

CABINET– 20 DECEMBER 2011

S75 NHS ACT 2006: MENTAL HEALTH POOLED COMMISSIONING BUDGET. PROPOSAL TO EXTEND THE CURRENT S75 AGREEMENT TO MARCH 2012, AND TO EXTEND THE SCOPE OF THE AGREEMENT TO INCLUDE SPECIALIST AND TARGETED MENTAL HEALTH SERVICES FOR CHILDREN AND YOUNG PEOPLE

Report by Director for Social and Community Services

Introduction

1. This paper sets out proposals commencing April 2012 in respect of:
 - the section 75 NHS Act 2006 Mental Health Pooled Commissioning Budget Agreement between Oxfordshire County Council (OCC) and Oxfordshire Primary Care Trust (OPCT); and
 - Specialist and targeted Child and Adolescent Mental Health Services (CAMHS) commissioned by OCC/OPCT and provided by OCC and Oxford Health NHS Foundation Trust (OH).

2. Cabinet/ Oxfordshire Clinical Commissioning Group (OCCG) are asked to endorse the proposals set out below which have been approved by
 - Oxfordshire Clinical Commissioning Group at its meetings on 19/7/2011 and 25/10/2011
 - Oxfordshire Children's Trust at its meeting on 23/9/2011
 - The Mental Health Commissioning Joint Management Group at its meeting on 14/11/2011Grant delegated authority to Directors and s151 officers to prepare and agree the section 75 agreement.

3. This paper sets out the proposed strategic approach to mental health commissioning for the period 2012-15, and proposes the delivery of that approach during 2012-13 by means of a section 75 NHS Act 2006 agreement. It is **not** proposed to make any changes in the delivery of health or social care services at this point, and the scope of the section 75 agreement will need to be reviewed again during 2012-13 as part of the developing Health and Wellbeing strategy and structures locally.

4. This proposal support the Council's strategic objectives to create healthy and thriving communities and efficient public services that support a world class economy.

Scope and current investment

5. In September 2011, the contributions to the Mental Health Pooled Commissioning Budget are
 - Oxfordshire PCT: £35.111m
 - Oxfordshire CC: £6.477m
 - Total: £41.488m

6. The current scope of the Pooled Commissioning Budget is all adult mental health (aged 18-64) with the exception of Specialist Forensic Psychiatric services. During the lifetime of *Better Mental Health in Oxfordshire* - the agreed commissioning strategy, the scope of the Pool has changed slightly to reflect Equalities legislation and now covers (in some newly commissioned pathways) the needs of people aged 16 and above.

7. Funding for CAMHS currently sits with OPCT and OCC (within Children's Services). Funding in 2011/12 for targeted CAMHS is:
 - OPCT: £6.315m
 - OCC: £0.833m
 - Total: £7.148m

The budget available for 2012/13 is still being determined. An outline of the services commissioned through the Pool and Children's Services is attached as Annex 1

What needs to change, and why

8. The current section 75 agreement expires on 31/3/2012. This needs to be renewed to provide governance for joint commissioning of mental health and social care services.

9. *Better Mental Health in Oxfordshire 2009-12* expires 31/3/2012 and needs to be replaced so as to set the framework for future commissioning priorities.

10. There are national drivers that need to be addressed in the mental health commissioning strategy from 2012 and within the mechanisms that are designed to deliver it
 - The national mental health strategy, *No Health without Mental Health* requires commissioners to have an "all age strategy" in relation to mental health and places an increased emphasis on whole population wellbeing
 - *Personalisation* (in social care now and health in the future) and *Payment by Results* for mental health (live from April 2012) will lead to changes to patient/service user pathways and how money is spent in a changed relationship between user/commissioner and provider
 - The on-going changes to commissioning structures arising out of the Health and Social Care Bill.

11. There are local priorities for Oxfordshire
 - The need to improve transition for young people into adult services

- The need to deliver financial efficiencies
- The integration of mental and physical healthcare to deliver better patient outcomes
- The need to align with the developing Health and Wellbeing strategy.

How do we propose to deliver these changes?

12. The Draft Mental Health Commissioning Strategy for Oxfordshire going forward from 2012-15 should be extended to include specialist and targeted services for children and young people and have a greater emphasis on the mental wellbeing of the wider population.
13. The strategy should deliver the outcomes for mental health defined by the Health and Wellbeing Board (HWB).
14. To deliver these outcomes
 - the current section 75 Agreement between OCC and OPCT should be extended from April 2012 to 31 March 2013
 - The scope of the current section 75 agreement should be extended to include specialist and targeted CAMHS services
 - The section 75 agreement should be reviewed again during 2012-13 as part of the wider discussions in relation to the developing Health and Wellbeing Board.
15. The current s75 agreement should be amended to reflect the increase in scope to cover specialist and targeted CAMHS services and to deliver the outcomes defined by the HWB by
 - Ring-fencing funding for specialist and targeted CAMHS within the section 75 agreement
 - Reviewing involvement structures to reflect the needs of stakeholders from within children and young people
 - Reviewing the outcome and quality schedules to the agreement

Consultation and Governance

16. OPCT has sought the views of stakeholders regarding the proposed changes to the mental health strategy and to the section 75 agreement:
An engagement process with service users, carers, providers, clinicians including a Stakeholder event in Oxford on 21st September. The report can be read at:
<https://consult.oxfordshirepct.nhs.uk/consult.ti/MHStrategy/consultationHome>
 - Presentations to the *Better Mental Health in Oxfordshire (BMHO)* Programme Board.
17. OCC has sought the views of children and young people
 - At the Children and Young People Sounding Board on 15th September
 - By supporting children and young people at the stakeholder event on 21st September.

18. OCC/OPCT carried out a joint presentation to Oxford Health NHS Foundation Trust Executive Board on 18 October.
19. In addition these proposals were shared with members of the Health Overview Scrutiny Committee on 18th October. HOSC advised that as the proposals do not include any changes to service provision, there was no need for further consultation, and that the engagement undertaken was appropriate in view of the level of change proposed.
20. Broadly the responses to the strategy have been positive. Stakeholders
 - agreed that the strategy should continue with the approach established in BMHO from 2009-12, with the focus on recovery, prevention and high quality services working within pathways;
 - supported the contention that the move from children's to adult services is a time of significant risk, needs to be improved and might be improved by an all age commissioning approach;
 - supported the prevention agenda, in terms of earlier intervention to support young people, whole population approaches to highlight understanding and prevention, and to help people think about staying mentally well as they grow older.
21. There were some concerns:
 - That moving specialist and targeted CAMHS services into the adult mental health pool may dilute the service to children and young people. We can address this concern by building safeguards into the section 75 agreement that ring-fence the funding, and ensure that there is appropriate user and professional input into the Joint Management Group
 - There was a suggestion from Oxford Health NHS Foundation Trust that an alternative way forward might be to move towards integration of children mental health and community services, rather than the integration of children and adult mental health commissioning. Our proposal does not mean that these specialist and targeted CAMHS services will be planned in isolation from other children's services or be subsumed by adult mental health services. Rather we will focus on the opportunity it provides commissioners to consider the mental health treatment needs of a person with mental illness, whatever their age, and also to consider these needs in the context of that person's family networks and responsibilities.
 - There was a view that there needs to be a split between general older people's wellbeing issues, which fall appropriately under the strategy and the needs of older people with mental health problems under the care of OH. We accept this, and the care of older people with mental health problems will be aligned with older people's services.

Governance

22. The strategy and proposed changes to the Section 75 have been approved by:

- Oxfordshire Clinical Commissioning Group at its meetings on 19/7/2011 and 25/10/2011
- Oxfordshire Children's Trust at its meeting on 23/9/2011
- The Mental Health Commissioning Joint Management Group at its meeting on 14/11/2011
- The agreement of OCCG Transition Board at its meeting on 6 December and of Cabinet at its meeting on 20 December is needed to proceed with the development of the s75

Risks

23. There are no apparent risks in proceeding with the proposed strategy and section 75 agreement. There are considerable risks arising out of not proceeding with a strategy and renewed section 75 agreement.
24. The engagement exercise highlighted a number of potential risks in relation to bringing CAMHS funding into the Pool, but these will be mitigated by the plan to ring-fence funding, and ensure appropriate representation with the governance structure of the JMG.
25. There is a possible risk to this arrangement arising from the general uncertainty around commissioning changes. The fact that the revised agreement is designed to run for only one year offers assurance to OCC and OCCG around scope to renegotiate the agreement as necessary during 2012-13.

Equality Impact Assessment

26. A separate EQIA has been carried out from the perspective of the current Mental Health Commissioning Pool and from that of specialist and targeted Child and Adolescent Mental Health Services. These assessments identify the age-related impacts discussed in paragraph 21 above as the main issues.

Financial and Staff Implications

27. This proposal has no implications in relation to staff. Financial implications are limited to the contribution to the section 75 NHS Act 2006 mental health commissioning pooled of existing budgets for 2012-13 in relation to social care in relation to adult mental health and specialist and targeted child and adolescent mental health services.

RECOMMENDATION

The Cabinet is RECOMMENDED to

28. (a) approve the proposals:
 - to widen the scope of the Mental Health strategy as set out in paragraph 12;
 - to extend the current s75 to April 2013; and

to transfer the Council's funding for specialist and targeted **Child and Adolescent Mental Health Services (CAMHS)** into the section 75 agreement; and

- (b) to grant delegated powers to Directors and s151 officers to develop and sign off the section 75 agreement

JOHN JACKSON
Director for Social and Community Services

Background papers: Draft Mental Health Commissioning Strategy 2012-15

Contact Officer: John Pearce, Service Manager, Strategic Commissioning, Tel:
01865 323619

December 2011