services Business Management performance reporting to the Partnership Operational Groups is robust enough to be able to hold SHFT and SaBPFT to account.

## **2.7 Commissioning changes**

2.7.1 Five CCGs with responsibility for local healthcare commissioning will replace NHS Hampshire on 1 April 2013. The West Hampshire CCG will be the strategic lead for joint commissioning including MH services. Adult Services commissioning team will be working with the new CCGs to ensure the Joint Commissioning Strategy is continued. The Hampshire County Council appointment of a new Strategic Commissioning Director, Joint Commissioning, who has made links to the Chief Operating Officer for SHFT and the five Hampshire CCGs in relation to an Integrated Strategic Commissioning Group for Adults, is intended to strengthen working together. It is agreed that commissioners will establish a formal sub group of the Hampshire Health and Wellbeing Board.

It should be noted that the S75 agreement is between Adult Services and partner providers, SHFT and SaBPFT, rather than with the commissioning partner.

### **3 Financial Implications**

- 3.1 The work that needs to be undertaken in the immediate phase of the Futures Project is not intended to have any financial implications. Work to review the S75, working arrangements with SaBPFT, the development of a social care performance dashboard and strengthening of social care responsibilities will be undertaken within current operational and managerial resource available within Adult services, SHFT and SaBPFT.
- 3.2 However, the work to strengthen and refine the social care processes could reduce the duplication of recording, therefore saving resource time.
- 3.3 Training for MH teams in AIS (update to SWIFT social care recording system) and Personalisation will need to be funded as these are all now operational and bespoke training will need to be developed. Some detailed analysis will be required in order to ensure that AIS is used in the most effective way to support AMH business processes. This should be carried out to enable AMH roll-out at the same time as Safeguarding implementation and other AIS enhancements planned for Spring 2013. Scanners for the teams may also be considered in order to improve recording on SWIFT.
- 3.4 Any funding, if required, for the above would need to be funded from existing budgets.
- 3.5 IT developments to enable dual access to systems on 1 terminal will be funded through IT projects already commissioned.
- 3.6 Once the project starts to examine the operational working arrangements across MH services there could be a financial implication for Adult Services dependant upon the new arrangement chosen.

### **4 Legal Implications**

- 4.1 S75 NHS Act 2006 provides the legal basis for certain partnership arrangements with NHS organisations. These are integrated management, pooled budgets and lead commissioning. Prior to putting in place such an agreement regulations require appropriate consultation with interested parties to be undertaken. Such arrangements are dependent on there being an agreement in place. Executive Member approval is required to put in place such an agreement.
- 4.2 The current agreement with SHFT has been varied in accordance with terms of the agreement to extend the arrangement until end of March 2013. If a

further extension is required this will need to follow the same process as set out in the agreement prior to end of March 2013.

- 4.3 To put in place a similar agreement with SaBPFT the process will need to comply with Council Constitution and relevant legislation.
- 4.4 In exercising its functions an authority must have due regard to the need to: Eliminate discrimination, harassment, victimisation and any other conduct prohibited under the Equality Act and advance equality of opportunity and foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

## **5 Performance Implications**

- 5.1 The MH Futures Project is seeking to implement working practices that will improve the overall performance of all the MH teams. This will include considering the improvement of processes in line with Adult Services single business process and IT process to reduce duplication in operational teams where possible.
- 5.2 Along side these improvements to the business process, enhancements will be made to the collecting and reporting of mental health management and performance information, which will be used to monitor the changes and help to inform future work. A new set of core measures have already been identified and agreed and will start to be reported to the SHFT Partnership Operational Group from November.
- 5.3 The specific roles of the Adult Mental Health Practitioners (AMHP) will be reviewed as well as the safeguarding arrangements that are currently in place. The AMHP review will be conducted within the boundaries of legal governance and regulation (Section 114 of the Mental Health Act 1983) which states that the governance of the AMHP service must remain with the Local Authority.

## **6 HR/Training Implications**

- 6.1 The Futures project will ensure Adult services staff within MH teams have the correct role profiles / persons specifications that accurately reflect their roles and responsibilities. A review of training needs and requirements will be carried out to ensure Adult services staff have access to all the social care training and professional development required.
- 6.2 There is a need to ensure that the current staffing structure within the teams is clarified and updated in Adult services SAP recording. The project is working with the workforce development team to get this work resourced.
- 6.3 Until further work is carried out to look at the role of AMHPs across Adult services, and their wider remit, the impact on staff is currently unknown.

- 6.4 Appropriate staff must be identified from across the MH service to be trained on AIS once the upgrade to SWIFT has taken place , likely to be Spring 2013, and also once a clear understanding of how this system will support the MH processes has been completed.
- 6.5 The development of a pilot in the East of the County is currently being considered by the Project Board and the SHFT Partnership Operational group. However, it is not envisaged there will be any other impact to staff prior to the future sustainable working arrangement being put in place at 1 April 2014.

## **7 Equality Impact Assessment**

- 7.1 An Equalities Impact Assessment (EIA) has been completed and published on Hantsweb:

<http://www3.hants.gov.uk/eia-mentalhealth-futures-project.htm>

- 7.2 The project will include staff, who have specialist knowledge in MH, in the review process, and feedback will be used to develop the options. Engagement with service users and other stakeholders will be focused on those that may be impacted by any changes to the MH service that results from this project. Service users involved may have other disabilities and receive services from other Adult Services teams.
- 7.3 It is expected there could be a higher proportion of female staff represented within these groups due their being more female staff working within MH services. Staff from SHFT and SaBPFT will be asked to take part in the consultation work, however, the project is Adult Services led and is concentrating on the delivery of the social care priorities so it is expected that a higher percentage of staff employed by Adult Services will be involved.
- 7.4 As the project work continues and the future working arrangements are developed further this EIA will be reviewed and any further impacts will be explored.

## **8 Privacy Impact Assessment**

- 8.1 The proposals to extend the S75 agreement between Hampshire County Council and SHFT and the development of a S75 agreement with SaBPFT would potentially have a positive impact by strengthening information governance and arrangements for sharing information with our respective health partners. S75 agreements include schedules in respect of information sharing and compliance with data protection principles and establishing a S75 agreement with SaBPFT is particularly important since they are not signatories to the Pan Hampshire Information Sharing protocol (as SHFT are).

- 8.2 The purpose of the Pan Hampshire Information Sharing Protocol is to facilitate the appropriate exchange of information in order to fulfil the duties imposed upon public authorities and other parties. The Protocol is intended to give the participating parties the confidence that when they share information, all parties will be operating to a common standard that complies with relevant legislation and guidance.
- 8.3 NHS and social care signatories are able to demonstrate that they have put the required information governance framework in place by means of their Information Governance Tool Kit (IGT), and can be regarded as 'trusted organisations' for information sharing purposes. The parties to the protocol will either have reached a 'satisfactory' within the current IGT or are working towards this with a formalised action plan'.
- 8.4 Information sharing between organisations that are not signatory to the protocol e.g. third party providers, may, however, be covered by local operational agreements.
- 8.5 Sharing of information with health partners is primarily based on consent and information being collected in MH teams is on behalf of both organisations. The Council needs to ensure, therefore, that our arrangements are robust to support information sharing in the interest of service users.

## **9 Risk Assessment**

- 9.1 There could be a significant risk to the MH service delivery if Adult services and SHFT do not extend their S75 agreement during this period of planning the future service requirement. Adult services and SaBPFT, subject to consultation, need to formalise their partnership through a S75 agreement. The service needs to remain cohesive to ensure outcomes are delivered to the service users and avoid the risk of loss of management, accountability and delivery of social care.

## **10 Future direction**

- 10.1 If the recommendations are approved by the Executive Member for Adult Social Care then work will commence to ensure:
- 10.1.1 A refreshed S75 with SHFT will be in place effective from 1 April 2013.
- 10.1.2 A new S75 agreement will be developed with SaBPFT subject to a formal Consultation, with the agreement to be effective at 1 April 2013.
- 10.1.3 A systematic approach to performance monitoring of social care priorities through the Partnership Operational groups.
- 10.1.4 Co-ordinate all MH workstreams to ensure a coherent and joined up approach to the delivery of Social care priorities within MH across both provider trusts with delegated S75 responsibilities

- 10.2 Work to revisit the future working arrangement options (models) will commence once the new CCGs are established in April 2013. A recommendation to implement a pilot to test a possible model has been put forward by SHFT and this is currently being discussed within the Board and SHFT Partnership Operational Group to ensure this is conducted within the parameters of the Project work.
- 10.3 The project will work towards implementing the new working arrangements across all MH services on 1 April 2014.

## **11 Conclusion**

- 11.1 In order for Adult Services to continue providing MH services with its partner provider Health Trusts that deliver the required outcomes to service users and carers, more robust working and accountability arrangements must be implemented.
- 11.2 Complexities around the service delivery, funding, working with different IT processes and non-alignment of business planning schedules all need to be addressed.
- 11.3 The S75 agreements going forward need to provide flexibility by building in appropriate break clauses and yearly reviewing arrangements.

## **12. Recommendations**

- 12.1 That the Executive Member for Adult Social Care approves the extension of the S75 between Adult Services and SHFT from 1 April 2013, for 1 year on-going.
- 12.2 That the Executive Member for Adult Social Care gives delegated authority to the Director of Adult Services to negotiate any changes to the current terms of the S75 with SHFT and take into account any additional changes to contractual agreements due to legislation, government guidance, funding arrangements and legal advice.
- 12.3 That the Executive Member for Adult Social Care approves, subject to consultation, the putting in place of a S75 between Adult Services and SaBPFT.
- 12.4 That the Executive Member for Adult Social Care gives delegated authority to the Director of Adult Services to negotiate the terms and enter into a S75 with SaBPFT for integrated management arrangements to be formalised. The decision should be made in consultation with the Executive Member for Adult Social Care.
- 12.5 That the Executive Member for Adult Social Care gives support to the development work currently being undertaken to 'strengthen' delivery of the

social care priorities within the Mental Health teams across Adult Services jurisdiction.

- 12.6 That the Executive Member for Adult Social Care gives support to the development of a sustainable operational working arrangement between Adult Services and its partnership Health providers for the future.

**CORPORATE OR LEGAL INFORMATION:****Links to the Corporate Strategy**

<b>Hampshire safer and more secure for all:</b>	yes
Corporate Improvement plan link number (if appropriate):	
<b>Maximising well-being:</b>	yes
Corporate Improvement plan link number (if appropriate):	
<b>Enhancing our quality of place:</b>	no
Corporate Improvement plan link number (if appropriate):	

**Other Significant Links**

<b>Links to previous Member decisions:</b>		
<u>Title</u>	<u>Reference</u>	<u>Date</u>
The Mental Health and Learning Disability Section 75 Partnership agreements with Southern Health NHS Foundation Trust	3768	23 March 2012
Learning Disability integrated community services in Hampshire – Section 75 Partnership Agreement with Hampshire Partnership (NHS) Trust	367	19 December 2008
Mental Health Service Delivery - Section 75 Agreement with the Hampshire Partnership NHS Trust		28 March 2008
<b>Direct links to specific legislation or Government Directives</b>		
<u>Title</u>		<u>Date</u>

**Section 100 D - Local Government Act 1972 - background documents**

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

<u>Document</u>	<u>Location</u>
None	

## **IMPACT ASSESSMENTS:**

### **1. Equalities Impact Assessment:**

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1.2 The project will include staff, who have specialist knowledge in MH, in the review process, and feedback will be used to develop the options. Engagement with service users and other stakeholders will be focused on those that may be impacted by any changes to the MH service that results from this project. Service users involved may have other disabilities and receive services from other Adult Services teams.

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1.4 As the project work continues and the future working arrangements are developed further this EIA will be reviewed and any further impacts will be explored.

### **2 Impact on Crime and Disorder:**

2.1 MH services help to improve community safety by ensuring that vulnerable adults have the support that they need to help them lead a life without posing a threat to others and themselves.

### **3 Climate Change:**

a. How does what is being proposed impact on our carbon footprint / energy consumption?

Ensuring that teams work in an environment that reduces the impact of the carbon footprint, sharing offices, flexible working, encouraging intelligent travel arrangements.

b. How does what is being proposed consider the need to adapt to climate change, and be resilient to its longer term impacts?

Through enabling the Department to take a more strategic approach to providing services, this approach gives opportunities to better consider the longer-term direction of service development and consider adaptation to climate change when shaping services.