

ADULT SOCIAL CARE AND PUBLIC HEALTH COMMITTEE**18 JULY 2024**

REPORT TITLE:	ALL AGE DISABILITY AND MENTAL HEALTH SERVICE DELIVERY REVIEW
REPORT OF:	DIRECTOR OF ADULTS, HEALTH AND STRATEGIC COMMISSIONING

REPORT SUMMARY

On 17 October 2023, a proposal was brought to Adult Social Care and Public Health Committee to extend the contractual arrangements via a section 75 agreement with Cheshire and Wirral Partnership NHS Foundation Trust (CWP) until 30 September 2025, on substantially the same terms which would enable a full analysis of the benefits and detriments of returning the service to the Council's delivery arm. This decision was approved, and the Director of Care and Health was requested to provide a further report to the Adult Social Care and Public Health Committee to update on the outcome of this exercise and to make recommendations as to the future delivery of the services. This exercise has been completed and this report recommends that subject to the outcome of appropriate consultation this arrangement is extended for 5 years with an option to extend for a further 3 years after that initial 5 year period and then an additional 2 year period

The section 75 agreement extension will support the delivery themes from Wirral Council's Plan:

- Promoting independence and healthier lives
- Safe, resilient and engaged communities

This is a key decision which affects all wards.

RECOMMENDATION/S

The Adult Social Care and Public health Committee is recommended to: -

1. Note the outcome of the review of the CWP social work delivery Section 75 agreement and approve subject to the outcome of any consultation entry into a further Section 75 agreement with CWP for a 5-year extension with a 3 year, plus a two-year option, at a projected cost of £32,172,645 for the 5-year extension.

2. Authorise the Director of Adults, Health and Strategic Commissioning to commence joint, formal consultation with CWP regarding entering into a further Section 75 agreement with CWP on a long-term basis for 5 years with options to extend the agreement for a further period of 3 years and then a further period of 2 years.
3. Subject to the outcome of the consultation give delegated responsibility to the Director of Adults, Health and Strategic Commissioning, in consultation with the Chair and Spokespersons of Adult Social Care and Public Health Committee to authorise entering into a further Section 75 agreement for 5 years with ability to extend for 2 additional periods of 3 years and 2 years.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 Since 17 October 2023, a review of the performance of the CWP social work delivery service has been completed in partnership with CWP, the Council's Children and Young Peoples Directorate and Adult Care and Health Directorate. The review has concluded that CWP are providing a good quality, safe and effective service, undertaking the delivery of the Council's delegated duties under the Care Act 2014 and the Children's Act.
- 1.2 Scrutiny of the service from a contractual perspective has not highlighted any risks and has evidenced good performance against performance measures.
- 1.3 CWP are currently rated as 'Good' by the Care Quality Commission (CQC) in all 5 domains of the inspection framework (effective, safe, caring, responsive to people's needs and well led).
- 1.4 CWP are the best placed organisation able to provide this service locally and have the infrastructure and expertise to deliver this as an integrated service.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 To extend the section 75 agreement for a shorter period on substantially the same terms and conditions, until September 2027. The Council needs to ensure stability of service delivery and enable and support the integration of services with a longer-term commitment to minimise disruption in service delivery which could destabilise support to vulnerable groups and is therefore not recommended.
- 2.2 To allow the section 75 agreement to end on 30 September 2025 and to return the services to direct Council delivery. The Council is currently subject to both CQC and Local Government Association (LGA) review within the next six months and this would minimise capacity to undertake both regulatory activity and effect a safe transfer.
- 2.3 To transfer the service back to the Council would be a costly exercise and would incur unnecessary expenditure for what is a currently well performing contract.

3.0 BACKGROUND INFORMATION

- 3.1 Councils have statutory duties placed upon them in relation to Adult Social Care (Care Act 2014), that require the assessment of the needs of people who may be eligible for social care and support services. The duties also include support planning, safeguarding, mental health assessments and professional case management.
- 3.2 In 2018, the Council approved a contractual arrangement with CWP for the delivery of All Age Disability and Mental Health Service. The section 75 agreement includes the delegated responsibilities for statutory assessment and provision as defined by the provisions of the Care Act 2014. Prior to 2018, the mental health service was aligned and co-located but not integrated with CWP.

- 3.3 As part of the provisions of the Care Act, there is a duty for Local Authorities and the NHS to collaborate, Care Act Section 7). This section 75 agreement delivers this and is supported by the Integrated Care Board's integrated working arrangements to ensure the health element and the social care element support the implementation of the NHS long term plan.
- 3.4 Research shows that people with mental health and learning disability conditions are more likely to have preventable physical health conditions such as heart disease and to die earlier than the rest of the population. Physical health conditions significantly increase the risk of poor mental health and vice versa. The intention of the 2018 contractual arrangement was to formally implement an integrated Multi-Disciplinary Team (MDT), enabling social care and health staff deliver a cohesive holistic approach, delivering better outcomes for people. The review has shown that this approach is successful and therefore recommended for continuation.
- 3.5 The review suggests the service is safe, meets the needs of local people and the benefits of returning the service to the Council's delivery arm would be hard to quantify. The option to extend the section 75 agreement for 5 years provides stability and the option to extend for a further 3+2 years provides intervals during each of the extension periods to analyse the performance of the service and to provide updates to elected members.
- 3.6 Regular meetings have monitored the performance of the section 75 agreement over its lifetime, with an agreed set of performance and activity measures, and have ensured that the service has successfully delivered the Council's delegated statutory duties under the Care Act 2014.
- 3.7 The CWP service has been assessed as safe by Local Authority Officers and there is also evidence of overall scrutiny by CWP of their own performance data. CWP have a targeted internal review in key areas and proactively use this information to understand trends and risks. They use the data to complete internal audits around any specific areas of concern, and areas for improvement have been reviewed at regular meetings to inform future practice.
- 3.8 CWP have provided annual reviews of the service highlighting achievements and areas for focus and improvement,
- 3.9 Further reports provided by the CWP (set out below) provided further assurance and evidence that innovations to improve performance have been introduced.
- LD Health review report - how people are supported with maintaining their health and wellbeing.
 - Mortality report - how people are supported with maintaining their health and wellbeing, given mortality rates for people with a learning disability are significantly higher than the rest of the population.
 - Named Worker Model report - supports a consistent approach to how people are assessed and reviewed.

- 3 Conversations implementation summary - this is a new approach to assessment adopted by adult services to ensure the person is at the centre of the assessment and is enabled to design their own support.
- Easy read support plan - this will improve the accessibility of information and supports the 3 Conversations approach to assessment.
- Case summaries - these relate to people's experience and the outcomes of discharge from long stay hospital and admission avoidance.

- 3.10 Complaints in relation to the CWP service have been monitored throughout the lifetime of the arrangement, and whilst most of those have been complex, given the complex nature of the service delivery, the number has not been significant to escalate concerns about the service or to warrant inclusion on the Council's risk register
- 3.11 The review has highlighted that children and families are safe and supported to thrive. As part of the extension of the section 75 agreement, CWP will be required to demonstrate continuous development and improvement of these services
- 3.12 An escalation process is in place if Local Authority Children and Young people's services have any immediate concerns, as they relate to risk and areas for development and improvement are discussed at regular meetings.
- 3.13 CWP are active contributors as a key stake holder in Wirral place through their participation at an executive and operational level in supporting the achievement of all local priorities, including NHS priorities and delivery of Care Act 2014 duties. These priorities include:
- Supporting admissions avoidance, and expediting safe discharges from acute settings
 - Supporting people to remain in their own homes, and be active participants in their own communities
 - Reducing the number of people who meet the "No criteria to reside "(NCTR) numbers in hospital settings
 - Working with the voluntary, community and faith sector to maximise the use of local networks and neighbourhood opportunities.
- 3.14 CWP have actively contributed to the achievement of Council priorities, including as follows:
- Preparation for the CQC inspection
 - Preparation for the LGA peer review of Learning Disability and Autism services
 - Special Educational Needs response
 - All Age Disability strategy
 - Employment strategy
 - Supporting people and families to prepare for adulthood and successful transition to Adult Services.

- 3.15 CWP have delivered a stable and safe social work service and have continued to recruit and train social work staff in the context of a national shortage in social work staff. Their apprenticeship scheme has led to 6 social workers being recruited. There is evidence that staff are supported to continuously develop their skills, with 4 mental health graduates matriculating per year over the last 4 years. Staff complete mandatory training and work closely with the Council's professional standards team and the Principle Social Worker. Professional supervision takes place as statutorily required.
- 3.16 There is evidence that the lived experience of people supported by the service has been sought and CWP have provided examples of lived experience to regular monitoring meetings, and coproduction and peoples experience of the service will have a stronger focus for the next phase of the service.
- 3.17 The local authority commissioning strategy has developed services that enable CWP to support local people to access local services. As an example, CWP have worked with the Council's commissioning team to undertake a Housing Gap analysis. This has led to the development of specialist extra care schemes enabling more people to live locally, in their own homes and avoid out of area placements.

4.0 FINANCIAL IMPLICATIONS

- 4.1 The financial cost for the service for the 5 years extension period, based on current rates is:

	Contract Year
Oct-24 - Sep-25	6,434,529
Oct-25 - Sep-26	6,434,529
Oct-26 - Sep-27	6,434,529
Oct-27 - Sep-28	6,434,529
Oct-28 - Sep-29	6,434,529
Total 5 year	32,172,645

- 4.2 Annual efficiency targets as they relate to the Community Care Budget, are set by the Council. Annually, CWP are required to provide a plan setting out how savings will be achieved, progress is monitored at regular meetings and validated by the Council's finance team. In the lifetime of the section 75 agreement, these have been consistently achieved. In 2023/24, £1.4m of efficiencies were realised. The savings target for 2024/25 as they relate to adults, is £2.4m. As part of the extension of the section 75 agreement, CWP will be required to demonstrate continuously developing and improving how efficiencies are improved.
- 4.3 The section 75 agreement value and content will be agreed annually with CWP.

5.0 LEGAL IMPLICATIONS

- 5.1 The Council has a statutory duty to meet eligible needs for care and support consistent with the outcome of a Care Act (2014) assessment. It has a duty to meet need in line with the Children's Act (2004). The duty to assess and provide care and support planning for adults and children is delegated to CWP under a Section 75 arrangement, and therefore enables the Council to continue to meet its statutory duties.
- 5.2 CWP are the only possible partner on an integrated care project. Regulation 32 of the Public Contracts Regulations 2015 applies and no procurement process is required.
- 5.3 The notice period for the termination of the section 75 agreement is 12 months. The current section 75 agreement will end on 30 September 2025, and the new section 75 agreement will be extended to 30th September 2030.
- 5.4 Before entering into a new section 75 agreement the Council and CWP should undertake a joint consultation process under the NHS Bodies and Local Authorities Partnership Arrangements Regulations 2000/617. A joint consultation was undertaken before the original agreement was entered into. The guiding principles for a fair consultation can be summarised as follows;
- It should be at a time when proposals are at a formative stage;
 - Must include sufficient reasons for particular proposals to allow those consulted to give intelligent consideration and an intelligent response;
 - Those consulted should be made aware of the factors that are of decisive relevance to the decision;
 - Adequate time should be given for consideration and response;
 - The product of the consultation should be conscientiously taken into account by the decision makers in finalising their statutory proposals/ when the ultimate decision is taken.

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

- 6.1 The service can be managed within existing available resources.

7.0 RELEVANT RISKS

- 7.1 There is a potential risk to the continuity and safe delivery of statutory services, should the section 75 agreement terminate in September 2025, there would be a reduced period to complete any further review of current services and interdependencies.
- 7.2 To end the section 75 agreement in September 2025, would place a significant demand on operational and enabling staff during periods of high pressure, which could interrupt or have an impact on the safe delivery of services. A project team would need to be convened with immediate effect to ensure the safe transfer of staff and any assets.

- 7.3 If the section 75 agreement was not extended with CWP, the Council would have to make alternative arrangements for the delivery of statutory adult social care services assessment delivery.
- 7.4 There is a risk if the section 75 agreement ended in September 2025, that the Council will not be seen to be supporting the integration agenda.

8.0 ENGAGEMENT/CONSULTATION

- 8.1 Since the Adult Social Care and Public Health Committee in October 2023, there has been ongoing engagement with leaders and staff within the CWP. This has included monitoring via meetings with a project plan and approach, performance analysis and direct observation. The feedback from these visits has been positive, both about the service received by people who use it and the current operating model.
- 8.2 Colleagues within CWP have actively engaged in Council led co-production work, including the direct payments review, All Age Disability Strategy and redesign of access to services work programme.
- 8.3 Engagement, consultation and coproduction will be key features of the new arrangements, with regular reporting on peoples lived experience of the service.
- 8.4 Officers from the Council's children's services have been equal partners in the review.

9.0 EQUALITY IMPLICATIONS

- 9.1 Wirral Council has a legal requirement to make sure its policies, and the way it carries out its work, do not discriminate against anyone. An Equality Impact Assessment is a tool to help council services identify steps they can take to ensure equality for anyone who might be affected by a particular policy, decision or activity.
- 9.2 An Equality Impact Assessment (EIA) has been completed in October 2022, under the title "Social Care Delivery Review", this is located here:
<https://www.wirral.gov.uk/communities-and-neighbourhoods/equality-impact-assessments>

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

- 10.1 CWP co-locate staff in some of the services, this reduces staff travel and utility costs and has a positive impact on the climate and environment by reducing carbon emissions.

11.0 COMMUNITY WEALTH IMPLICATIONS

- 11.1 The current service offer is delivered within Wirral, offering employment opportunities to local people. CWP enable local people to attain qualifications and job stability. The Wirral Community Wealth Building Strategy 2020-25 sets out aims to support all residents to find employment in stable, well-paid jobs, with more residents in education, employment, or training, helped into work, earning the Real Living Wage. The Supported Employment Strategy will ensure people gain and sustain

employment, job seekers are confident, prepared, and motivated to find work. It will also make sure employers are confident to employ people with care and support needs, the transitions process from age 14 will foster a culture of high expectations and planning of pathways to employment and ensure the workforce has the skills, knowledge, and competencies to deliver the supported employment offer.

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APPENDICES

N/A

BACKGROUND PAPERS

<https://www.gov.uk/government/publications/working-together-to-improve-health-and-social-care-for-all>

CWP Self-assessment reports
CWP LD Health review report
CWP Mortality report
CWP Named Worker Model report
CWP 3 Conversations implementation summary
CWP Easy read support plan

TERMS OF REFERENCE

This report is being considered by the Adult Social Care and Public Health Committee in accordance with Section 2.2 e (ii) of its Terms of Reference, “undertaking the development and implementation of policy in relation to the Committee’s functions, incorporating the assessment of outcomes, review of effectiveness and formulation of recommendations to the Council, partners and other bodies, which shall include any decision relating to” [amongst other matters] “functions under or in connection with partnership arrangements made between the Council and health bodies pursuant to Section 75 of the National Health Service Act 2006 (“the section 75 Agreements”)

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Adult Social Care and Public Health Committee	11 January 2023
Adult Social Care and Public Health Committee	19 September 2023
Adult Social Care and Public Health Committee	17 October 2023