

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

16 APRIL 2019

REPORT OF THE CORPORATE DIRECTOR, SOCIAL SERVICES AND WELLBEING

SECTION 33 OF THE NATIONAL HEALTH SERVICE (WALES) ACT 2006 PARTNERSHIP AGREEMENT BETWEEN THE COUNCIL AND ABERTAWE BRO MORGANNWG UNIVERSITY NHS TRUST - ASSISTED RECOVERY IN THE COMMUNITY (ARC)

1. Purpose

- 1.1 To present to Cabinet a proposal for entering into a renewed Section 33 Agreement of the National Health Service (Wales) Act 2006 with Abertawe Bro Morgannwg University NHS Trust, regarding the provision of integrated Mental Health Daytime Opportunities with effect from 31st March 2018 to 31st March 2021.

2. Connection to Corporate Improvement Objectives/Other Corporate Priorities

- 2.1 This report assists in the achievement of the following corporate priorities:-

- **Supporting a successful economy** – taking steps to make the county a good place to do business, for people to live, work, study and visit, and to ensure that our schools are focussed on raising the skills, qualifications and ambitions of all people in the county.
- **Helping people to be more self-reliant** – taking early steps to reduce or prevent people from becoming vulnerable or dependent on the Council and its services.
- **Smarter use of resources** – ensuring that all its resources (financial, physical, human and technological) are used as effectively and efficiently as possible and support the development of resources throughout the community that can help deliver the Council's priorities.

- 2.2 This report also helps the council achieve the objectives of the Social Services and Well-being (Wales) Act 2014 (SSWBA), particularly in relation to:

- Easy access to information and advice;
- A preventative approach to meeting care and support needs;
- New proportionate assessment focuses on the individual;
- Local authorities and health boards come together in new statutory partnerships to drive integration, innovation and service change.

3. Background

- 3.1 On 18th October 2005 Cabinet approved the development of an integrated mental health day opportunities service between this Authority and the former Bro Morgannwg NHS Trust, by amalgamating and reconfiguring resources previously utilised separately at Ty'r Ardd and at Glanrhyd Hospital.
- 3.2 Cabinet also agreed that this new service be called Assisted Recovery in the Community (ARC), to provide integrated Health and Social Care Services for people with more complex mental health needs.
- 3.3 In July 2008 Cabinet approved a Section 33 Agreement with ABMU Health Board for the provision of integrated community day opportunities. This agreement took effect from 1st October 2008 and expired on the 31st March 2012. The parties continued to provide the service under the governance and control of the joint Partnership Management Group as if the provisions of the original Section 33 Agreement were still in force and on 5th March 2013 Cabinet approved the proposal to enter into a Memorandum of Understanding in advance of renewing a revised Section 33 Agreement, with the agreement eventually being signed on 24th July 2014.
- 3.4 The Service has progressed considerably in the last 11 years and it is now necessary to renew the Section 33 Agreement and ensure that the revised Section 33 Agreement reflects the changes that have taken place and adequately reflect the current situation including budget and staffing details. Elements of ARC have been integrated into the Local Primary Mental Health Service which was established on 1st October 2012 with the introduction of the Mental Health Measure for Wales.
- 3.5 Between March and October 2018 the Joint Partnership Management Group has therefore reviewed and redrafted the schedules concerning the Section 33 Agreement to reflect these developments and now seek authority to enter into the revised s.33 agreement.

4. Current situation / proposal

- 4.1 The revised Section 33 Agreement sets out the arrangements under which the combined service will operate and be managed:
 - Schedules 1-3 of the Agreement set out the service objectives, statutory responsibilities of each organisation and the operational practices of the service.
 - Schedule 4 covers human resource management including the secondment of Trust staff to the Local Authority.
 - Schedules 5 and 6 cover financial management and governance arrangements.
 - Schedule 7 is the protocol for information sharing.
- 4.2 As previously agreed by Cabinet, the Council shall take the lead responsibility for the delivery of the service. The Agreement will be managed by a Partnership Management Group comprised of the Head of Adult Social Care and the General Manager of the Mental Health Directorate of Abertawe Bro Morgannwg University NHS Trust. These

Officers will report formally to their respective organisations. This group will be serviced by a Pooled Fund Manager identified within the Adult Social Care Division who will report to the group on performance against objectives and financial matters.

- 4.3 Should Cabinet approve entering into the revised Section 33 Agreement it will run for a further three years, with the agreement expiring on 31st March 2021. This proposed term will require the novation of the agreement from ABMU to Cwm Taf health board following the health boundary transfer on 1st April 2019. ABMU Health Board have instructed solicitors to liaise with Cwm Taf University Health Board and the Council to make the necessary arrangement to facilitate such a novation.

5. Effect upon Policy Framework & Procedure Rules

- 5.1 There is no impact on the Policy Framework and Procedure Rules.
- 5.2 This development is consistent with the Welsh Assembly Government's 'Delivering Beyond Boundaries' agenda, and the service model is consistent with Adult Mental Health Services strategies and National Service Frameworks including **'Together for mental health - a strategy for mental health and wellbeing in Wales'** Welsh Government 2012.
- 5.3 In Bridgend County Borough, agencies providing mental health services are working in partnership to develop a whole service model for mental health based on an agreed set of values that places service users and carers at the heart of service development and delivery. The development of Day Opportunities is a key component of the whole service model.
- 5.4 A Pooled Fund Manager, identified by Bridgend County Borough Council, will be responsible for the management of the Service in accordance with both the Authority's procedure rules and the Section 33 agreement.

6. Equality Impact Assessment

- 6.1 This report is procedural. There are no negative impacts on any of the equality groups as a result of this report.

7. Well-being of Future Generations (Wales) Act 2015 Implications

- 7.1 The implementation of the duties and responsibilities under the Social Services and Wellbeing (Wales) Act 2014 (SSWBA) supports the promotion of two of the seven goals of the Well-Being of Future Generations (Wales) Act 2015 within the County Borough of Bridgend. By promoting an environment that maximises people's physical and mental well-being and by supporting children, young people, adults and their carers and families to fulfil their potential no matter what their circumstances, the wellbeing goals of a Healthier and more equal Bridgend and Wales are supported.

7.2 The Well-being of Future Generations (Wales) Act 2015 provides the basis for driving a different kind of public service in Wales, with five ways of working to guide how the Authority should work to deliver wellbeing outcomes for people. The following is a summary to show how the five ways of working to achieve the well-being goals have been considered in this report:

- Long Term – Social Services is demand led and the SSWBA focusses on sustainable prevention and wellbeing outcomes for the future. There is a requirement to meet the needs of people in the longer term and, because of rising demographics and increasing complexity, the remodelling and transformation of services continues to be a priority. The ARC service provides a long term sustainable provision of day time opportunities which offers more choice to people who use services.
- Prevention – the report is about the new approaches adopted by the Directorate in line with the SSWBA, for example, the provision of information, advice and assistance to enable people to remain independent for as long as possible. This will ensure that need is anticipated and resources can be more effectively directed to better manage demand. The ARC service enables people to live and participate in their chosen community.
- Integration – the implementation of the SSWBA requires local authorities to work with partners, particularly the NHS and the Police, to ensure care and support for people and support for carers is provided. The report evidences work with the Third Sector, enabling people to remain linked to communities, and work with young people to enable access to employment.
- Collaboration – the strategic planning and local delivery of integrated support and services are developed and agreed at a regional basis in order to provide the best possible intervention to people. The ARC service is one of the few collaborative arrangements of its kind in Wales and provides an excellent example of joint working.
- Involvement – the key stakeholders are the people who use social care. There is considerable engagement including surveys, stakeholder meetings, feedback forms and the complaints process. The provision of accessible information and advice helps to ensure that the voice of adults, children and young people is heard.

8. Financial Implications

8.1 The Section 33 Agreement will continue to set out that the Council, with lead responsibility for the delivery of the service, is host for the operation and management of the Pooled Fund. This Pooled Fund shall be used solely to achieve the aims and objectives of the service as outlined in the Agreement.

8.2 At the start of the agreement period (1 April 2018) the Pooled Fund comprised of contributions from the Council and Abertawe Bro Morgannwg University NHS Trust, and forms a single fund of £636,750 of which the Council will contribute £318,375 and the Trust will contribute £318,375 for 2018/19.

- 8.3 Both partners' contributions equate to their previous service provision. Consequently the Council's contribution will be met from existing resources.
- 8.4 As host for the Pooled Fund, the Council will be responsible for its administration. Financial management arrangements have been established between both bodies to ensure that the budget and projected outturn position are regularly reviewed.
- 8.5 It is the responsibility of the Pooled Fund Manager to ensure the service is managed within the available budget. Should expenditure be projected to exceed the total Pooled Fund in a Financial Year, the Council and Trust, through the Partnership Management Group, shall agree how to manage the situation in order to either bring the Pooled Fund back into financial balance by the year end, or to jointly agree a funding strategy. To date the service has been managed within the agreed budget.

9. Recommendation

- 9.1 It is recommended that Cabinet approve:
- the proposal to enter into a renewal of the Section 33 Agreement under the National Health Service (Wales) Act 2006, with Abertawe Bro Morgannwg University NHS Trust regarding the provision of integrated mental health daytime opportunities;
 - delegated authority to the Corporate Director for Social Services and Wellbeing, in consultation with the Section 151 Officer and Head of Legal and Regulatory Services, to enter into any necessary agreements to novate the Section 33 Agreement with ABMU to Cwm Taf Health Board following the health boundary change.

10. Contact Officer

Susan Cooper
Corporate Director - Wellbeing
Tel: 01656 642251
Email: susan.cooper@bridgend.gov.uk

11. Background documents

None.