

## ED2. EXECUTIVE DECISIONS BY A CABINET MEMBER OR AN OFFICER

<b>A. Report Title:</b> REVISED PARTNERSHIP ARRANGEMENTS BETWEEN THURROCK BOROUGH COUNCIL AND SOUTH ESSEX PARTNERSHIP NHS FOUNDATION TRUST	
<b>B. Report Author(s):</b> Jamie Hollis, Corporate Lawyer	<b>Tel:</b> E-mail: <a href="mailto:jhollis@thurrock.gov.uk">jhollis@thurrock.gov.uk</a>
<b>C. Decision Maker:</b> Councillor Terry Hipsey	
<b>D. Position held:</b> The Leader of the Council	
<b>E. Key decision: YES/NO</b> NO	<b>F. Delegation ref:</b>
<b>G. Is the decision urgent? YES/NO</b> YES	
<b>H. If yes, state why.</b> If the Agreement to temporarily extend the revised and updated partnership Agreement with (SEPT) to provide mental health services to Thurrock residents from 1 <sup>st</sup> April 2008, until 30 <sup>th</sup> September 2008 is not extended, the Council will have to resume the direct management of the service currently being managed by SEPT on 1 <sup>st</sup> April 2008. The secondment of TBC employees to SEPT would also terminate.	

<b>I. DECISION (strike out whichever does not apply) :</b>	
1. I agree the recommendations in the attached report for the reasons given in the report; <del>OR</del>	
2. <del>*My decision is:</del>	
<del>*The reason for my decision is:</del>	
* Continue overleaf or on an additional sheet if necessary.	
<b>Signed:</b> T. Hipsey	<b>Date:</b> 9/4/08

### URGENCY

Democratic Services will arrange for the completion of the following:	
<b>J. I confirm that in my opinion a decision on this matter is urgent and cannot reasonably be delayed:</b>	
<b>Signed:</b> J. A. Redsell	<b>Date:</b> 11/4/08

*To be completed by Democratic Services*

<b>Date decision received by Dem. Services:</b> 11 <sup>th</sup> April 2008	<b>Date decision published:</b>
<b>Implementation date:</b>	

**Relevant O & S Committee:**

Health and Well-being Overview and Scrutiny Committee

**A GUIDE TO THE PROCEDURE FOR MAKING AND RECORDING DECISIONS BY A  
CABINET MEMBER OR AN OFFICER**

**INTRODUCTION**

The essential principle is that a decision by a Cabinet Member or an Officer takes the place of a conventional decision taken by full Cabinet. It must therefore be based upon an **Officer report** following the usual requirements for both content and consultation with other Heads of Services, including the Legal and Finance teams.

The report should contain a clear recommendation in the form of a resolution or minute.

The correct template should be used and is accessible through J:\Thurrock\Corporate Templates - Delegated Decision Proforma.

**A and B. TITLE AND AUTHORS OF THE REPORT**

These should be the same as in the accompanying report and the Officer's contact details included.

**C. NAME OF DECISION TAKER**

Name and initial

**D. POSITION AND RESPONSIBILITY HELD**

This will be the area of responsibility for a Cabinet Member or the job title of an officer.

**E. KEY DECISION**

There are procedures for Key Decisions. If in doubt, consult the Legal Section.

**F. DELEGATION REFERENCE**

If the decision is being made by a Cabinet Member, the delegation will appear under the name/title of the Cabinet Member in Part 3.8 of the Constitution, eg "the Leader: Delegation (m)".

If the decision is to be made by an Officer, quote the relevant number in the Officer Delegation Scheme in Part 3.9 of the Constitution, eg 12.3.68.

**G and H. URGENCY**

Yes or No should be deleted as appropriate.

A "No" indicates that the normal call in rules will apply and the decision, once made, cannot be implemented for 5 working days.

If "Yes" is indicated the reason for the urgency must be stated. Democratic Services will contact the Chairman of the relevant Overview and Scrutiny Committee or the Mayor to agree that the matter is urgent and that, therefore, the usual call-in provisions will not apply.

## **I. DECISION**

For completion only by the person making the decision. If the recommendations in the accompanying report are correctly drafted, the decision will in the great majority of cases accord with the recommendation.

## **J. OVERVIEW AND SCRUTINY CHAIRMAN**

Democratic Services will consult the Chairman of the Overview and Scrutiny Committee or Vice-Chairman (or if they are unavailable the Mayor) to agree that a matter is urgent and cannot await call-in and scrutiny.

## **ACTION REQUIRED**

An Officer seeking a decision from a Cabinet Member or an Officer with the Delegated powers to make a Key Decision shall send a copy of the report together with Form KD to Democratic Services.

Democratic Services will check that it complies with procedures and then send two copies to the decision-maker (one for the decision-maker's retention) together with a return envelope and circulate the report in accordance with Administration Rules 11 and 12. The decision-maker will be asked not to make the decision until five clear days have passed (to allow time for representations) unless the special urgency procedures apply.

On receiving a signed decision from the decision-maker, Democratic Services will publish it. The implementation date (subject to call-in) will then be a further 5 working days later. The Officer seeking the decision will be notified as soon as the decision is cleared for implementation.

**Please note that taking a delegated decision should always be done in consultation with legal services – no delegated decision should be taken without their advice.**

**(Form ED2 can be found on J:\Thurrock\Corporate Templates)**

<b>April 2008</b>	<b>ITEM No.</b>
<b>Delegated Decision</b>	
<b>REVISED PARTNERSHIP ARRANGEMENTS BETWEEN THURROCK BOROUGH COUNCIL AND SOUTH ESSEX PARTNERSHIP NHS FOUNDATION TRUST</b>	
<b>Portfolio Holder: Cllr Amanda Arnold, Portfolio Holder for Adult Social Care</b>	
<b>Report Author: Jamie Hollis, Corporate Lawyer</b>	
<b>Accountable Head of Service: Michelle Sacks, Head of Legal and Democratic Services</b>	
<b>Accountable Director: Lorna Payne, Director of Community Well-being</b>	
<b>Purpose:</b> To seek authorisation from the Leader of the Council under urgency powers to temporarily extend the revised and updated Partnership Agreement with South Essex Partnership NHS Foundation Trust (SEPT) to provide mental health services to Thurrock residents as from 1 <sup>st</sup> April 2008, until 30 <sup>th</sup> September 2008, so as to enable further discussions to take place with a view to negotiating a revised Partnership Agreement.	
<b>Wards affected:</b> All	<b>Key decision:</b> Yes
This report is public	

## **1. RECOMMENDATIONS:**

- 1.1 That the contents of the report be noted.
- 1.2 That the proposed revised Partnership Agreement that is due to expire on 31<sup>st</sup> March 2008 be temporarily extended until 30<sup>th</sup> September 2008 to enable further discussions to take place, with a view to negotiating a revised Partnership Agreement.

## **2. INTRODUCTION:**

- 2.1 South Essex Partnership NHS Foundation Trust ("SEPT") and Thurrock Borough Council ("TBC") agreed pursuant to Section 31 of the Health & Social Care Act 1999 (now Section 75 of National Health Service Act 2006) to undertake the functions of a single integrated health and social care specialist Mental Health provider as of 1<sup>st</sup> April 2002 ("the Agreement"). The Agreement covers within TBC the delivery of mental health services provided to adults of working age (18-65 years). SEPT also has Partnership Agreements in place with Essex County Council and Southend-On-Sea Borough Council.

2.2 The Agreement is due to expire on 31<sup>st</sup> March 2008.

### **3. BACKGROUND:**

3.1 The Agreement was considered by the Cabinet on 14<sup>th</sup> March 2007 (a copy of the report submitted to that meeting is attached as **Appendix A**), and the Cabinet Resolved (Minute 9) that “the report be deferred to the next meeting to permit the terms of the partnership agreement to be considered”.

3.2 The report subsequently considered by the Cabinet on 18<sup>th</sup> April 2007 is attached as **Appendix B**, and the Cabinet Resolved (Min 4(i)) that:

“1. That the contents of the report and specifically the changes outlined in Section 4 be noted.

2. That the revised Partnership Agreement be approved”.

3.3 Officers have declined to sign the proposed amendments to the Agreement, which was proposed to exist until 31<sup>st</sup> March 2008.

3.4 However, as a consequence of discussions between Officers and SEPT, Officers now feel able to recommend to Members that the Agreement be extended as from 1<sup>st</sup> April 2008, until 30<sup>th</sup> September 2008, to enable further discussions to take place with view to negotiating a revised Partnership Agreement.

### **4. ISSUES AND/OR OPTIONS:**

4.1 The temporary extension of the agreement with SEPT is considered urgent because:

- The current agreement is due to end on the 31<sup>st</sup> of March 2008;
- If the Agreement is not extended on or before the 31<sup>st</sup> of March 2008, the Council will have to resume the direct management of the service currently being managed by SEPT under the Agreement from the 1<sup>st</sup> April 2008, in other words, with immediate effect;
- The secondment of TBC employees to SEPT would terminate.

4.2 The implications of the above would include potential disruptions to the mental health services provided to adults in the Borough, and significant financial and logistical implications for the Council.

### **5. IMPACT ON CORPORATE PRIORITIES:**

5.1 The Council is committed to health and care policies that meet individual needs and promote choice. The revised Partnership Agreement provides a robust basis on which health and social care staff delivering mental health services can work together to achieve this objective.

## 6. OVERVIEW AND SCRUTINY:

6.1 This report has not been considered by overview and scrutiny to date.

<b>RELEVANT POLICIES</b>	
<b>FINANCIAL IMPLICATIONS</b> <b>(Prepared by: Paul Clough</b> <b>01375 652 041)</b> <b>e-mail: <a href="mailto:pclough@thurrock.gov.uk">pclough@thurrock.gov.uk</a></b>	
Under the current Agreement there is an intent to move towards pooled budgets. However, at present the budgets have not been transferred to SEPT although the Council has strong protocols in place to manage the financial position in conjunction with SEPT.	
<b>LEGAL IMPLICATIONS</b> <b>(Prepared by: Jamie Hollis, Corporate Lawyer 01375 652 824)</b> <b>e-mail: <a href="mailto:jhollis@thurrock.gov.uk">jhollis@thurrock.gov.uk</a></b>	
Legal implications are contained within the body of the report.	
<b>DIVERSITY &amp; EQUALITY IMPLICATIONS</b> <b>(Prepared by: Jamie Hollis, Corporate Lawyer 01375 65 824)</b> <b>e-mail: <a href="mailto:jhollis@thurrock.gov.uk">jhollis@thurrock.gov.uk</a></b>	
As the original agreement gave consideration to diversity issues, this proposed extension brings with it consideration of any such issues. Any further diversity issues will be addressed specifically as they arise.	
<b>OTHER IMPLICATIONS</b>	
<b>BACKGROUND PAPERS</b>	<b>Report Author Contact Details:</b>

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