



ADULT SOCIAL CARE AND PUBLIC HEALTH COMMITTEE

19 September 2023

REPORT TITLE:	ALL AGE DISABILITY AND MENTAL HEALTH SERVICE DELIVERY REVIEW
REPORT OF:	DIRECTOR OF CARE AND HEALTH

REPORT SUMMARY

Councils have a statutory duty to assess the needs of adults and carers, as defined by the Care Act 2014. The duties include a range of functions including assessment, support planning, safeguarding, mental health assessment and professional case management.

This report describes the formal contractual arrangements entered into with the Wirral Community Health and Care NHS Foundation Trust in 2018 for the delivery of the delegated functions as set out above and in accordance with the provisions of the Care Act 2014.

It sets out the decisions that Adult Social Care and Public Health Committee made on 3 March 2022 and 24 October 2022.

It makes recommendations to Members for the future direction of delivering statutory adult social care services and functions currently provided by the Cheshire and Wirral Partnership NHS Foundation Trust (CWP).

The report provides some context as it relates to the recommendation, the return of key services to the Council in 2022 and 2023 and other key areas of development.

The report supports the following priorities from the Council's Wirral Plan:

- Working for safe and vibrant communities where our residents feel safe and are proud to live and raise their families.
- Working to provide happy, active, and healthy lives for all, with the right care, at the right time to enable residents to live longer and healthier lives.

This is a key decision and affects all wards.

RECOMMENDATION/S

The Adult Social Care and Public Health Committee is recommended to:

1. Extend the contract with CWP for a further year until 30 September 2025, on substantially the same terms to enable further analysis, in partnership with CWP and other system partners, of the benefits and detriments of a continuation of current service arrangements or of returning the services to the Council's direct delivery.
2. Request that the Director of Care and Health provide a further report to a future 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.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 In 2018, the Council approved a contractual arrangement with CWP for the delivery of All Age Disability and Mental Health Services. The contract includes the delegated responsibilities for statutory assessment and provision as defined by the provisions of the Care Act 2014. Extending the contract to 2025 will enable further analysis, in partnership with CWP and other system partners, of the benefits and detriments of a continuation of the current arrangements, or of returning in full, or elements of, the current services to the Council's direct delivery.
- 1.2 In October 2022, Wirral Evolutions transferred to the delivery arm of the Council, the Shared Lives Service transferred in April 2023. On 1 July 2023, approximately 240 social care delivery staff were transferred to the Council from Wirral Community Health and Care NHS Foundation Trust. This extension would enable time for these services to become embedded within the Council prior to any potential consideration being given to the in-sourcing of social care services currently provided by CWP.
- 1.3 The one-year extension will enable any learning or developments associated with the Written Statement of Action and improvement plan following the Special Educational Needs and Disability (SEND) inspection feedback to be taken into account before any further consideration of future service arrangements is made.
- 1.4 The progress of the All Age Disability Review would also be taken into consideration during this time and will inform the future service delivery model.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 **Option Two** - to extend the contract for a further two years with an option of an additional year, on substantially the same terms and conditions, until September 2026. A longer-term extension would enable continuation of the safe delivery of the Council's Adult Social Care statutory duties by its delivery partners but would not enable the Council to have the full flexibility to adapt and develop the services to fully meet the priorities and requirements of the Council.
- 2.2 **Option Three** - to allow the contract to end on 30 September 2024 and to return the services to direct Council delivery. This is not the recommended option as the learning from the All Age Disability Review and SEND Improvement Plan which are both underway will inform on future service delivery options.

3.0 BACKGROUND INFORMATION

- 3.1 Councils have statutory duties placed upon them in relation to Adult Social Care 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 assessment and professional case management.

- 3.2 In 2017, Wirral developed a model of fully integrated adult social care and health services, and in 2018, the Council entered into formal contractual arrangements (5-year contract) with CWP to delegate the statutory functions referenced above to its NHS partners. This included a small element of services for children with disabilities. The Council retained its statutory duties and the management of the adult social care budget together with leadership of the care market. This included the transfer of approximately 183 staff within:
- Children with Disabilities Service
 - Community Mental Health Team
 - Integrated Disability Service
- 3.3 On the 3 March 2022, a recommendation was made to the Adult Social Care and Public Health Committee to extend the contractual arrangements until 30 September 2023 to enable further analysis, in partnership with the CWP and other system partners, of the benefits and detriments of a continuation of the devolution of statutory duties to the NHS or returning the services to the Council's direct delivery whilst maintaining the best aspects of integration.
- 3.4 On the 24 October 2022, the Adult Social Care and Public Health Committee approved a further extension of the contract until 30 September 2024 on substantially the same terms and conditions. A letter was sent to CWP advising them of this proposal which was accepted by CWP. The approval had been based on supplementary evidence in the form of a Review of Social Care Delivery Arrangements.
- 3.5 Option One is the preferred option - to extend the contract for a further year until 30 September 2025, on substantially the same terms to enable further analysis, in partnership with the CWP and other system partners, of the benefits and detriments of a continuation of the current arrangements or of returning the services to the Council's direct delivery. This will enable any learning or developments associated with the Written Statement of Action and improvement plan following the Special Educational Needs and Disability (SEND) inspection feedback to be taken into account before any further consideration of future service arrangements is made.

4.0 FINANCIAL IMPLICATIONS

- 4.1 The financial cost of the contract extension (October 2024 – September 2025, £6,134,433) is based on the current contract value for 22/23. There would be a yearly uplift based on the increase in contract price from the original value which reflects an annual review of cost pressures relating predominantly to pay awards for staff.

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 assessment. The duty to assess and provide care and support planning is delegated to CWP under a Section 75 arrangement, and therefore enables the Council to continue to meet its statutory duties.

5.2 Renewal of the Section 75 agreements with CWP is permissible without a competitive procurement process under Regulation 12(7) of the Public Contracts Regulations 2015, which allows Councils to cooperate with the aim of ensuring the public that public services are provided with a view to achieving common objectives in the public interest, provided they perform on the open market less than 20% of the activities concerned by the co-operation. The service is relatively small compared to all of the Trust's activity across Cheshire and Wirral and therefore perform less than 20% of their activities in Wirral.

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

6.1 There are no current implications for the Council, costs can be met within existing resources.

7.0 RELEVANT RISKS

7.1 If the contracts were not renewed, the Council would have to make alternative arrangements for the delivery of statutory adult social care services. Monthly contract meetings will be held for the lifetime of the contract, these meetings will ensure any policy changes are reflected in delivery and the provider is able to provide evidence to support any associated inspections, for example the CQC.

7.2 Any risk to future delivery will be monitored as part of the analysis of the service.

8.0 ENGAGEMENT/CONSULTATION

8.1 Consultation with leaders in CWP and within the Council's Children's Services has commenced and will be a key feature of the review.

9.0 EQUALITY IMPLICATIONS

9.1 An Equality Impact Assessment (EIA) has been completed and is located in the link below, under the title "Social Care Delivery Review": -
<https://www.wirral.gov.uk/communities-and-neighbourhoods/equality-impact-assessments/equality-impact-assessments-january-202-6>

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. The services enable local people attain qualifications and job stability.

REPORT AUTHOR: **Bridget Hollingsworth**
Head of Integrated Services
telephone: 0151 666 3609
email: bridgethollingsworth@wirral.gov.uk

APPENDICES

N/A

BACKGROUND PAPERS

Support Statement - CWP

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	24 October 2022
Adult Social Care and Public Health Committee	3 March 2022