

**ADULT SOCIAL CARE AND PUBLIC HEALTH COMMITTEE****17 October 2023**

<b>REPORT TITLE:</b>	<b>ALL AGE DISABILITY AND MENTAL HEALTH SERVICE DELIVERY REVIEW</b>
<b>REPORT OF:</b>	<b>DIRECTOR OF CARE AND HEALTH</b>

**REPORT SUMMARY**

On 19 September 2023, a proposal was brought to Adult Social Care and Public Health Committee to extend the contract 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. An additional recommendation was tabled and approved, namely, that the decision on the period of extension would be deferred until a further report is presented in October 2023, providing Committee with additional information to inform the decision-making process. This report sets out the interdependencies and timescales associated with this analysis, which could have a material impact on the decision-making process, and the resources needed to support it.

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**

1. The Adult Social Care and Public Health Committee is recommended to note the additional information (3.8 of this report) to enable Committee to make a decision about the recommended extension of the contract until September 2025.

## **SUPPORTING INFORMATION**

### **1.0 REASON/S FOR RECOMMENDATION/S**

- 1.1 To provide members with context and background information to enable them to make a decision about the period of extension of the current contract with CWP.

### **2.0 OTHER OPTIONS CONSIDERED**

- 2.1 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. This option is not the recommended one as the interdependencies set out in 3.8 and the timescales associate with them would not require an extension of this length.
- 2.2 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 there is insufficient time to complete a full review of the interdependencies set out in 3.8 to complete the review.

### **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 assessment 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 Services. The contract includes the delegated responsibilities for statutory assessment and provision as defined by the provisions of the Care Act 2014.
- 3.3 On the 19<sup>th</sup> September 2023, a recommendation was made to the Adult Social Care and Public Health Committee to extend the contract with CWP until 30<sup>th</sup> September 2025 on substantially the same terms and conditions, to enable further analysis, in partnership with the CWP and other system partners, of the benefits and detriments of a continuation of the delegation 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 An additional recommendation was tabled and approved, namely, to defer making this decision as it related to the extension of the contract until additional information was provided.
- 3.5 The report takes account of the lessons learned following notice of withdrawal from the contract with the Council by the Wirral Community Health and Care NHS Foundation Trust on the 6th of December 2022, and the transfer of social care delivery service on the 1<sup>st</sup> of July 2022.
- 3.6 An analysis of the benefits and detriments of returning some or all of the social care staff to the Council, in partnership with the CWP and other key partners, including people with lived experience would require a period of 6 months to ensure full engagement with key partners.

3.7 The timescales below set out other interdependencies that would influence any future delivery model, including, as examples, the Care Quality Commission self-evaluation, the All Age Disability Review, Special Educational Needs Strategy. and the time period required to embed other services which have recently transferred to the Council.

### 3.8 **Interdependencies**

Set out below are key pieces of work that could have an impact on how social care is delivered to adults and children:

- Review of the CWP service will include a consideration of financial efficiencies and achievement against key performance indicators and outcomes for people.
- Consideration of the experiences of staff and people with lived experience will form part of the review, alongside the effectiveness of the interface between CWP and Place.
- Lessons learned from the transfer of staff from the Wirral Community Health and Care NHS Foundation Trust will be completed by October 2023.
- The Council is completing a self-assessment, preparing for CQC inspection which will identify any gaps or areas for improvement which will be monitored through the contract meetings, this will be completed by October 2023.
- The roll out of new Multi-Disciplinary Team approach to Care Act assessment (3 Conversations) within CWP services and measure the impact in the lifetime of the contract.
- The outcomes of the All-Age Disability Review will contribute to the future model for the assessment and support of children and adults. This will be completed by March 2024.
- The Special Educational Needs Strategy will be presented to Adult Social Care and Public Health Committee in June 2024, and this will contribute to the future for the assessment and support of children and adults.

## 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 an annual uplift to the contract price which reflects a review of cost pressures and relates 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 (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 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.

- 5.3 The notice period for the termination of the contract is 12 months. The current contract will end on 30 September 2024.

## **6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS**

- 6.1 If the contract is extended to 2025, the review 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 contract terminate in September 2024, there would be a reduced period to complete an analysis of current services and interdependencies, and a safe transfer of services to the Council, should that be the decision made.
- 7.2 To end the contract in September 2024 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 contract 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 The CWP could withdraw from the contract before September 2024, however they have agreed to the extension to 2024 and are also in agreement to the proposed extension to 2025.

## **8.0 ENGAGEMENT/CONSULTATION**

- 8.1 There has been and will continue to be ongoing consultation with leaders in CWP with planned engagement with operational staff.
- 8.2 Ongoing engagement with Council children's social care services.
- 8.3 Consultation with all age adults and carers in respect of their lived experience of the service from CWP.
- 8.4 Consultation with and feedback from community care providers and the Community Voluntary and Faith Sector, that deliver services as a result of Care Act assessments and reviews undertaken by CWP.

## **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 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.

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## APPENDICES

N/A

## BACKGROUND PAPERS

Adult Social Care and Public Health Committee report – 19<sup>th</sup> of September 2023.

## 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	19 September 2023
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