



*Although a formal committee of Brighton & Hove City Council, the Health & Wellbeing Board has a remit which includes matters relating to the Clinical Commissioning Group (CCG), the Local Safeguarding Board for Children and Adults and Healthwatch.*

**Title:** Section 75 Agreement review between Brighton & Hove City Council (BHCC) and Sussex Partnership Foundation Trust (SPFT)

**Date of Meeting:** 12 June 2018

**Report of:** Rob Persey, Executive Director of Adult Social Care and Health  
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**Wards Affected:** ALL

<b>Glossary:</b>	<b>Section 75</b> : Is a partnership agreement, legally provided by the NHS Act 2006, which allows budgets to be pooled between health and social care partners and enables resources and management structures to be integrated
<b>Summary:</b>	<p>This report updates the Board on the operation of existing Section 75 (s75) arrangements between the Council and Sussex Partnership Foundation Trust (SPFT) in relation to integrated Mental Health and Learning Disability Services.</p> <p>The report seeks approval to delegate authority to the Executive Director, Health and Social Care to enter into updated s75 Agreements to govern the above services.</p>

## 1. Decisions, recommendations and any options

- 1.1 That the Board notes the update in relation to the existing s75 arrangements between the Council and Sussex Partnership Foundation Trust (SPFT) in relation to integrated Mental Health and Learning Disability Services as set out in this report.
- 1.2 That the Board authorises the Executive Director Health and Adult Social Care, following consultation with the Council's Monitoring Officer, to finalise and enter into two new Section 75 Partnership Agreements for the provision of:
- Mental Health Services; and
  - Specialist Health Related Learning Disability Services

for persons over the age of 18 for a period of three years, with the option to extend the agreements for a further two year period.

## 2. Relevant information

### Authority to enter new Section 75 Agreements

- 2.1 The current Section 75 Agreement covers both Mental Health and Learning Disability services for persons over 18 years of age. It is proposed to split this into two separate agreements to enable a greater focus on the governance, staffing and performance arrangements for each of these service areas. This reflects the practical position that different managers are engaged in managing and delivering the services from the two organisations.

2.2 The Section 75 Agreements will continue to provide a governance framework for the integration and delivery of the mental health and learning disability services. The Agreements will include the following core components:-

- Information and descriptions of the services which are included within the Agreements, specifically stating the mental health services that are delegated by the Council to SPFT and the Learning Disability Services that are delegated by the Trust to the Council;
- Governance arrangements, including arrangements for reporting progress to the Health and Wellbeing Board;
- Arrangements for the management and development of seconded staff;
- Arrangements for managing risk across the partners to the agreements;
- Performance arrangements, including KPIs to enable the services to be effectively monitored;
- A standard range of terms and conditions covering issues such as dispute resolution and information sharing.

### **Learning Disability services**

2.3 The Community Learning Disability Team has been successfully integrated for more than 10 years through a Section 75 agreement between the Council and Sussex Partnership Trust, with NHS staff seconded to the Council.

2.4 The key benefit of this arrangement is that Health and Social Care staff can deliver integrated care and assessment to people with learning disabilities, minimising duplication and ensuring health needs are addressed in social care packages. There are agreed service objectives for the Learning Disability Service shared by both the Council and the NHS Trust that underpin service delivery and the effective utilisation of expertise for the benefit of both service user and carer.

2.5 The Team have a stable and longstanding history of successful integrated working, which is reflected by the 'good' rating from the last inspection by the Care Quality Commission and the number of innovative projects that they cited within their Inspection Report (2017), all of which were integrated initiatives. There is a mutual respect for the health and social care roles and an appreciation of the value of an integrated model and partnership working.

### **Overview of funding contributions**

2.6 Clinical Services will continue to be funded by the Trust in relation to Learning Disabilities, and clinical staff will remain employed by the Trust, although managed by the Council as part of an Integrated Service. These budgets are not currently pooled as part of the Agreement.

<b>Client Group Learning Disabilities</b>	<b>Contributions from Brighton &amp; Hove City Council for 2018/19 (£'000)</b>	<b>Contributions from Sussex Partnership Trust for 2018/19 (£'000)</b>
Community Care Budget	31,879	
Staffing Teams	1,068	829

### **Overview of governance arrangements**

- 2.7 At present the Community Learning Disability Team is managed by an Integrated team manager, directly employed by the B&HCC with joint accountability to SPFT for operations and financial management. There is a clinical lead post responsible for clinical governance of the service which is held by SPFT, the team is registered with the CQC as the regulator. Clinical staff, with the exception of psychiatry are seconded to B&HCC, and those Clinical staff who are seconded remain employed by the Trust but managed under the Section75 agreement with the Council.

### **Overview of performance arrangements**

- 2.8 The clinical element of the Community Learning Disability Team reports into SPFT Care Delivery Service quality assurance processes (including performance and quality metrics, HR procedures, clinical audits, care pathways, demand and capacity and timescales to assessment and treatment).
- 2.9 There are regular meetings to discuss team performance with CCG and LA commissioners and subsequently the Transforming Care Partnership Board.

### **Mental Health Services**

- 2.10 Formal integrated working arrangements have been in place through a Section 75 agreement between the Council and Sussex Partnership Foundation Trust for a significant period of time.
- 2.11 Adult Social Care staff members are deployed to work within secondary mental health care teams across Brighton and Hove. There are currently 67.69 WTE working in a variety of community teams, including the Assessment & Treatment Service, Specialist Older Adults Mental Health Service, Approved Mental Health Practitioners (AMHP team), Assertive Outreach Team, the Mental Health Homeless team and Crisis Intervention and Home Treatment Service. The Council also employs three hospital social workers who provide dedicated support to the wards at Mill View Hospital.

- 2.12 Brighton & Hove City Council retains responsibility for delivering its statutory functions directly to those individuals who require specialist Mental Health support from within the Service itself. The Council's staff are part of a multi-disciplinary team, providing advice and support to health colleagues in relation to all aspects of social care.
- 2.13 Adult Social care staff hold caseloads within Mental Health Services, in the same way as medical staff, Nurses and Occupational Therapists.
- 2.14 Working in this integrated way ensures a streamlined approach to addressing the social care needs of people with severe and enduring mental illness.
- 2.15 Sussex Partnership NHS Foundation Trust was rated 'good' in January 2018 by the Care Quality Commission. The inspection reports make reference and recognise the positive impact of the Service being integrated with Social Care and the benefits this has to patient care.

### Overview of funding contributions

Client Group	Contributions from Brighton & Hove CCG for 2018/19 (£'000)	Contributions from the Council for 2018/19 (£'000)
Community Care Budget	3,400	
Memory and Cognition Support (Community Care)		5,919
Mental Health Support (Community Care)		5,036
Staffing Teams		3,081

### Overview of governance arrangements

- 2.16 A quarterly management meeting is held between key representatives of each organisation, this includes the Service Directors for the Trust and Assistant Director for Health & Adult Social Care, and representatives from the CCG.
- 2.17 The focus of these meetings is to discuss the operational performance in terms of statutory duties and staff, also governance, practice and finance arrangements.
- 2.18 Professional supervision is provided to the entire qualified workforce and is overseen by the Principal Social Worker for Adult Social Care.

- 2.19 There is a Quality & Assurance meeting held by the Trust on a quarterly basis in relation to Safeguarding activity. This is attended by the Head of Adult Safeguarding for Brighton and Hove City Council.
- 2.20 The Council holds a quarterly governance meeting covering the statutory duties in relation to the Deprivation of Liberty Safeguards and Mental Health Act. This is attended by the operational leads for the section 75 service.

### **Overview of performance arrangements**

- 2.21 The Council retains responsibility for key performance indicators and targets aligned to the assessment teams, including the section 75 services. Activity is overseen by the performance team and reported through the quarterly management meetings.
- 2.22 The revised agreement will address the need for the Council's performance to form part of the overall performance reporting for Sussex Partnership Foundation Trust, and will be monitored as part of the monthly Clinical Standards Meeting and also the monthly Community Governance Meeting within all Community Mental Health Services.

## **3. Important considerations and implications**

Legal:

- 3.1 The power to pool budgets between the Council and SPFT and to integrate services is set out in the NHS Act 2006 (the Act). The Act requires a formal Section 75 Agreement to be entered into by the Parties to enable the delegation of functions between the Parties, the pooling of budgets and/or service integration to take place. Regulations prescribe the format and minimum requirements for a Section 75 Agreement and these will need to be met in relation to the two Agreements proposed in the report.

The existing Section 75 Agreement was originally one Agreement, entered into in 2013 and extended by agreement in April 2017. In view of the need to enter into new Agreements, the Health and Wellbeing Board is the appropriate decision making body to approve the proposals and can delegate authority to the Executive Director Health and Adult Social Care and finalise and enter into the agreements, following consultation with the Council's Monitoring Officer.

Lawyer consulted: Elizabeth Culbert

Date: 31 May 2018

Finance:

- 3.2 The Section 75 pooled budget for Mental Health Services is £17.436m in total for 2018/19 (£16.855m in 2017/18). This includes a contribution of £3.400m from Brighton & Hove CCG and £14.036m from Brighton & Hove City Council.

The Section 75 partnership arrangement for Mental Health contains a financial 'risk share' clause which has determined that the partners will share any overspend risk 50/50 up to a cap of £0.250m after which the commissioners (BHCC and the CCG) would be required to agree how to fund any additional overspend.

For Learning Disabilities, the funding contributions are £33.776m in total for 2018/19 which includes a £32.947m contribution from Brighton & Hove City Council and £0.829m from Sussex Partnership Foundation Trust. These budgets are not currently pooled as part of the agreement.

There is no associated financial 'risk share' clause in place for Learning Disabilities.

Finance Officer consulted: Sophie Warburton Date: 17/05/2018

Equalities:

- 3.2 Separating the agreements for these services allows for greater clarity over spend, provision and outcomes for people sharing these protected characteristics.

Equalities Officer Consulted: Sarah Tighe-Ford Date: 31 May 2018

