
Summary Sheet

Name of Committee and Date of Committee Meeting

Cabinet - 19 November 2018

Child and Adolescent Mental Health Services (CAMHS) Section 75 Agreement (Extension)

Is this a Key Decision and has it been included on the Forward Plan?

Yes

Strategic Director Approving Submission of the Report

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Ward(s) Affected

Borough-Wide

Summary

In October 2017, Cabinet and Commissioners approved a Section 75 agreement between the Rotherham Clinical Commissioning Group (RCCG) and Rotherham Metropolitan Borough Council (RMBC).

The Section 75 agreement replaced an existing Partnership Agreement for the commissioning arrangements between RMBC and the RCCG for Child and Adolescent Mental Health Services (CAMHS) in Rotherham. The Section 75 agreement strengthens the shared commitment of the two organisations to deliver service improvement and transformation of CAMHS through a joint market approach. Rotherham Clinical Commissioning Group remain supportive of this arrangement.

The Section 75 Agreement built upon the existing partnership by adding a robust framework for managing the service; it sets out performance management arrangements and formalises a pooled funding arrangement for the provision of CAMHS services over the medium term.

The Agreement, which was established following approval by Cabinet and Commissioners, has been hosted by the RCCG who has acted as the lead commissioner for the pooled fund in partnership with RMBC. It was established to last until 31st October 2018 unless both parties agreed to an extension of one or two years. The period since 1st November has been covered through a suspension in financial regulations, agreed by the Deputy Section 151 Officer, to ensure that there was no gap in service provision for vulnerable children and young people.

Recommendations

1. That approval be given to the renewal of the existing Section 75 Agreement for joint commissioning and a pooled fund for the provision of Child and Adolescent Mental Health Service (CAMHS) for a further two years (to 31st October 2020) as provided for in the Agreement.
2. The authority be delegated to the Strategic Director for Children and Young People's Services to sign a written agreement to extend the Section 75 agreement on behalf of the Council.
3. That approval be given to the Council's financial contribution into the pooled fund from the 2018/19 and 2019/20 budgets.

List of Appendices Included

Appendix 1 Framework Partnership Agreement Relating to the Commissioning of CAMHS in Rotherham.

Background Papers

Report to Cabinet and Commissioner Decision Making Meeting (16 October 2018) – Child and Adolescent Mental Health Services (CAMHS) Section 75 Agreement.

Consideration by any other Council Committee, Scrutiny or Advisory Panel

No

Council Approval Required

No

Exempt from the Press and Public

No

Child and Adolescent Mental Health Services (CAMHS) Section 75 Agreement (Extension)

1. Recommendations

- 1.1 That approval be given to the renewal of the existing Section 75 Agreement for joint commissioning and a pooled fund for the provision of Child and Adolescent Mental Health Service (CAMHS) for a further two years (to 31st October 2020) as provided for in the Agreement.
- 1.2 The authority be delegated to the Strategic Director for Children and Young People's Services to sign a written agreement to extend the Section 75 agreement on behalf of the Council.
- 1.3 That approval be given to the Council's financial contribution into the pooled fund from the 2018/19 and 2019/20 budgets.

2. Background

- 2.1 Following the approval of a report to the former Cabinet and Commissioners Decision Making Meeting in October 2017, a Section 75 Agreement was established between the Rotherham Clinical Commissioning Group (RCCG) and Rotherham Metropolitan Borough Council (RMBC).
- 2.2 The Section 75 agreement replaced an existing Partnership Agreement for the commissioning arrangements between RMBC and the RCCG for Child and Adolescent Mental Health Services (CAMHS) in Rotherham. The Section 75 agreement strengthens the shared commitment of the two organisations to deliver service improvement and transformation of CAMHS through a joint market approach.
- 2.3 The plans and services of all commissioners and health and social care providers in Rotherham are prioritised by needs identified in the Joint Strategic Needs Analysis and the five Rotherham Joint Health and Wellbeing Strategic Aims:
 - All children get the best start in life and go on to achieve their potential.
 - All Rotherham people enjoy the best possible mental health and wellbeing and have a good quality of life.
 - All Rotherham people live well for longer.
 - All Rotherham people live in healthy, safe and resilient communities
- 2.4 The Health and Wellbeing Strategy and Rotherham Place Plan set out the vision in relation to integrating health and social care and improving health and wellbeing outcomes for local people. .

- 2.5 The combined priorities of both the Clinical Commissioning Group and the Council are further enhanced by the Rotherham Place Plan which reflects the intention to enhance commissioning practice jointly to ensure that, through joint strategic planning and delivery, a wider range of services are available to local children, young people and families. The delivery of the CAMHS Transformation Plan is a priority in the refreshed Rotherham Place Plan. The Clinical Commissioning Group and the Council both acknowledge that this shared agenda cannot be delivered without close partnership working at both an operational and strategic level. A Joint Commissioning infrastructure is already in place, with joint appointments between Rotherham Clinical Commissioning Group and Rotherham Council and a Joint Commissioning Strategy.
- 2.6 Child and Adolescent Mental Health Services in Rotherham are reflective of ongoing national developments and represent a complex picture at local level in relation to the number of service providers and commissioners across the whole health and care system. A large number of organisations provide CAMHS Services across a range of levels, from Universal (Tier 1) to Targeted (Tier 2), Specialist (Tier 3) and Inpatient (Tier 4). In relation to this Section 75 agreement the service providers are RDASH and the Looked After and Adopted Children's Therapeutic Team (LAACTT) Service.
- 2.7 Ongoing partnership working between RMBC and the RCCG in relation to CAMHS includes a joint approach around trailblazer funding opportunities that would allow mental health support teams to work with clusters of schools contributing to a comprehensive graduated response to mental health needs. The trailblazers are to test practice around the whole school approach delivering against the Green Paper 'Transforming children and young people's mental health provision'.
- 2.8 The statutory duty of partnership on NHS bodies and local authorities was established under the Health Act 1999 and later the Health and Social Care (Community Health and Standards) Act 2003. The National Health Service Act 2006 consolidated this legislation, further enabling the Health Act flexibilities set out in the 1999 Act. Local Authorities and NHS organisations can now more easily delegate functions to one another to meet partnership objectives and create joint funding arrangements.
- 2.9 The National Health Service Act 2006 makes provision for the functions (statutory powers or duties) of one partner to be delivered by another partner, subject to agreed terms of delegation. Responsibility for undertaking certain functions, activities or decisions can be transferred from one partner to another to achieve the partnership objectives. Although the functions are delegated, partners remain responsible and accountable for ensuring they meet their own duties under the legislation and cannot pass on responsibility for services outside the agreed activity. Functions to be delegated via this Section 75 agreement are set out in Appendix 1 (Schedule 1).

3. Key Issues

- 3.1 The core CAMHS offer in Rotherham for Tier 2 and Tier 3 services is commissioned by the CCG and currently provided by Rotherham, Doncaster and South Humber NHS Foundation Trust (RDaSH).
- 3.2 The Council contributes £139k towards the RDaSH contract value of £2.942m which funds the delivery of locality work comprising: consultation and advice; workforce development of partnering agencies in relation to child and young persons' mental health needs; and the delivery of CAMHS specific work in the community.
- 3.3 The Rotherham Clinical Commissioning Group is supportive of the Section 75 agreement and would like it to continue. The extension of the existing arrangements will be approved through the relevant governance arrangements within RCCG following consideration by the Operational Executive.
- 3.4 The CAMHS Service in Rotherham provided by RDaSH is enhanced and complimented by the Looked After and Adopted Children's Therapeutic Team (LAACTT) which is an in-house service provided by the Council. The Therapeutic Team provides a therapeutic service to looked after adopted children in accordance with the Adoption Support Services (Local Authorities) Regulations 2005 and the adoption national minimum standards 2011.
- 3.5 The aim of the Therapeutic Team is to provide a dedicated specialist therapeutic service to Looked After and Adopted Children, certain children who have been in care – including those in special guardianship order placements, and care leavers.
- 3.6 Rotherham Council and Rotherham Clinical Commissioning Group continue to work on other specific projects relating to CAMHS.
 - The Rotherham CAMHS 'My Mind Matters' Website: this has been developed jointly between RMBC, RCCG and RDaSH. RCCG funded the initial development work and RMBC will maintain the website going forward.
 - Through the CAMHS Local Transformation Plan, RCCG has made funding available to RMBC for the development and implementation of a Post Diagnosis ASD service model. This service is being funded with £54,000 from the CAMHS Local Transformation Plan budget which comes into the Autism Communication Team from the CCG and, as part of the Local Transformation Plan funding, is in place until 31st March 2020.
- 3.7 A wide range of services play an important role in the promotion and support of children and young people's emotional health and wellbeing and all contribute to the delivery of the child and adolescent mental health system in Rotherham.

- 3.8 There was a delay in submitting this report to Cabinet prior to the termination date of the Agreement on October 31st 2018. To address the period when the Agreement had expired but no formal decision had been made as to whether to extend the Agreement, the Deputy Section 151 Officer (in the absence of the Section 151 Officer) agreed to the suspension of financial regulations to ensure that there was no break in service to vulnerable children and young people and to prevent any disruption in the positive partnership arrangements in place with the CCG.

4. Options considered and recommended proposal

- 4.1 Option 1 : The Section 75 agreement is extended for a further two years (to 31st October 2020) enabling the continued robust framework for managing the service including performance management arrangements and a formalised pooled funding arrangement for the provision of CAMHS services over the medium term. This is the recommended option; it enables RMBC and RCCG to work together through a formal partnership arrangement that structures the funding contributions of each party whilst recognising the joint work that is required to transform the delivery of child and adolescent mental health services in Rotherham.
- 4.2 Option 2: To revert back to the former partnership arrangement which does not provide the joint commissioned whole system approach recommended through the adoption of a Section 75 Agreement. This option is not recommended.

5. Consultation

- 5.1 The Section 75 is a technical document outlining the partnership arrangements between the Council and the CCG. Both organisations have played a joint role in the development of the agreement and it is be subject to their own separate governance for sign off before it is extended.

6. Timetable and Accountability for Implementing this Decision

- 6.1 The extension if approved will secure the continuance of the Agreement until 31st October 2020.
- 6.2 Accountability will be through the Section 75 Sub-Group with regular reports to the Rotherham Place Board, the CYPS Leadership Team and the RCCG Operational Executive.

7. Financial and Procurement Implications

- 7.1 The financial implications of the recommended approach – Option 1 – are set out below. The financial contributions set out in Table 1 will remain at this level until October 2020 and the relevant budgets have been set accordingly.
- 7.2 In meeting its duties and responsibilities to develop a pooled arrangement to support the delivery of the CAMHS Local Transformation Plan, the Partners and the CAMHS Strategic Group have established a pooled fund.

- 7.3 The pool will deliver Tier 2 and Tier 3 services up to a value of £4.216m. This Pool will be hosted by the CCG and the CCG will act as Lead Commissioner.
- 7.4 The pool will be split into two aligned budgets. Aligned budget 1 will deliver Tier 2 and Tier 3 services up to a value of £3.313m. Aligned Budget 2 will deliver Tier 2 services up to a value of £0.903m.

Table 1: Overview of the Services Included in the Pooled Fund

Pooled Fund			Contribution to the Pooled Fund	
Aligned Budget	Area of Funding	Total £000	CCG £000	Council £000
Aligned Budget 1	RDaSH *	2,942	2,803	139
	RMBC (ASD post diagnostic Support) *	54	54	
	Rotherham Parents Forum (Family Support) *	85	85	
	Healthwatch *	20	20	
	Other	73	73	
	RDaSH - Eating Disorders	139	139	
	Sub Total	3,313	3,174	139
Aligned Budget 2	Therapeutic Team **	903		903
	Sub Total	903	0	903
	Grand Total	4,216	3,174	1,042

* The above figures include LTP funding of: £652k

** The above figures include Adoption Support funding of: £232k

- 7.5 Any over/underspends will be dealt with according to the risk sharing protocol (Annex D to Appendix 1). This fixes the Council's contribution to the RDaSH contract at £139k. The Section 75 Sub-Group will decide and recommend any actions which are deemed necessary to the CYPS Leadership Team (Council) and the Operational Executive (CCG).
- 7.6 There are no direct procurement implications associated with the Council entering into Section 75 Agreement. However, it should be noted that during the term of the Agreement if the Council were to take the lead in any commissioning/procurement activity this must be done in accordance with the Public Contracts Regulations 2015 and the Council's own Contract Procedure Rules.

8. Legal Implications

- 8.1 The statutory duty of partnership on NHS bodies and local authorities was established under the Health Act 1999 and later the Health and Social Care (Community Health and Standards) Act 2003. The National Health Service Act 2006 consolidated this legislation, further enabling the Health Act flexibilities set out in the 1999 Act. Local Authorities and NHS organisations can now more easily delegate functions to one another to meet partnership objectives and create joint funding arrangements.
- 8.2 The National Health Service Act 2006 makes provision for the functions (statutory powers or duties) of one partner to be delivered by another partner, subject to agreed terms of delegation. Responsibility for undertaking certain functions, activities or decisions can be transferred from one partner to another to achieve the partnership objectives. Although the functions are delegated, partners remain responsible and accountable for ensuring they meet their own duties under the legislation and cannot pass on responsibility for services outside the agreed activity.

9. Human Resources Implications

- 9.1 Not applicable at this stage

10. Implications for Children and Young People and Vulnerable Adults

- 10.1 The enhanced governance embedded within the Section 75 Agreement enables better outcomes for children and young people through the delivery of the CAMHS Transformation Plan.

11 Equalities and Human Rights Implications

- 11.1 The Equality Act 2010 unifies and extends previous equality legislation. Nine characteristics are protected by the Act, which are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation.
- 11.2 Section 149 of the Equality Act 2010 states that all public authorities must give due regard in the course of their duties to the need to:
- Eliminate discrimination, harassment and victimisation
 - Advance 'Equality of Opportunity'
 - Foster good relations with the public
- 11.3 The CAMHS Transformation Plan (Appendix 2) specifically meets these requirements through work in the areas of 'Hard to Reach Groups' (Section 6.3.2), Family Support Service (Section 6.2.3), Looked After Children (Section 6.3.1) and Child Sexual Exploitation (Section 6.3.3). In addition, work to engage with Children and Young People and their families and improve access to services through the SPA and Crisis response will ensure equality of access and good relations.

12. Implications for Partners and Other Directorates

12.1 If approved the Section 75 Agreement will further strengthen the existing partnership between the Council, CCG and RDaSH.

13. Risks and Mitigation

13.1 The risks will be managed through the Section 75 Sub-Group

14. Accountable Officer(s)

Jon Stonehouse, Strategic Director of Children and Young People's Services
Jenny Lingrell, Joint Assistant Director Commissioning Performance and Inclusion

Approvals obtained on behalf of:

	Named Officer	Date
Strategic Director of Finance and Customer Services	Judith Badger	31.10.2018
Assistant Director of Legal Services	Dermot Pearson	31.10.2018
Head of Procurement	Karen Middlebrook	24.10.2018
Assistant Director of Human Resources and Organisational Development	Amy Leach	24.10.2018

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