

North Yorkshire County Council

Executive

11th January 2022

Emotional Health and Wellbeing Section 75

Report of the Corporate Director – Children and Young Peoples Services

1.0 Purpose of Report

- 1.1 The purpose of this report is to present to the Executive the outcome of the public consultation into the use and content of the Section 75 Agreement and approval to enter into the Section 75 agreement between the Council and North Yorkshire Clinical Commissioning Group (NYCCG) in relation to the commissioning of Emotional Health and Wellbeing services.

2.0 Executive Summary

- 2.1 The Council and NYCCG propose entering into a Commissioning S75 Agreement to allow the partners to work together in the procurement of services to support young people aged 9-19 in respect of their Emotional Health and Wellbeing.
- 2.2 This project brings together a range of partners from across the North Yorkshire system in the delivery of these services. In addition to the S75 arrangement between the Council and NYCCG, NYCCG will act as lead NHS commissioner on behalf of the Vale of York (VoY) CCG and Bradford and Craven (BaC) CCG.

3.0 Background

- 3.1 Under his delegated decision making powers in the Officers' Delegation Scheme in the Council's Constitution, the Chief Executive Officer has power, in cases of emergency, to take any decision which could be taken by the Council, the Executive or a committee. Following on from the expiry of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, which allowed for committee meetings to be held remotely, the County Council resolved at its meeting on 5 May 2021 that, for the present time, in light of the continuing Covid-19 pandemic circumstances, remote live-broadcast committee meetings should continue (as informal meetings of the Committee Members), with any formal decisions required being taken by the Chief Executive Officer under his emergency decision making powers and after consultation with other Officers and Members as appropriate and after taking into account any views of the relevant Committee Members. This approach will be reviewed in February 2022.
- 3.2 This report will update the Executive on the outcome of the consultation into the use and content of the Section 75 as approved at the meeting held on 31st August 2021 and present the final draft of the Section 75 Agreement for approval.

4.0 Section 75 Overview

- 4.1 The final draft of the Section 75 Agreement between the Council and North Yorkshire CCG is appended to this report as Appendix A. This draft represents the agreed position between the Council and CCG partners. The following are the key aspects of the draft Agreement:

- 4.2 Commencement, Duration and Termination
The Agreement will come into effect on 01/04/2022 for an initial period of 3 years with an option to extend for a further 2 years.
- 4.3 Both parties have the right to terminate the agreement for any reason with 12 months notice. Any notification to terminate would be preceded by escalation through the formal Governance structures of the Section 75 and the Partnership Board.
- 4.4 This termination period would allow adequate time for both parties to pursue alternative arrangements for service delivery including via procurement where appropriate.
- 4.5 Partnership Arrangements
The partners shall enter into a Section 75 agreement as defined in the National Health Service Act 2006 in order to commission integrated health and social care services to better meet the needs of the Service Users of North Yorkshire than if the Partners were operating independently.
- 4.6 North Yorkshire CCG will act as the lead commissioner within the arrangement.
- 4.7 The partners do not propose to establish any kind of pooled fund as a part of this agreement, however there is no impediment to doing so in the future should this be agreed by both parties.
- 4.8 The agreement shall in no way detract from the principle that NHS services are free at the point of use or affect the Council's power to determine and apply eligibility criteria for services where this is appropriate.
- 4.9 Governance
The Section 75 will be managed through a distinct Governance structure which will oversee the agreement, ensuring value for money and strategic alignment with both parties interests. The relevant Terms of Reference and Governance structure are included within the Section 75 document.
- 4.10 The agreement will be actively overseen and monitored through the establishment of an Integrated Commissioning Group with membership from the Council and CCG.
- 4.11 Within NYCC the Agreement will be reported on a quarterly basis, with issues escalated as necessary between formal meetings.
- 4.12 The Integrated Commissioning Group will also provide updates to the Partnership Board to ensure that the service is linking effectively to the range of other services supporting Emotional Health and Wellbeing.
- 4.13 Annual Development Plan
The Partners shall prepare an Annual Development Plan for the Service which shall:
- set out the agreed Aims and Outcomes for the Service and how these have been met in the preceding year;
 - describe any changes or development required for the Service;
 - provide information on how changes in funding or resources may impact the Service;
 - Articulate how the service strategically aligns to the objectives of the partners and the wider system.
- 4.14 Performance Management
As the service is secured through a Commissioner Section 75, the Agreement is the only means by which NYCC can formally request monitoring and service information.

- 4.15 The Section 75 contains a Performance Monitoring Schedule to ensure that the Council is fully appraised of how the service is performing, areas for improvement and risks or opportunities.
- 4.16 Financial Contributions
The partners shall each contribute their own allocated budget to the service.

4.17 The financial contributions to the service from each partner are as follows:

Partner	Annual Financial Contribution
NYCC	£318,000
North Yorkshire CCG	£308,000
Vale of York CCG	£93,250
Bradford and Craven CCG	£30,000

- 4.18 NYCCG as the lead commissioner will manage any in year overspends through commissioning arrangements.
- 4.19 Council funding will be from CYPS base budgets, currently allocated to the predecessor service.
- 4.20 The respective organisational contributions will not be subject to inflationary uplift for the lifetime of the agreement.

5.0 Service Overview

- 5.1 The service will be available to children and young people between the ages of 9-19. For young people with Special Educational Needs and Disabilities (SEND) and an Education Health and Care Plan the service will be available up to the age 25.
- 5.2 The aim of the service is to improve outcomes for children and young people's mental health by strengthening the range of mental health support available to children and young people. This includes:
- Early interventions for children and young people experiencing mild to moderate emotional and mental health difficulties. It is anticipated this will be primarily around low mood and anxiety.
 - Contribute to schools developing a whole school approach towards emotional and mental well-being through the delivery of training and consultations.
 - Contribute to the whole pathway of support within the iThrive model in North Yorkshire primarily providing support in 'Getting Advice' and 'Getting Help'.
- 5.3 The key features of the service will be:
- Clear access and referral arrangements - protocols for referral, early intervention and support are clearly defined, agreed and communicated between all agencies.
 - A collaborative model across agencies and with children and young people and their families – to include co-production approaches, potential joint working on specific projects and around individual children and young people of groups, and strong working relationships with the Commissioners. For example, this might include engagement with CYP on The Go-To website, the Service name and branding. Joint work with partners may be facilitated by groups such as the EHWP delivery group and SEMH locality groups.
 - A consultation model to offer advice to school and college staff - a consultation model offer to help children and young people to get the right support at the right time in the right place.
 - A digital offer of support - a comprehensive digital offer, which supports self-care. This will include a text messaging service and The Go To website and work collaboratively with other local digital offers including Kooth.

- Evidence based time limited support/interventions - offer evidence based time limited support/interventions to children and young people with mild to moderate mental health issues. These can be delivered through 1:1 work and group work, and will be within NICE and other guidelines and clinically governed.
- Building System Capacity - offer a flexible workforce development and training offer for schools on children and young people's mental health.

6.0 Performance Implications

- 6.1 This arrangement will allow the Council and CCG to work together more effectively in the delivery of EHWP services to children and young people across North Yorkshire, ensuring that services are delivered in a joined up and coordinated way.
- 6.2 The Section 75 has as a Schedule to the agreement, a full Performance Framework which sets out the key attributes of the service both in terms of activity and outcomes for individuals. The key outcomes identified in the service specification are as follows:
- **Increase access** to emotional and mental health support in line with the NHS Long Term Plan (*baseline is NHS access standards via MHSDS*).
 - A seamless **pathway of support** across the domains of iThrive, primarily in relation to 'getting advice' and 'getting help'.
 - Improvement in numbers of children and young people reporting **good emotional and mental well-being** (*baseline is GUNY data*).
 - Children and young people have a **good experience** of engagement with emotional and mental health support services, against four criteria:
 - Safe
 - Involved
 - Respected
 - Have a purpose
 (*baseline is to be established at start of contract*)
 - Monitor numbers of school and staff in other community settings reporting increased confidence and knowledge of approaches to support the emotional and mental health needs of children and young people.

7.0 Policy Implications

- 7.1 This arrangement with NYCCG is an example of integrated working across the NHS, Primary and Social Care. Integration with Health Partners is a key Council priority as well as an ambition set out in the NHS long term plan in January 2019.
- 7.2 This proposal supports the strategic priorities of the North Yorkshire Mental Health and Learning Disabilities Partnership by working to improve the health and well-being of people across North Yorkshire with mental health issues and/or a learning disability through partnership working.

8.0 Financial Implications

- 8.1 The Section 75 contains a full financial schedule setting out the respective contributions of the partners. This proposal does not create a pooled fund between the Council and the NHS Body
- 8.2 The total NYCC contribution to the service will be £318,000 per annum for an initial period of three years. There will then be an option to extend the agreement by a further two years.
- 8.3 North Yorkshire CCG will contribute £308,840 per annum, Vale of York CCG £93,250 and Bradford and Craven CCG £30,000.

9.0 Legal Implications

- 9.1 Section 75 of the National Health Service Act 2006 and the NHS Bodies and Local Authorities Partnership Arrangements Regulations 2000, S.I. 617 (“Regulations”) enable NHS bodies to exercise prescribed local authority health-related functions in conjunction with NHS functions. The proposal is for NYCC and NYCCG to enter into a commissioning S75 Agreement, which is considered to improve the way in which these functions are exercised by the parties.
- 9.2 The NHS and Local Authorities Partnership Arrangements Regulations 2000 stipulate that the partners may not enter into any partnership agreements under Section 75 (s75) of the NHS Act 2006 unless they have consulted jointly such persons as appear to them to be affected by such arrangements.

10.0 Consultation Undertaken and Responses

- 10.1 Following approval by the Executive on 31st August 2021 a 60 day public consultation on the use and content of the Section 75 commenced on 10th September 2021.
- 10.2 The consultation was hosted on the County Council website and promoted via a press release, social media and on the County Council website.
- 10.3 The consultation ran from 10th September to 9th November, 47 responses were received of which 43 (92%) answered ‘Yes’ to the question ‘Do you agree that North Yorkshire County Council should enter into a section 75 agreement with NHS North Yorkshire CCG to deliver the targeted, school based Emotional Wellbeing service for young people aged 9-19 in North Yorkshire?’
- 10.4 This response, along with narrative responses regarding the benefits of the Council and CCG working together show strong support for the proposal.

11.0 Impact on Other Services / Organisations

- 11.1 North Yorkshire CCG will be a party to the agreement as lead commissioner on behalf of Vale of York and Bradford and Craven CCGs.

12.0 Equalities Implications

- 12.1 An Equalities Impact Assessment screening tool has been completed and is appended as Appendix B.

13.0 Recommendations

Having noted the contents of this report and the positive outcome of the public consultation, Executive Members are asked to recommend to the Chief Executive Officer that using his emergency delegated powers, he:

- i) Approve the Draft Section 75 Agreement;
- ii) Delegate to the Assistant Chief Executive (Legal and Democratic Services) approval of any necessary amendments to the Agreement, to enable it to be completed.

Stuart Carlton
Corporate Director – Children and Young Peoples Services
County Hall
Northallerton

17 December 2021

Report Author – Mike Rudd, Head of Housing, Technology & Sustainability
Emma Lonsdale, Commissioning Manager – Health Inclusion
Victoria Ononeze, Consultant in Public Health

Presenter of Report – Stuart Carlton, Corporate Director – Children and Young Peoples Services

Appendices:

Appendix A: Draft Section 75 Agreement

Appendix B: Draft Terms of Reference

Appendix C: Draft Data Sharing Agreement

Appendix D EIA Screening Tool