


<p>Cabinet</p> <p>25 September 2019</p>	 <p>TOWER HAMLETS</p>
<p>Report of: Denise Radley, Corporate Director, Health, Adults & Community</p>	<p>Classification: Unrestricted</p>
<p>Section 75 Partnership Agreement for the provision of Mental Health and Learning Disabilities Services for Adults in Tower Hamlets</p>	

Lead Member	Councillor Amina Ali Cabinet Member for Adults
Originating Officer(s)	Claudia Brown, Divisional Director, Adult Social Care
Wards affected	All Wards
Key Decision?	Yes
Forward Plan Notice Published	2 July 2019
Reason for Key Decision	Significant in terms of its effects on communities living or working in an area comprising two or more wards
Strategic Plan Priority / Outcome	<p>People are aspirational, independent and have equal access to opportunities;</p> <ol style="list-style-type: none"> 1. Good jobs and employment 2. Strong, resilient and safe communities 3. Better health and wellbeing.

Executive Summary

Cabinet are asked to review and approve the Proposed Section 75 Agreement between the London Borough of Tower Hamlets and the East London Foundation Trust for the delivery of Mental Health and Learning Disability Services.

There are long standing informal arrangements for the delivery of integrated Mental Health and Learning Disabilities Services by the Council and the East London (NHS) Foundation Trust within Tower Hamlets. In line with good practice, this report proposes that the arrangements are formalised through a Section 75 Partnership Agreement (National Health Service Act 2006). This details the respective responsibilities of both organisations and the current funding they are committing to the discharges of both organisations functions.

The proposal is that each organisation's resources are aligned and managed by a joint management board. This agreement seeks to strengthen the current and long established joint working arrangements and place them on a formal footing with strong governance and shared explicit outcomes. The Agreement formalises the current arrangements and is not proposing any significant changes. The draft agreement has been finalised following extensive work undertaken during 2018/2019 between Senior Managers in the Council and the Trust and has included consultation with Legal, Finance and HR Leads in both organisations.

Recommendations:

The Mayor in Cabinet is recommended to:

1. Approve a Section 75 Partnership Agreement (National Health Services Act 2006) for the delivery of Adult and Older Persons' Mental Health and Adult Learning Disability Services by the Council and the East London (NHS) Foundation Trust within Tower Hamlets.

1 REASONS FOR THE DECISIONS

- 1.1 The proposed Section 75 agreement seeks to align the council's financial and staffing resources with those of the East London (NHS) Foundation Trust.
- 1.2 It proposes a framework for which the statutory functions of the Council are managed within a joint formal arrangement with the Trust, in respect of adults with issues of mental ill-health and learning disability.
- 1.3 It provides a clear framework of governance in respect of the functions and duties of the NHS and the Council.

2 ALTERNATIVE OPTIONS

- 2.1 To continue with the current informal arrangement, which lacks a robust governance framework

3 DETAILS OF THE REPORT

- 3.1 Request to approve a Section 75 Partnership Agreement for the provision of Mental Health and Learning Disabilities Services in Tower Hamlets between the London Borough of Tower Hamlets and the East London (NHS) Foundation Trust
 - To enable alignment and better use of NHS and Council Resources
 - To strengthen outcomes by enabling joint services delivery
 - Strong governance via a joint management board.
 - Builds on long established joint working arrangements
 - Shared explicit outcomes.
 - Is not proposing any significant changes.
 - Extensive work undertaken during 2018/2019 to develop the draft agreement between Senior Managers in the Council and the Trust

3.2 Summary of Aligned Resources within the proposed Section 75 Agreement Staffing

	East London NHS 2019-20 Budget		Tower Hamlets Council 2019-20 Budget		Total 2019-20 Budget	
	£	FTE	£	FTE	£	FTE
Adult Mental Health	2,083,659	41.5	1,829,000	27.8	3,912,659	69.3
Housing Link	-	-	107,000	1.8	107,000	1.8
Oldre Person's Mental Health	1,023,250	15.2	476,800	7.3	1,500,050	22.5
Learning Disability	1,730,468	22.9	1,152,000	21.5	2,882,468	44.4
Total	4,837,377	79.5	3,564,800	58.4	8,402,177	137.9

Care Packages

	East London NHS 2019-20 Budget		Tower Hamlets Council 2019-20 Budget		Total 2019-20 Budget	
	£		£		£	
Adult Mental Health	-		9,720,000		9,720,000	
Housing Link	-		-		-	
Oldre Person's Mental Health	-		2,215,000		2,215,000	
Learning Disability	-		24,686,000		24,686,000	
Total	-		36,621,000		36,621,000	

Total

	East London NHS 2019-20 Budget		Tower Hamlets Council 2019-20 Budget		Total 2019-20 Budget	
	£		£		£	
Adult Mental Health	2,083,659		11,549,000		13,632,659	
Housing Link	-		107,000		107,000	
Oldre Person's Mental Health	1,023,250		2,691,800		3,715,050	
Learning Disability	1,730,468		25,838,000		27,568,468	
Total	4,837,377		40,185,800		45,023,177	

4 EQUALITIES IMPLICATIONS

- 4.1 The proposed section 75 agreement will provide a platform for the delivery of improved outcomes for all mental health and learning disability service users. However, this provides the governance framework for existing partnership working, rather than introducing any policies which directly impact on service users and consequently an equalities analysis is not required.

5 OTHER STATUTORY IMPLICATIONS

- 5.1 The proposed Section 75 agreement addresses the range of statutory functions of both organisations that will be met in the proposed partnership arrangement.

Best Value Implications

Efficiency –making best use of the resources of both organisations by planning joint utilisation avoiding duplication

Effectiveness –Partnership working within the Section 75 agreement will strengthen the delivery of improved outcomes for Service users

6 COMMENTS OF THE CHIEF FINANCE OFFICER

- 6.1 The recommendation of this report is to approve a section 75 (S75) agreement for the delivery of Adult and Older Persons' Mental Health and Adult Learning Disability Services by the Council and the East London NHS Foundation Trust (ELFT) within Tower Hamlets.
- 6.2 The total budgeted expenditure to deliver the provision in 2019-20 across the two organisations is £44.971m, of which £40.134m is council funding.
- 6.3 The approval of a S75 agreement formalises the alignment of the council and ELFT financial and staffing resources in relation to these services. This will include the creation of a joint management board to oversee the S75 and its performance, including budget management.
- 6.4 As the budgets for this arrangement will be aligned, there are no direct financial implications for the council. Any over or under spends on services funded by the council will be managed by the joint management board, however ultimate responsibility for over and under spends on council funded services would continue to sit with the council, due to the aligned arrangements.

7 COMMENTS OF LEGAL SERVICES

- 7.1 The Council has a duty under the Health and Social Care Act 2012 (the "2012 Act") in regards to the provision of health services to promote population health and for addressing health inequalities in it area.
- 7.2 Section 75 of the National Health Services Act 2006 and the NHS Bodies and Local Authorities Partnership Arrangements Regulations 2000 (the "2000 Regulations") enables the Council to enter into agreements with NHS bodies where the arrangements are likely to lead to an improvement in the way in which the health-related functions are exercised.
- 7.3 Local Authorities and NHS organisations can delegate functions to one another to meet partnership objectives and create joint funding arrangements.

Responsibility for undertaking certain functions, activities or decisions can be transferred from one partner to another to achieve the partnership objectives. Although the functions are delegated, partners remain responsible and accountable for ensuring they meet their own duties under the legislation and cannot pass on responsibility for services outside the agreed activity.

- 7.4 The 2000 Regulations set out the detail to be included in any Section 75 Agreement, e.g. the funding to be contributed by each partner and how those contributions may be varied, and the staff, goods, services or accommodation to be provided by the partners in connection with the arrangements.
- 7.5 Entering into the S75 agreement as proposed in this report is either in pursuit of that function or is to “facilitate, or is conducive or incidental to, the discharge of the Council’s functions in accordance with section 111 of the Local Government Act 1972.
- 7.6 The Section 75 is a technical document outlining the partnership arrangements between the Council and the East London (NHS) Foundation Trust. Both organisations have played a joint role in the development of the agreement and it is be subject to their own separate governance for sign off.

Linked Reports, Appendices and Background Documents

Linked Report

- NONE.

Appendices

- **Appendix 1** Draft Section 75 Partnership Agreement between East London (NHS) Foundation Trust and the London Borough Tower Hamlets Council.24.07.2019
- **Appendix 2** Summary of key provisions within the Proposed Section 75 Agreement between the Council and the East London Foundation Trust.

Background Documents – Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2012

- NONE.

Officer contact details for documents:

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