

BARNSELY METROPOLITAN BOROUGH COUNCIL

This matter is not a Key Decision within the Council's definition and has not been included in the relevant Forward Plan

Report of the Executive
Director (People) to Cabinet

(24th August 2016)

Recommended Contracting and Partnership Arrangements – Adult Social Care & South West Yorkshire Partnership Foundation Trust

1.0. Purpose of the Report

To set out the historic contracting and partnership arrangements between Adults & Communities and SWYPFT which now require review and to propose new arrangements in keeping with Future Council objectives.

2.0. Recommendations

- 2.1. For Cabinet to agree to the proposal to move the specified service elements (Community Equipment Service, Equipment, Adaptation and Sensory Impairment Service and Recovery College) to the CCG – SWYPFT contract, added to the Associate Commissioner element of that contract, as is the case with integrated and joint funded children's services.
- 2.2. For Cabinet to acknowledge the work that has begun to review the staff management agreements and duties and outcomes expected in relation to mental health duties discharged by adult social care social workers working in integrated teams with health staff in SWYPFT, the outcome of this review will form the basis of a new section 75 agreement between BMBC and SWYPFT.

3.0. Introduction (or Background to the Report)

- 3.1. Within the scope of adult services commissioned by the Adult Joint Commissioning team there are a number of services that are now provided by SWYPFT, that are jointly funded by both Barnsley Metropolitan Council (BMBC) and Barnsley Clinical Commissioning Group (BCCG)
- 3.2. Within the adult assessment and care management function there is adult social care statutory services for people with mental health needs that are discharged through BMBC employed social workers who work as part of SWYPFT mental health services.
- 3.3. In the past there was a section 75 agreement in place that covered all the funding and staff management arrangements. This agreement is now out of date.
- 3.4. With structural changes in the NHS from 2011/12 (PCT provider arm moved to SWYPFT as part of Transforming Community Services policy in 2011/12 and the PCT was dissolved and the CCG came into being in 2013), the then

Partnership Director put in place a BMBC – SWYPFT contract for the elements of service and funding referred to in 3.1 & 3.2 above.

- 3.5. The contract is now out of date and on review, contains funding for staff that would sit better in a section 75 agreement.
- 3.6. Integrated joint funded (BMBC & BCCG) services for children and young people, commissioned by Head of Joint Commissioning, Governance & Partnerships, are already part of the CCG – SWYPFT contract with BMBC as Associate to that contract and the financial contribution being in the region of £220k.
- 3.7. It is understood that Public Health in the Place Directorate will have a small amount of contracted spend remaining with SWYPFT for some public health delivery (walk well schemes) once the 0-19 service is brought into the council later this year. These services are not joint funded with Barnsley CCG.

4.0. Consultation with BMBC legal

- 4.1. Following consultation with BMBC legal colleague, their view is that there is no reason why the council should not become an associate of the CCG – SWYPFT contract for these integrated and joint funded service elements.
- 4.2. The recommendation from legal is to move to become an associate from 1st April 2017 unless there is an option for the CCG to vary the contract to include BMBC earlier.
- 4.3. The NHS standard contract is a one year contract that is renegotiated and renewed each year.
- 4.4. Becoming an associate to the CCG – SWYPFT contract would cover the co commissioning agreement, the funding element from BMBC to SWYPFT and the delivery back to BMBC according to the service specifications, the review and monitoring of which is currently the responsibility of the adult joint commissioning team, in conjunction with the CCG contracts team, on behalf of both BMBC and BCCG.
- 4.5. It is also the view of legal that the arrangements in relation to BMBC Mental Health Social Workers that are working in SWYPFT do require a refreshed Section 75 agreement.

5.0. Consideration of Alternative Approaches

- 5.1. Adult Joint Commissioning to put in place a new separate contract for the integrated and joint funded service elements and manage the contract with SWYPFT separately to the CCG.

Advantages: none

Disadvantages: capacity required to deliver and manage a separate contract, duplication of effort, extra work for SWYPFT.

- 5.2. Adult service elements to be contracted for with SWYPFT as part of another contract held by the council for SWYPFT services (ie Public Health).

Advantages: one council SWYPFT contract that wraps up the different services and funding and allows for streamlined contract management arrangements

Disadvantages: There is greater alignment with CCG commissioned services as these are integrated and joint funded than public health commissioned ones which are council funding only.

- 5.3. Do nothing. Advantages: non Disadvantages: risks to BMBC and SWYPFT of not having clear and up to date contract.

6.0. Proposal and Justification

- 6.1. Specified service elements (Community Equipment Service, Equipment, Adaptation and Sensory Impairment Service and Recovery College) to be moved into the CCG – SWYPFT contract, added to the Associate Commissioner element of that contract, as is the case with integrated and joint funded children's services.
- 6.2. Mental Health duties discharged by adult social care social workers working in integrated teams with health staff in SWYPFT require review to clarify the staff management agreements and duties, line management responsibilities, expected outcomes and accountabilities for and assurances of BMBC statutory duties being met. The review will be undertaken by the Service Director, Adult Social Care and Health, and the Head of Service, Mental health, Disabilities and Professional Support and the outcome shared with SWYPFT senior managers in order to reach an agreement.
- 6.3. Once 6.2 is completed input will be required from legal services to draft a suitable S75 agreement to cover the arrangements.

7.0. Financial Implications

- 7.1. There are no financial implications to the Council arising from the proposal to move the Community Equipment service and Equipment / Adaptations team into the CCG / SWYPFT contract (as an 'associate commissioner' to that contract). The value of the Council's contribution to SWYPFT for 2016/17 in relation to the above service is £543,600. No efficiency reduction has been applied in 2016/17 nor is there a requirement to apply NHS planning guidance / tariff uplift to the contract value.
- 7.2. It is envisaged that the Council's integrated provision with SWYPFT for community mental health (assessment & care) would be managed under a s75 agreement. A review of the staff management arrangements, duties and outcomes will take place to inform the finalisation of the s75 agreement. The contract value for the Council's mental health provision is £1.567m (and includes the £167k efficiency savings approved for 2016/17). However this value is inclusive of £0.221k costs relating to the Community Recovery College – which is expected would be managed within the CCG/SWYPFT contract instead (subject to confirmation of the actual value).

8.0. Consideration of Risks

- 8.1. The risks of not having appropriate contract and partnership agreements in place includes reduced clarity and control over council statutory duties and adult social care budget; lack of up to date and appropriate contractual agreement in the event of dispute between the parties; reputational risk to the council.
- 8.2. It is unclear at this stage what the contractual implications may be if Barnsley CCG became an Accountable Care Organisation, however there would be opportunities to review and revise the contracting arrangements between BMBC and SWYPFT in the future in the event of any change.

10. Consultations

BMBC Legal – Tim Hoskin
Finance – Joshua Amahwe
CCG Contracts team – Paul Harding & Amanda Capper
SWYPFT – Contracts Manager and Chief Finance Officer – Les Peel & Mark Johnson
Head of Service, Commissioning Governance Partnerships – Richard Lynch
Head of Service, Mental Health, Disabilities & Professional Support
Deputy Director – SWYPFT – Andrea Wilson

Officer Contact: Jane Wood Telephone No 2285 Date: 27th June 2016

Financial Implications / Consultation
<i>(To be signed by senior Financial Services officer</i>