

Select Committee on Health and Adult Social Care – 12th July 2006.

Report of the Director of Adult, Community & Housing

Future Configuration of Mental Health Services in the Black Country

Purpose of Report

1. To update Select Committee on Health and Adult Social Care on recent developments with the Project looking at the future of Mental Health Services in the Black Country.

Background

2. Select Committee received a report on 29th March on Mental Health services in the Black Country.
3. Mental Health Services in the Borough areas of Dudley, Walsall and Wolverhampton are integrated Health & Social Care Services, located within PCT's and are within the Sandwell Mental Health NHS and Social Care Trust for people resident in Sandwell.
4. In January 2005, in the context of 'Commissioning a Patient led NHS' and a lead from the Birmingham & Black Country Strategic Health Authority, senior officers from the Black Country PCTs, local authorities and the Sandwell Mental Health Care Trust, agreed there was a need to review the current configuration of mental health services.
5. It is now proposed, as the preferred option, to create a single mental health Trust providing specialised mental health services to the three borough areas of Dudley, Sandwell and Walsall from April 2007. The new Trust would be known as the Black Country Mental Health Partnership Trust. Wolverhampton does not wish to join the proposed new Trust, preferring instead a local Care Trust for all Adult Services.
6. A pre-consultation document was published in early April and some consultation has already taken place with stakeholders in the three Boroughs.
7. A seminar for Cabinet members and Scrutiny Chairs in the three Boroughs took place on 26th June.
8. On 27th June, the Strategic Health Authority (SHA) approved this proposal. The SHA will now seek agreement from the Secretary of State for Health to consult formally on the proposal.
9. If approved by the Secretary of State, this consultation will take place between 24th July and 31st October 2006.

10. The consultation process will involve:

- Consultation events for stakeholders and user/carer groups.
- Press advertisements to bring the consultation to the attention of the general public.
- Widespread circulation of the consultation document to individual stakeholders.
- An accessible internet version of the document will be available with the facility to make comments on line.
- Regular updates to staff.
- Reports to Overview and Scrutiny Committees in the three Boroughs or to the three Borough special Overview & Scrutiny Committee for this purpose.

11. It is intended to convene a joint Overview and Scrutiny Committee to fulfil statutory requirements as this is agreed to be a 'substantial' change.

12. Some of the issues which will be examined by ourselves and with Black Country Local Authority colleagues during the Consultation process will be:

- The position of social care within a new Trust and the Council's statutory duties including those of the Director of Adult Services.
- Arrangements for the transfer of staff. The Dudley position is that secondment arrangements should continue to be an option.
- Governance – specifically, accountability of the new organisation to the statutory Director of Adult Services and to elected Members for delivery of social care services.
- Funding arrangements, and specifically the extent to which pooled budgets under S31 1999 Health Act should be utilised and the need to fund stronger Local Authority commissioning arrangements as well as provision.
- Keeping mental health on the Local Authority agenda and links between the new Trust and other Council Directorates, the Local Strategic Partnership and the voluntary sector. Specifically, ensuring that a social inclusion and prevention focus is developed further ensuring work to tackle incapacity benefit dependency and employment opportunities is approached energetically.

13. Depending on the outcome of public consultation and the Secretary of State's subsequent decision, steps would then need to be taken to establish a Shadow Trust Board in advance of a new Trust being formed.

14. In the meantime, considerable work has been undertaken on planning the shape of the new organisation. The Project Board has reached the point of recommending the services, to be provided in a Trust. These services include psychology, specialist services for learning disability and older people with mental

health needs, substance misuse and child and adolescent mental health services.

15. The Project Board has also commissioned work on finance and audit, human resources, estates, facilities and information management & technology, corporate governance, and service delivery /operational management. The human resources work group has had early discussions with union representatives about the process for transfer of staff.
16. In addition, in each Borough a small project team has been established to ensure that communication and consultation takes place in the most appropriate way in each area.
17. DMBC staff, who work in Mental Health, are seconded to the PCT and we expect this arrangement to continue with the new Trust.
18. No decision can be made at this stage about the funding for the new arrangements from DMBC, but it is reasonable to assume that this would be roughly the same as the Council's current net investment in Mental Health (£3.6M in 2006-07).
19. The statutory responsibility for agreeing any significant change to the configuration of local NHS services rests with the Birmingham & Black Country Strategic Health Authority on behalf of the Secretary of State for Health. The Social Services dimension of Mental Health services is the responsibility of the Metropolitan Borough Councils in the Boroughs concerned. Cabinet approval will be required for Dudley MBC to agree to join the new Trust, and it is planned that a report will be prepared for Cabinet on 13th December 2006.
20. All three Boroughs have agreed to proceed with the current exercise on the understanding that if a single Mental Health Trust was chosen as the way forward, any significant changes in delivery of services at a local level in each Borough would have to be the subject of a similar public consultation process.
21. Similarly, should the new Trust eventually lead to transition to Foundation Trust status, this would require public consultation.

Finance

22. There are unlikely to be significant cost implications for DMBC from the development of the new Trust. However, we will have to ensure that DMBC investment in Mental Health Services is protected, and that resources are not diverted away from mental health to deal with other pressures in the NHS.
23. Section 31 Health Act 1999 Flexibilities would be likely to be utilised to enter into pooled budget arrangements which would be designed to safeguard mental health social care investment.

Law

24. The new arrangements for Mental Health services would be confirmed in legal partnership agreements, using S31 of the Health Act 1999. Integrated provision and a pooled budget would be the most likely model within a joint (not lead) commissioning framework.

Equality Impact

25. Equal Opportunities implications include terms and conditions of transfer of both PCT and Directorate staff to the new Trust and equality of opportunity to apply for new posts.

Recommendation

26 It is recommended that Select Committee:-

- notes the work which has been undertaken on the Black Country Mental Health project since March.
- comments on the arrangements for the consultation process.
- receives a further report, as part of the consultation process, in September 2006 subject to the creation of a special cross-authority scrutiny committee for this purpose.



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List of Background Papers