

Agenda item:

**[No.]**

**Cabinet Member Signing**

**On Friday 4<sup>th</sup> June 2010**

Report Title.

**Approval to enter into a partnership agreement with NHS Haringey PCT and Barnet, Enfield and Haringey Mental Health NHS Trust to deliver an integrated service for adults with learning disabilities.**

Report authorised by **Mun Thung Phung, Director of Adult, Culture and Community Services.**

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Wards(s) affected: **All**

Report for: Key

**1. Purpose of the report**

The partnership arrangement between the Council, NHS Haringey, and Barnet, Enfield and Haringey Mental Health NHS Trust is to be entered into pursuant to [section 75 of the National Health Service Act 2006](#). The purpose of this report is to seek approval to enter into the partnership agreement for the purposes of a pooled fund to deliver an integrated service.

**2. Introduction by Cabinet Member**

2.1 I welcome this and approve that the Council enters into agreement with NHS Haringey and Barnet, Enfield and Haringey Mental Health NHS Trust pursuant to section 75 of the National Health Service Act 2006.

2.2 This partnership Agreement has been completed following a full, holistic review of the Learning Disabilities Partnership and supersedes the earlier 2002 agreement.

- It's a joint agreement for three years and will deliver against the Well-being strategic Framework;
- It sets out the shared vision of the Council's Adult Services, NHS Haringey and Barnet Enfield and Haringey Mental Health Trust;
- It will be owned by all partners and be kept live and outcome-focussed; and
- It will be subject to annual review.

**3. State link(s) with Council Plan Priorities and actions and /or other Strategies:**

3.1 The Section 75 Agreement is fully compliant and supportive of the Council Priorities listed below:

- Priority 3, Encouraging lifetime well-being, at home, work, play and learning;
- Priority 4- Promoting independent living while supporting adults and children when needed;
- Priority 5 Delivering excellent, customer focused, cost effective services.

3.2 The Integrated Learning Disabilities Service aims to support people with learning disabilities achieve independence and life-time well being and the agreement will enhance the delivery of customer focused, cost effective services.

3.3 Furthermore, the Partnership Agreement complies with and supports the strategic vision and main strategies of the Council, in particular the Wellbeing Strategic Framework, Safer for all ([Safer Communities Plan](#)).

3.4 The emphasis of the Partnership is on achieving the aspirations of the government's *Valuing People Now (2009)* vision for people with learning disabilities, which aims to ensure that service users (and carers) take full advantage of the opportunities for choice and control.

**4. Recommendations**

4.1 That the Cabinet is asked to give approval for the London Borough of Haringey to enter into the agreement with NHS Haringey PCT and Barnet, Enfield and Haringey Mental Health NHS Trust pursuant to section 75 of the National Health Service Act 2006. Such agreements are known as "Section 75 Agreements". Section 75 of the NHS Act enables the partners to establish and maintain a pooled fund to formalise and develop the services known as the Haringey Learning

## Disability Partnership.

### **5. Reason for recommendation(s)**

- 5.1 The current Section 75 Agreement that had been in existence from March 2002 originally expired on 31 March 2009. The Agreement was extended at that time, initially for 6 months (to 31 September 2009) and subsequently for a further 6 months (to 31 March 2010) to allow time for a comprehensive review of the Learning Disabilities services, which included wide consultation with all stakeholders (including service users and carers). This period was further extended to allow time for the final negotiation between the three partner organisations (NHS Haringey; Barnet Enfield and Haringey Mental Health NHS Trust; Haringey Council).
- 5.2 The Agreement is for an initial period of three years (2010 to 31 March 2013) with the option to extend for up to a further 12 months and commits Haringey Council to contribute £5.28 million per annum, which is within the department's annual budget allocation.
- 5.3 The urgency relates to the fact that the Partners must now sign the Agreement to (a) ensure that they are operating within the context of the Agreement, and (b) to meet the Department of Health deadline of 8<sup>th</sup> June 2010, at which point the previous Section 75 agreement licence will expire.

### **6. Other options considered**

- 6.1 Not applicable

### **7. Summary**

- 7.1 The Haringey Learning Disability Partnership was established six years ago (October 2003) since which time a great deal has been achieved, much has changed but the service had not been subject to review. This is a partnership, under Section 75 of the National Health Service Act 2006 between the local authority (Haringey Council) and the two local National Health Service (NHS) trusts (NHS Haringey and Barnet Enfield & Haringey Mental Health NHS Trust).
- 7.2 In May 2009, senior managers from Haringey Council commissioned a comprehensive review on behalf of the HLD Partnership, to ensure that the partnership continues to be 'fit for purpose' and is ready to embrace key changes which are emerging from national strategic developments. In the light of the 'transformation' agenda, it was further agreed that there was a need to check if the HLD Partnership reflects the national strategic vision and to determine if local

commissioning strategies and management structures drive improvement in delivery and outcomes, for service users and their carers/ families.

- 7.3 The decision to commission the review launched the HLD Partnership on a journey of change and a great deal of development is now underway.
- 7.4 To this end the Section 75 agreement has been comprehensively reviewed, revised and extensively discussed with all partner agencies. The Partners have agreed to establish the Pooled fund under Section 75 of the Act and the Partnership Regulations and in accordance with the terms and conditions contained within the agreement. The agreement will be for a period of three years and will be subject to annual periodic review.
- 7.5 This agreement sets out the arrangements by which the Haringey Learning Disability Partnership establishes and maintains a pooled fund for the delivery of services for people and the carers of people with learning disabilities, with the Council acting as 'lead' partner.

## **8. Chief Financial Officer Comments**

- 8.1 The S.75 agreement replaces the agreement that finished 31 March 2010. The Council's contribution to the partnership agreement is fully contained within the services base budget.

## **9. Head of Legal Services Comments**

- 9.1 This partnership agreement is for a period of 3 years with an option to extend for up to a further 12 months. The agreement places an obligation on the Council to commit £5.28 million per annum for the duration of the contract to the pooled fund and as such this amounts to a Key Decision, requiring inclusion on the Council's Forward Plan. Unfortunately this has been overlooked and now the Director of Adult, Culture and Community Services (ACCS) is seeking to invoke the General Exception provisions pursuant to section 15 of Part 4, Section D of the Constitution. This is appropriate in circumstances when a Key Decision has not been included on the Forward Plan, providing notice of the agreement and allowing for 5 clear days of call-in before a decision can be taken.
- 9.2 The Council's Constitution does contain a specific statutory delegation to the Director ACCS under section 75 NHS Act 2006 to enter into arrangements with NHS bodies, at section 6 Appendix E of the Constitution. However, excluded from this delegation are matters which are Key Decisions. Furthermore, para 4.02 (b) of the Scheme of Delegation to Officers at Part 3, Section E of the Constitution excludes from delegation to officers the power to authorise "the adoption, exercise or discharge of any policy, power or duty of a kind which has not previously been undertaken by the Council". Owing to the fact that this is the first formal ratification

of an agreement for a pooled fund of this kind; and that the agreement places significant financial obligations on the Council, it is the view of the Head of Legal Services that the partnership arrangements for the pooled fund are a new policy requiring Member-level authorisation.

9.3 The agreement will be subject to review before any extension of the contract term is authorised. Further, should the partners determine that they would like the arrangement to continue beyond the maximum 4 year term, a new agreement will be entered into whereupon the funding commitments will be reviewed.

9.4 On this basis the Head of Legal Services does not see any restrictions on entering into this Agreement.

## **10. Head of Procurement Comments – [ Required for Procurement Committee]**

10.1 Not applicable

## **11. Equalities and Community Cohesion Comments**

11.1 The people that are supported by Haringey Learning Disability Partnership are some of the most vulnerable and excluded residents of the borough. Improving access to service through partnership working will help ensure that people are enabled to have more control over their care and reduce the risks to their loss of independence and place in the community.

## **12. Consultation**

12.1 The Haringey Learning Disability Partnership review started 1<sup>st</sup> May 2009 and research was completed 1st September 2009. The methodology used was an 'action research' approach, which included interviews ('1 to 1' and small groups); attendance, observation and participation at a series of meetings; and wide circulation of a comprehensive questionnaire covering 11 themes. A total of 85 service users/ carers and 91 staff contributed to the questionnaire feedback.

12.2 A consultation report was widely circulated September 4<sup>th</sup> 2009 and contained details of the research, findings and recommendations. Feedback comments from the consultation have contributed to the preparation of a final report , which has been adopted by all partner agencies and has launched the Haringey Learning Disability Partnership on a journey of change and a great deal of development is now underway.

12.3 It is important that all parties concerned remain actively engaged and committed,

through a process of on-going evaluation and development, to ensure sustained and continuous improvement. In pursuant of these goals, the Partners have agreed to enter into a partnership arrangement to establish and maintain a Pooled fund to formalise and develop the Services known as the Haringey Learning Disability Partnership.

**13. Service Financial Comments**

13.1 The S.75 agreement replaces the agreement that finished 31 March 2010. The Council's contribution to the partnership agreement is fully contained within the services base budget.

**14. Use of appendices /Tables and photographs**

14.1 Partnership Agreement attached

14.2 Record of Decision Taken under Urgency Procedures or Delegated Authority attached.

**15. Local Government (Access to Information) Act 1985**

15.1 The National Health Service Act 2006.

15.2 NHS Bodies and Local Authorities Partnership Arrangements Regulations 2000 (SI 2000/617)

15.3 Valuing People Now (2009)

15.4 Valuing People (2001).

15.5 "Our Health, Our Care, Our Say" (DH 2006)

15.6 "Putting People First" (DH 2007)

15.7 Haringey Wellbeing Strategic Framework