

OFFICER DECISION RECORD 1 FORM

This form should be used to record Officer Decisions in Excess of £100k (but below the key decision threshold), or where required by Financial, Contract or other Procedure Rules or following formal delegation from Cabinet or a Cabinet Member or a Council Committee.

Decision Reference No: AWC.037.2023 Integrated Mental Health Section 76 Agreement

BOX 1**DIRECTORATE: AWC****DATE: 6th November 2023****Contact Name: Julia King****Tel. No.: 01302 737316****Subject Matter:** Integrated Mental Health Section 76 Agreement – amendment to grant value.**BOX 2****DECISION TAKEN**

Following a period of negotiation between Adult Social Care, NHS South Yorkshire Integrated Care Board (SY ICB) and Rotherham, Doncaster and South Humberside NHS Foundation Trust (RDASH), agreement was reached to apply a contract variation to the Integrated Mental Health Section 76 Agreement to

1. Reduce the value of the Integrated MH Section 76 agreement from the 2023/24 budget of £756,248 to £688,596 with effect from 1st November 2023.
2. Re -direct the released funds to Adult Social Care to enable the establishment and funding of a Council's Older People's Mental Health Social Care team.

BOX 3**REASON FOR THE DECISION**

1. RDASH and NHS SY ICB are leading the Transformation of Mental Health Services Programme, including older people's functional mental health and dementia care pathways.
2. Until recently, RDASH employed and managed a team of Social Workers to support the delivery social care assessments and interventions for older people with mental health needs. The provision was not funded and created a cost pressure for RDASH. RDASH is currently funding an agency Social Worker to support meeting the needs of Older People with Mental Health needs. This is time limited.
3. All of the Older People's Mental Health Social Work posts, currently held by RDASH, are now vacant.
4. The Integrated Mental Health S76 agreement funds the delivery of Adult Social Care provision only and describes the social care outcomes to be achieved for adults between the ages of 18 and 64 with mental health needs.

5. Transferring funds from the Mental Health S76 budget to Adult Social Care will ensure the Older People's Mental Health Social Work posts will be professionally aligned with, and supported by, Adult Social Care within the Council, providing greater management oversight and supervision of the team, and management of the workload and priorities.
6. The development will reduce demand on the Locality Social Work Teams who are currently managing the demand for Older People's Mental Health.
7. Following the negotiations between the three partners listed above, it is agreed that the current Older People's Mental Health Social Work functions to be transferred to the Council and funded by release of funds from the Mental Health S76 agreed budget as set out below:
For 2023/24 the release value is 01/11/23 – 31/03/24 – 5/12ths of £162,366 = **£67,652**, with the full annual value for 2024/2025 being **£162,366** plus annual inflationary rise, yet to be agreed.
8. The Mental Health S76 agreement will be extended for a further year (as is provided for within the current agreement) and monitoring of its delivery and outcomes will be strengthened.

BOX 4

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

1. Do nothing. RDASH will cease funding of the agency Social Work capacity and have no plans to recruit to the Older People's Mental Health Social Work vacancies. Demand for Older People's Mental Health services is currently being managed by Locality Social Work Teams, which is not sustainable.

BOX 5

LEGAL IMPLICATIONS

Section 1 of the Localism Act 2011 provides the Council with a general power of competence, allowing the Council to do anything that individuals generally may do.

Section 111 of the Local Government Act 1972 gives the Council the power to do anything (whether or not involving the expenditure, borrowing or lending of money or the acquisition or disposal of any property or rights) which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions.

Councils have statutory duties to provide social care to support people experiencing mental health problems. Section 117 of the Mental Health Act 1983 requires councils to provide after care services and support to people moving out of hospitals. Amendments to the Act in 2007 require Councils to employ Approved Mental Health Professionals to contribute to statutory mental health assessments and tribunals.

The Care Act 2014 obligates Councils to meet the eligible care and support needs of its population in accommodation in a care home or by providing care and support to those individuals in their home or in the community.

Section 76 of the National Health Service Act 2006 makes provision for payments to be made between Councils and NHS bodies towards expenditure incurred or to be incurred by that body

in connection with the performance by it of prescribed functions. The Council must be satisfied that the payment is likely to secure a more effective use of funds than if an equivalent amount was spent by the Council.

These functions are specified in the National Health Service (Payments by Local Authorities to NHS Bodies) (Prescribed Functions) Regulations 2000 (SI 2000/618) and include rehabilitation services, services intended to avoid admission to hospital and certain aftercare services for those who have been detained or admitted to hospital as a result of suffering from a mental disorder.

The National Health Service (Conditions Relating to Payments by Local Authorities to NHS Bodies) Directions 2013 (the Directions) stipulates that the Council as paying body must, so far as is practicable, ensure that the payment is used in the most efficient and effective way possible and must prepare a memorandum of agreement in the form set out in Annex 1 of the Directions.

Legal Services should be consulted at the earliest opportunity to provide contractual documentation formalising the variation of the re direction of funds from the current 76 Agreement to fund a Council Older Persons Mental Health Social Work Service and of the subsequent extension of the modified Section 76 Agreement.

Name: _Paula Coleman_____ Date: 10th November 23

Name of Assistant Director of Legal and Democratic Services (or representative)

BOX 6

FINANCIAL IMPLICATIONS:

The 23/24 cost of the revised Section 76 agreement is £688,596. This will be funded from the current budget for the MH pool admin which has an annual amount for 23/24 of £831,390. The remaining budget will release funds to Adult Social Care to enable the establishment and funding of an Older People's Mental Health Social Care team.

The S76 agreement for 24/25 has been agreed with an annual value of £593,882 (plus inflation when agreed). This will be funded from the MH pool admin 24/25 budget and again any surplus budget remaining is to pay for an Older People's Mental Health Social Care team.

Name: _Nick Cameron Date: _9th November 2023

Name of Chief Financial Officer and Assistant Director of Finance (or representative)

BOX 7

OTHER RELEVANT IMPLICATIONS

None

Name: Julia King, Strategic Commissioning Manager Date: 6th November 2023

Name of Assistant Director (or representative)

ANY IMPLICATIONS SENT TO DEPARTMENTS SHOULD GENERALLY BE SUBMITTED AT LEAST 5 WORKING DAYS IN ADVANCE TO ENSURE THESE CAN BE GIVEN THE RELEVANT CONSIDERATION.

BOX 8

EQUALITY IMPLICATIONS: (To be completed by the author).

Currently the services and pathways for Adult Mental Health provide for working aged people with serious mental illness between the ages of 18 and 64. Transferring of budget to Older People's Mental Health Services will ensure that those over the age of 64 with serious mental health issues will also receive the social care and support they need, provided by the Council.

Further development of the mental health adult's and older people's pathways is being progressed by the multi-agency partners across Doncaster to ensure the services offered meet needs in a targeted and integrated way.

BOX 9

RISK IMPLICATIONS: (To be completed by the author)

There is a risk that the transfer of funds will reduce the capacity of the mental health social care professionals covered by the Mental Health S76 to deliver the outcomes set out in the Mental Health Section 76 agreement and specification.

The ICB and Council have agreed to strengthen the monitoring of the agreement and the deliverables through the contract monitoring, with a plan in place to develop and improve the Key Performance Indicator data reporting to support monitoring of delivery of the Outcomes.

BOX 10

CONSULTATION

NHS SY ICB, City of Doncaster Council and RDASH have negotiate the change to the Section 76 agreement.

BOX 11

INFORMATION NOT FOR PUBLICATION

In accordance with the Freedom of Information Act 2000, it is in the public's interests for this decision to be published in full, redacting only the signatures

Name: Gillian Parker

Date: 14/11/2023

Name of FOI Lead Officer for service area where ODR originates

BOX 12

BACKGROUND PAPERS

Please confirm if any Background Papers are included with this ODR NO

(If YES please list and submit these with this form)

**BOX 13
AUTHORISATION**

Name: Phil Holmes Signature: _____

Date: 07/12/2023

Director of Adults Wellbeing and

Does this decision require authorisation by the Chief Financial Officer or other Officer

YES/NO

If yes please authorise below:

Name: _____ **Signature:** _____ **Date:** _____

Chief Executive/Director/Assistant Director of _____

Consultation with Relevant Member(s)

Name: _____ **Signature:** _____ **Date:** _____

Designation _____

(e.g. Mayor, Cabinet Member or Committee Chair/Vice-Chair)

Declaration of Interest YES/NO

If YES please give details below:

PLEASE NOTE THIS FORM WILL BE PUBLISHED ON THE COUNCIL'S WEBSITE IN FULL UNLESS IT CONTAINS EXEMPT OR CONFIDENTIAL INFORMATION.

Once completed a PDF copy of this form and any relevant background papers should be forwarded to Governance Services at Ladem@doncaster.gov.uk who will arrange publication.

It is the responsibility of the decision taker to clearly identify any information that is confidential or exempt and should be redacted before publication.