

REPORT OF THE CABINET

A: ACCEPTANCE OF DELEGATION FROM RUTLAND COUNTY COUNCIL - FUNCTIONS UNDER THE CARE AND MENTAL HEALTH ACTS.

Introduction

1. This report concerns the decision of Rutland County Council to delegate certain functions under the Care and Mental Health Acts to the County Council. Under Article 11.04 a delegation from another authority requires the approval of the County Council.

Background

2. 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 Approved Mental Health Act Professionals (AMHP).
3. 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.
4. Both 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

5. The following statutory functions are to 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.
6. The delegation will be for an initial period of three years with the ability to extend the arrangement if both Councils agree.

7. 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.
8. 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.

Decisions of the respective Cabinets

9. The proposed delegation was agreed by Rutland Council's Cabinet on 20 February 2018.
10. The Cabinet at its meeting on 9th March agreed to recommend the County Council to accept 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. Subject to approval by the County Council the Cabinet also agreed to enter into an agreement with Rutland Council under S9EA of the Local Government Act 1972 and to authorises the Director of Adults and Communities to negotiate and agree the detailed terms of the Agreement for an initial period of three years and thereafter negotiate and agree the terms of future Agreements as are necessary for the duration of the delegation.

Resources Implications

11. 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 AMHPs at Grade 12.
12. 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.

(Motion to be moved:-

That the County Council accepts the delegation of certain statutory functions under Part 1 of the Care Act 2014 and Section 13 of the Mental Health Act 1983 on the basis outlined in the report.)

9th March 2018

N. J. Rushton