

Appendix 1

AGENDA ITEM NO: (CABINET 2003 -) REPORT TO CABINET

CABINET MEMBER: COUNCILLOR PAULINE DODD

DATE: 22nd February 2005

**SUBJECT: PARTNERSHIP AGREEMENT UNDER S31 OF THE
HEALTH ACT 1999 FOR THE INTEGRATION OF
ADULT MENTAL HEALTH SERVICES IN CONWY AND
DENBIGHSHIRE**

1 DECISION SOUGHT

**Endorsement of Legal Partnership Agreement for Conwy & Denbighshire
Adult Mental Health and Social Care Partnership**

2 REASON FOR SEEKING DECISION

- Formal agreement from the Cabinet is required for the creation of the S31 Partnership Agreement in respect of the Integrated Adult Mental Health and Social Care Partnership between Denbighshire County Council Social Services Department, Conwy Borough Council Social Services Department and the Conwy & Denbighshire NHS Trust.
- A range of stakeholders have been intensively involved in the development of the Partnership Agreement. They have been key members of all the Task Groups. In particular the agreement has been meticulously examined by financial and legal officers of the County Council. Staff and Service Users have also been thoroughly involved in the development of the document and this has resulted in the production of a Partnership Agreement which is acceptable to all parties.

The Agreement provides for:

- The creation of a single integrated organisational structure for providing adult mental health services in Conwy & Denbighshire.
- Agreement of common policies & Procedures to be adopted across the whole aspect of the service.
- Reduction in duplication and improved coordination of services.
- All stakeholders to participate fully in decision making & planning of services.
- Reflection of recommendations and guidance of Social Services Inspectorate for Wales, National Service Framework for Mental Health, Wanless Report & other adopted and future strategic documents.
- Ensuring the integrated model fulfils all statutory responsibilities.
- Enhancement of operational links with allied agencies & services.

3 POWER TO MAKE THE DECISION

- **Section 31 of The Health Act 1999**

The joint Flexibilities' partnership arrangements are outlined under Section 31 and have been developed to give NHS bodies and local authorities the flexibility to respond effectively together to improve services wither by Pooling of Budgets, Integration of Services or lead Commissioning arrangements. The current Section 31 Agreement commits Denbighshire County Council to the Integration of Services in terms of a unified management structure. A further development may be the pooling of Budgets, but this would require further Cabinet approval.

4 COST IMPLICATIONS

- Each agency will designate to the Partnership its current base budget allocation for Mental Health services and each will be subject to its current accountability arrangements. For Denbighshire County Council this equates to a revenue budget of 1.4 million. The total designated amount for the service will be 10.6 million.
- Internal interviews for the Operational Manager post will be held on 22nd February and following the outcome of that there may be a small further contribution required from Denbighshire towards a share of the costs of this new post, which would be £19,000 and met from within current resources.

5 FINANCIAL CONTROLLER STATEMENT

- The Partnership should provide a more efficient and effective service than currently.
- Any costs arising from establishing the Partnership must be met from within existing resources.
- The proposed Partnership structure does not change the managerial or financial control arrangements for Denbighshire County Council resources and the Council's Financial Regulations will still apply.
- Pooled budgets have been introduced at this stage and therefore there is no commitment to meet any overspending that may occur elsewhere within the Partnership. Any proposals for future pooling of budgets will need to be the subject of a further report to members following a full review to include Central Finance.
- The Council's financial contribution to the partnership must be limited to the budget highlighted in paragraph 4.
- The budget will still be part of the Personal Services base and is not ring fenced.

6 CONSULTATION CARRIED OUT

In addition to the partner agencies extensive consultation has been out with:

- Conwy Local Health Board
- Denbighshire Local Health Board
- Service User & Carer Groups
- Voluntary sector – Unllais, Mind, Hafal
- Staff and Union representatives involved in task groups

7 IMPLICATIONS ON OTHER POLICY AREAS INCLUDING CORPORATE

Fulfils the Corporate Partnership agenda and is in keeping with the principles of the Health Act 1999 Flexibility arrangements.

8 RECOMMENDATION

Endorse the S31 legal Partnership Agreement for Conwy & Denbighshire Adult Mental Health and Social Care Partnership.

Appendix

- 1. Briefing Paper for Cabinet.**

Appendix 2

Briefing Paper for Cabinet

Partnership Agreement under S31 Health Act 1999 The Integration of Adult Mental Health Services in Conwy and Denbighshire

Purpose of Paper

Endorsement of Legal Partnership Agreement for Conwy and Denbighshire Adult Mental Health and Social Care Partnership.

Reason for Submission of Paper

This paper has been produced to advise of the progress in regard to the creation of the S31 Partnership Agreement in respect of the Integrated Adult Mental Health and Social Care Partnership.

The Section 31 partnership arrangements outlined under “Joint Flexibilities” in the 1999 Health Act have been developed to give NHS bodies and local authorities the flexibility to respond effectively together to improve services. This can be achieved by joining up existing services or by developing new coordinated services. These arrangements build on existing joint working, but offer the opportunity for further innovative approaches to user focused services. In line with this, the Conwy and Denbighshire Adult Mental Health and Social Care Partnership is currently being implemented and will go live on 4th July 2005.

The agreement is between:

- Conwy & Denbighshire NHS Trust
- Conwy County Borough Council
- Denbighshire County Council

And endorsed by:

- Conwy & Denbighshire Local Health Boards

The key aims and objectives of the partnership are:

- **To create a single integrated organisational structure for providing adult mental health services in Conwy and Denbighshire.**

Bringing together the current Mental Health services provided by the two Councils and the Trust under one umbrella called the Partnership Board. The Trust will be the host organisation with staff from the Councils seconded for the four year period of the agreement (Clause 6.1). Council staff will retain existing terms and conditions of employment during this period.

The councils shall continue to appoint existing and new Approved Social Workers (ASWs). While all social care staff will be seconded, specific ASW duties will be

outside of the agreement and remain with the Councils (13.5 and 13.6). The terms and conditions applicable to seconded staff are covered in clauses 13.7 – 13.9 of the Agreement.

Staff from Human Resources departments of all three organisations have been involved in the discussions relating to these matters as have Trade Union Representatives. The Staff Management Agreement which is attached as Schedule 4 to the Legal Agreement outlines the agreed common personnel policies to be used within the Partnership.

- **To agree common policies and procedures to be adopted across the whole aspect of the services**

In addition to the personnel policies referenced above, work has been undertaken on a number of operational policies and procedures that govern the interface between service users and staff. Some of these already existed as joint documents but have not been included in the Legal Agreement.

- **Reduce duplication and improve coordination of services**

The creation of a single management structure that spans all three organisations will contribute to the reduction of duplication. The overarching operational management post will lead to improved coordination of the services.

- **To enable stakeholders to participate fully in decision making & planning of services**

A range of stakeholders have been committed and involved in the development of the Partnership. They have been key members of all of the Task Groups and their involvement will be maintained through the new Partnership Board. In particular the Service User perspective has been encouraged and this has resulted in the production of a Service User Strategy Document and the creation and funding of a support officer post to assist Service Users in their Partnership Board functions.

- **To reflect recommendations and guidance of SSIW, NSF, Wanless Report & other adopted strategic documents**

The stated aims and objectives of the Partnership are consistent with the existing guidance as outlined above and have the capacity to embrace new recommendations and guidance as they are developed.

- **To ensure the integrated model fulfils all statutory responsibilities**

The Council's Legal Service Manager has been involved in drawing up the legal agreement and has thus ensured that the interests of the Authority are properly protected. In order to assist in formulating the agreement members of the Legal Task Group have drawn on examples of legal agreements from:

- Voluntary sector – Unllais, Mind, Hafal
- Staff and Union representatives

As well as representatives from the above groups being actively involved in all of the task groups a number of information sharing events have been held. In addition monthly newsletters have been widely distributed and minutes of all task group meetings have been made available.

Implications on Other Policy Areas

Fulfils the Corporate Partnership Agenda and is in keeping with the principles of the Health Act 1999 Flexibility arrangements.

Background Papers

Health Act 1999 S31 flexibility mechanisms

Legal Agreement Integration of Adult Mental Health Services in Conwy and Denbighshire (Draft 5 December 2004)

Contact Officers:

Helena Thomas, Service Manager South Localities

Heather Rimmer, Joint Flexibilities Implementation Manager

Appendix 3

Mental Health Partnership
4th June 2013

Equality Impact Assessment

Mental Health Partnership

Contact: Helena Thomas Service Manager:South
Locality
Updated: 04.06.2013

1. What type of proposal / decision is being assessed?

Other

2. What is the purpose of this proposal / decision, and what change (to staff or the community) will occur as a result of its implementation?

Purpose of the proposal is to replace an existing S33 Partnership Agreement between DCC/ CCBC and BCU with a Memorandum of Understanding between DCC and BCU in relation to the provision of adult mental health services.

3. Does this proposal / decision require an equality impact assessment? If no, please explain why.

*Please note: if the proposal will have an impact on people (staff or the community) then an equality impact assessment **must** be undertaken*

<Please Select>

This change will not effect the day to day provision of service to service users or their carers nor will it impact on the terms and conditions. deployment or working practices of members of staff.

4. Please provide a summary of the steps taken, and the information used, to carry out this assessment, including any engagement undertaken
(Please refer to section 1 in the toolkit for guidance)

<Type here>

5. Will this proposal / decision have a positive impact on any of the protected characteristics (age; disability; gender-reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation)?
(Please refer to section 1 in the toolkit for a description of the protected characteristics)

<Please summarise any likely positive impact and identify which protected characteristics will benefit>

6. Will this proposal / decision have a disproportionate negative impact on any of the protected characteristics (age; disability; gender-reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation)?

<Please summarise any disproportionate negative impact and identify which protected characteristics will be affected>

7. Has the proposal / decision been amended to eliminate or reduce any potential disproportionate negative impact? If no, please explain why.

<Please Select> | <If yes, please provide detail>

8. Have you identified any further actions to address and / or monitor any potential negative impact(s)?

<Please Select> | <If yes please complete the table below. If no, please explain here>

Action(s)	Owner	By when?
<Please describe>	<Enter Name>	<DD.MM.YY>
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9. Declaration

Every reasonable effort has been made to eliminate or reduce any potential disproportionate impact on people sharing protected characteristics. The actual impact of the proposal / decision will be reviewed at the appropriate stage.

Review Date:	01.10.2013
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Name of Lead Officer for Equality Impact Assessment	Date
Helena Thomas	04.06.2013

Please note you will be required to publish the outcome of the equality impact assessment if you identify a substantial likely impact.
