

Meeting of Executive Member for Housing and Adult Social Services and Advisory Panel

8th September 2008

Report of the Director of Housing and Adult Social Services

Learning Disability Partnership Arrangements

Purpose of Report

- 1 To inform the Executive Member of the proposal by North Yorkshire and York Primary Care Trust to vary the partnership arrangements and of the practical implications.
- 2 To seek the Executive Member's agreement to a change in the terms of the partnership agreement .

Background

- 3 Since April 2005 City of York has been in partnership with North Yorkshire and York Primary Care Trust (originally with Selby and York PCT) for the commissioning and management of an integrated service for learning disabilities covering the York, Selby and Easingwold areas. The partnership is covered by a formal agreement registered under section 75 of National Health Service Act 2006 (formerly Section 31 of the Health Act 1999).
- 4 Under this agreement CYC's Head of Learning Disabilities is responsible for the management of health staff and budgets although:
 - o PCT staff are 'attached' to the service and remain NHS employees
 - o Budgets are not pooled but managed together with separate accountability back to CYC and NY&YPCT
- 5 CYC is also responsible for commissioning health and social care and as part of this responsibility has been decommissioning the remaining long stay NHS patient campuses (none of which are actually in York). Two have been re-provided by moving people into the community with the final campus in Easingwold due to close by the end of 2009.
- 6 The partnership has functioned very well and there was a positive report from the Commission for Social Care Inspection in 2006 which praised the progress made and forecast promising prospects for improvement.

Proposed changes to Partnership Working

- 7 There has been a formal approach from NY&YPCT at the end of July to review the partnership agreement. In correspondence the PCT have commented on the value of *“the approach and joint working that is in place to provide this high quality service, supported by effective governance in City of York.”*
- 8 However, the NY&YPCT has been reviewing the management and partnership arrangements for learning disabilities across the whole of its patch. They have proposed that from 1st October the PCT assume direct responsibility for line management of NHS staff and management of budgets. The PCT have asked whether City of York would be agreeable to these arrangements coming into place in the York area so that there is consistency across the whole PCT area.
- 9 If the partnership agreement were amended in this way the commissioning of services and the management of the budgets associated with this would remain with CYC. (From April 2009 there will be a national requirement for PCTs to transfer commissioning budgets to local authorities so York is well placed to accomplish this). CYC and the PCT would continue to share premises at Systems House in Clifton Moor and continue to work as an integrated service from a customer and patient point of view.
- 10 There was already an agreement with North Yorkshire County Council to begin disaggregating the commissioning budgets for the Selby and Easingwold areas although CYC would be asked to complete the re-provision of the long stay campus in Easingwold (due by the end of 2009).

Consultation

- 11 The PCT carried out extensive consultation with staff in the learning disability service on the organisational issues that led to this proposal.

Options

- 12 There are 2 main options:
 - Option 1 – not to accept the proposal from the PCT to vary the terms of the partnership agreement
 - Option 2 - to accept the proposal from the PCT to vary the terms of the partnership agreement

Analysis

13 Option 1

Under the terms of the partnership agreement 12 months notice can be given by either partner to terminate the agreement. In this instance, NY&YPCT have asked for the agreement to continue but for the terms to be varied.

The status quo would not be sustainable in the longer term as changes need to be made to disaggregate the commissioning budgets for the Selby and Easingwold areas with responsibility for these due to pass to North Yorkshire County Council by no later than April 2009.

14 **Option 2**

The strength of the integrated service has been the ability of health and social care services to provide one route into assessment and care for people with a learning disability. It has also given one agency (the council) lead responsibility for commissioning services and this has moved forward the modernisation of services.

Although under the revised partnership the day to day managerial arrangements would be spread across both the council and the PCT there will still be clarity about the roles - with the Council remaining the lead commissioner and therefore setting out the long term strategy for services to achieve.

Staff responsible for health and social care assessments will continue to share the same premises and offer one route into services. Managers and staff are very strongly committed to this principle and it will also need to be reflected in the revised partnership terms.

Corporate Priorities

- 15 The report relates primarily to the corporate priority “ Improve the health and lifestyles of the people who live in York, in particular among groups whose levels of healthy are the poorest

16 **Implications**

Financial – detailed work will need to be done to achieve the transfer of PCT commissioning budgets to the Council by April 2009.

A more immediate consequence of the proposed change to the partnership agreement is that the NY&YPCT would cease to part-fund the Head of Learning Disability Services post. This will have financial consequences for the council but it is proposed to deal with this as part of a broader report covering changes to the portfolios of the Heads of Service responsible for adult social services. This report will come to the October meeting.

The analysis is that the financial consequences of the change to the partnership agreement can be met from within the overall adult social services budget.

Human Resources –.The Head of Learning Disabilities post is partly funded by NY&YPCT. A report is being brought to the October meeting which will set out changes to the portfolios of the senior management team in HASS so that there is a clearer focus on agreed priorities. This report will address the changes to the remit of the current Head of Learning Disabilities post.

Equalities – a formal Equalities Impact Assessment has not been carried out but it is not expected that the revisions to the partnership agreement will have any negative impacts.

Legal – *Comments of the Head of Civic, Democratic & Legal Services* - The existing partnership agreement was constituted pursuant to the provisions of S.31 Health Act 1999 now replaced by S.75 of the National Health Service Act 2006. The Secretary of State for Health has also produced regulations concerning these partnerships in the form of the NHS and Local Authorities Partnership Arrangements Regulations 2000. Reg. 4(2) imposes the requirement that consultation be undertaken before entering into such agreements but this would not appear to extend to the variation of such agreements unless that variation were so significant as to effectively create a new agreement.

The partnership agreement itself makes provision for variation at Para 13.2 which provides that any variation must be in writing and signed by both parties. The amendments must be appended to the original document and reported to the management board.

Under the Council's scheme of delegation, the Executive Member for Adult Social Services has delegated authority to agree these changes to the partnership agreement.

Crime and Disorder – no implications arising from this report.

Information technology – no implications arising from this report

Property – no implications arising from this report as the current use of office accommodation will continue and no assets are involved in the proposed change to the agreement.

Other – not applicable

Risk Management

- 17 The partnership with other agencies is not one that involves joint assets although it does involve significant revenue expenditure. Governance arrangements are effective and the partnership would continue albeit with changes to the current agreement.
- 18 The risk/s associated with the recommendation of this report are assessed at a net level below 16.

Conclusion

- 19 Changes would have had to be made to the partnership agreement by April 2009 and so the key issue here is one of timing. Officers consider that the proposal from NY&YPCT will still enable the benefits of the integrated service to be achieved albeit by different managerial arrangements.

20 The change to the remit of the post of Head of Learning Disabilities can be accommodated in a wider review of senior management portfolios that will be brought to the October EMAP.

Recommendation

21 That the Executive Member agrees Option 2.

Reason: North Yorkshire and York Primary Care Trust have advised that they intend to vary the partnership arrangements and therefore requires the Executive Member's agreement to a change in the terms of the partnership agreement in line with the recommendation at Option 2.

Author:
Bill Hodson
Director
Housing and Adult Social Services
554000.

Chief Officer Responsible for the report:
Bill Hodson
Director

Report Approved Date 21/8/08

Specialist Implications Officer(s)

Financial: Debbie Mitchell, Head of HASS Finance, Tel 554161

Legal: Quentin Baker, Head of Civic, Democratic and Legal Services, Tel 551004

HR: Clair Waind, HR Officer, Tel 554519

Wards Affected: List wards or tick box to indicate all

All

For further information please contact the author of the report

Background Papers:

None