
Report to: Cabinet

Date of Meeting: 31st January 2013

Subject: Section 75 Partnership Agreement between Sefton Council and Mersey Care NHS Trust

Report of: Director of Older People

Wards Affected: All

Is this a Key Decision? Yes

Is it included in the Forward Plan?

Yes

Exempt/Confidential

No

Purpose/Summary

Section 75 of the National Health Service Act (2006) (formerly Section 31 of the 1999 NHS Act) provides the framework under which this agreement is made. Section 75 allows for health bodies and health related local authority services to pool money, delegate functions and integrate resources and management structures. The framework allows for the commissioning of existing or new services and provide for arrangements for working together.

A Joint working agreement between Sefton Council and Mersey Care NHS Trust for the provision of integrated Mental Health Care Management Services in Sefton was originally established in 2004. This agreement included the secondment of mental health care management staff to Mersey Care NHS Trust.

Recommendation(s)

The Cabinet is requested to authorise a dissolving of the current agreement and to authorise the Director of Older People's Services, in consultation with the Cabinet Member – Older People and Health and subject to the final approval of relevant senior officers within Mersey Care NHS Trust, to enter into a formal agreement for the joint delivery of Mental Health Services as outlined in this report.

How does the decision contribute to the Council's Corporate Objectives?

	<u>Corporate Objective</u>	<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community		x	
2	Jobs and Prosperity		x	
3	Environmental Sustainability		x	
4	Health and Well-Being	x		
5	Children and Young People		x	
6	Creating Safe Communities	x		
7	Creating Inclusive Communities	x		
8	Improving the Quality of Council Services and Strengthening Local Democracy		x	

Reasons for the Recommendation:

The Original Section 75 has been reviewed. A new Section 75 Agreement between the Council and Mersey Care NHS Trust will provide an updated agreement that will continue to contribute to the Council’s Vision of partnership working, most particularly through assisting the Council in achieving its Community Priorities.

It is proposed that the Council enter into a Section 75 Agreement with Mersey Care NHS Trust for the provision of mental health services in the borough and continue the partnership arrangement that already exists and is well established for the joint delivery of these services locally. Re-entering into the agreement will continue to formalise this within legal agreements under the National Health Services Act (2006). A draft of the Agreement is appended to this report as Appendix 1.

What will it cost and how will it be financed?

(A) Revenue Costs There will be no additional cost. Costs will continue to be met from the Adult Social Care salaries budget.

(B) Capital Costs – N/A

Implications:

The following implications of this proposal have been considered and where there are specific implications, these are set out below:

Legal		
Human Resources		
Equality		
1.	No Equality Implication	<input checked="" type="checkbox"/>
2.	Equality Implications identified and mitigated	<input checked="" type="checkbox"/>
3.	Equality Implication identified and risk remains	<input type="checkbox"/>

Impact on Service Delivery:

To enable both the Council and Mersey Care to meet their respective statutory obligations and to improve services for Service Users and their carers through a closer working partnership

What consultations have taken place on the proposals and when?

The Head of Corporate Finance and ICT (FD2032/12) has been consulted and comments are incorporated in the report, and Head of Corporate Legal Services (LD1349/12) have been consulted and has no comments

Are there any other options available for consideration? N/A

Implementation Date for the Decision

Following the expiry of the “call-in” period for the Minutes of the Cabinet/Cabinet Member Meeting

Contact Officer: Tina Wilkins

Tel:

Email: tina.wilkins@sefton.gov.uk

Background Papers:

None

1. Background

- 1.1 Section 75 of the National Health Service Act (2006) (formerly Section 31 of the 1999 NHS Act) provides the framework for which this agreement is made. Section 75 allows for health bodies and health related local authority services to pool money, delegate functions and integrate resources and management structures. The framework allows for the commissioning of existing or new services and arrangements for working together.

A Joint working agreement between Sefton Council and Mersey Care NHS Trust for the provision of integrated Mental Health Care Management Services in Sefton was originally established in 2004. This agreement included the secondment of mental health care management staff to Mersey Care NHS Trust.

Section 75 of the National Health Service Act 2006 consolidated Section 31 of the Health Act 1999 and in so doing became the statutory authority both for the continuation of existing partnership agreements between Health and the LA and for any new such agreements entered into. The section provides for designated Health and Social Care bodies to act on each other's behalf in the commissioning or delivery of services for people for whom there is a shared responsibility.

- 1.2 The Section 75 Agreement sets out a partnership agreement between the Council and Mersey Care NHS Trust, demonstrating how both organisations are contributing to the delivery of Mental Health Services in the borough. In terms of the Council's contribution, this includes 34 members of staff that are employed by the Council. These members of staff are currently managed within the Mersey Care management structure with accountability to the Director of Older People.

The Section 75 Agreement proposes to formalise current arrangements through a continued secondment of staff to Mersey Care NHS Trust. The staff members will, however, remain as Sefton MBC employees, under Sefton MBC terms and conditions. An Executive Steering Group will also be established with senior officer representation from both organisations to performance manage arrangements relating to the agreement.

- 1.3 The Section 75 Agreement can be accessed via this link to the Council's website <http://sb1msgov1:9070/documents/s44185/Section%2075%20Agreement.pdf>

and the key components can be summarised as follows:

- To enable both the Council and Mersey Care to meet their respective statutory obligations and to improve services for Service Users and their carers through a closer working partnership
- Raise standards by improving the quality and responsiveness of Services
- To enable the Secondment of staff from the Council to Mersey Care in accordance with the Agreement to enable the Trust to perform and manage the service and staff.

- Mersey Care shall be accountable to the Council for performance in accordance with agreed Functions which it will exercise on behalf of the Council.