



**CABINET – 9 MARCH 2018**

**DELEGATION AGREEMENT WITH RUTLAND COUNCIL TO  
UNDERTAKE CERTAIN FUNCTIONS UNDER THE CARE ACT AND  
MENTAL HEALTH ACT**

**REPORT OF THE DIRECTOR OF ADULTS AND COMMUNITIES**

**PART A**

**Purpose of the Report**

1. The purpose of this report is to seek the Cabinet's agreement to recommend to the County Council that it accepts a delegation from Rutland Council to undertake on its behalf certain statutory functions under Part 1 of the Care Act 2014 and Section 13 of the Mental Health Act 1983.

**Recommendations**

2. It is recommended that the County Council:
  - (a) Accepts the delegation from Rutland Council to undertake its statutory functions under Part 1 of the Care Act 2014 and Section 13 of the Mental Health Act 1983, as are detailed in paragraph 15 of this report, in accordance with the provisions of Section 9EA of the Local Government Act 1972, the Local Authorities (arrangements for the Discharge of Functions) (England) Regulations 2012 and all other enabling powers;
  - (b) Agrees to enter into an Agreement with Rutland Council under S9EA of the Local Government Act 1972, such Agreement to be reviewed and renewed as and when necessary for the duration of the delegation in (a) above;
  - (c) Authorises the Director of Adults and Communities to negotiate and agree the detailed terms of the Agreement at (b) above for an initial period of three years and to thereafter negotiate and agree the terms of future Agreements as are necessary for the duration of the delegation.

**Reasons for Recommendations**

3. The delegation by Rutland Council of its statutory functions under the Care Act and Mental Health Act as detailed in this report will enable the County Council to provide these services across both areas in a more efficient and effective manner.

**Timetable for Decisions (including Scrutiny)**

4. The proposed delegation was agreed by Rutland Council's Cabinet on 20 February 2018.
5. If approved by the Cabinet, the proposal will be presented to full Council at its meeting on 21 March 2018 for approval.
6. It is intended that the new arrangements will be introduced by June 2018.

**Policy Framework and Previous Decisions**

7. Legislation allows local authorities to delegate their functions and it is established government policy that they should use this flexibility to design service models that improve the quality and reliability of care and support in a cost effective way.
8. When delegating their functions, local authorities continue to retain ultimate responsibility for how they are carried out. Therefore, residents in Rutland receiving care and support or assessed under the Mental Health Act will still have a means of redress from Rutland Council.

**Resources Implications**

9. There are no resource implications arising from the recommendations in this report. It is proposed that Rutland Council will fund the costs incurred by the County Council for employing two Approved Mental Health Act Professionals (AMHPs) at Grade 12.
10. The level of work to be undertaken under the delegation has been analysed and the two posts funded by Rutland Council will be sufficient to cover this and add capacity within the County Council's Adults and Communities Department to also undertake similar work across the County.
11. The Director of Corporate Resources and the Director of Law and Governance have been consulted on the content of this report.

**Circulation under the Local Issues Alert Procedure**

None.

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## **PART B**

### **Background**

12. The County Council and Rutland Council have historically worked closely together in relation to services for people with mental health needs. In the past, joint arrangements have been put in place for the provision of social work and AMHP provision.
13. The level of need, the range of services available and the key relationships with stakeholders are the same for both authorities. Specifically, the staff employed to cover these functions will work with the same health professionals in the Leicestershire Partnership NHS Trust (LPT) that they work with in the districts of Melton and Harborough, the health team that currently covers the Rutland area.
14. Both Leicestershire and Rutland Councils have a statutory duty under the Care Act to undertake assessments of people with mental health problems aged 18-65 years, and to provide AMHPs to undertake assessments of people of all ages under the Mental Health Act. As a small local authority, it is prohibitively expensive for Rutland Council to have this specialist cover in place at all times during the working week. It is therefore proposed that the County Council undertake this work on their behalf.

### **Proposal**

15. It is proposed that the following statutory functions be delegated to the County Council:
  - Assessments of need pursuant to Section 9 of the Care Act 2014 in respect of people aged between 18 and 64 years with mental health problems;
  - Making arrangements for suitable care to be put in place pursuant to Section 2 of the Care Act 2014 where such need has been identified;
  - Carrying out the statutory duties of an AMHP pursuant to Section 13 of the Mental Health Act 1983.
16. It is intended that the delegation will be for an initial period of three years with the ability to extend the arrangement if both partners agree.
17. Funding will be provided by Rutland Council and this will pay for two AMHP posts to be employed by the County Council. This will cover the cost of the work undertaken on behalf of Rutland Council and create additional flexibility within the Adults and Communities Department to conduct its work across Leicestershire.
18. Operationally, one post will cover Rutland Council's responsibilities under the Care Act holding a caseload of Rutland service users only. As with the County Council's social workers, this person will also take part in the duty rota for wider Mental Health Act assessments. The other post will be deployed to cover Mental Health Act work within the AMHP Team covering both Leicestershire and Rutland.

**Background Papers**

None.

**Relevant Impact Assessments****Equality and Human Rights Implications**

19. The proposed work is within the core adult social care functions and would be undertaken in the statutory framework which requires individual needs and circumstances (including any protected characteristics) to be taken into account. It is a continuation of current work being undertaken by Rutland Council and is not therefore a change of provision.
20. No negative equality or human rights implications resulting from the recommendations in this proposal have been identified.

**Partnership working and associated issues**

21. Although not the primary purpose of the proposal, the delegation arrangement would bring greater consistency and co-ordination across the local area. Certainly key stakeholders, such as the Clinical Commissioning Groups, LPT and the specialist independent and voluntary sector, will benefit from having a single provider of social care to work with.