

Brighton & Hove City Council

Overview & Scrutiny

Agenda Item 16

Subject: Mental Health Services S75 Agreement

Date of meeting: 15th September 2025

Report of: Chair of People Overview & Scrutiny

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Ward(s) affected: All

Key Decision: No

1. Purpose of the report and policy context

- 1.1 This report to People Overview & Scrutiny Committee is to update members on the proposed renewal of the Section 75 agreement for mental health services between Brighton & Hove City Council and Sussex Partnership NHS Foundation Trust.

2. Recommendations

- 2.1 People Overview & Scrutiny Committee are recommended to note the contents of the report including the recommendation to renew the s75 agreement for a further three years.

3. Context and background information

- 3.1 Section 75 of the NHS Act 2006 allows partners (NHS bodies and councils) to contribute to a common fund which can be used to commission health or social care-related services. This power allows a local authority to commission health services and NHS commissioners to commission social care. It enables joint commissioning and commissioning of integrated services.
- 3.2 This enables NHS bodies to carry out local authorities' health-related functions together with their NHS functions and local authorities to carry out NHS functions together with their local authority health-related functions.
- 3.3 It also allows NHS bodies and local authorities to establish and run a pooled fund which is made up of contributions by the partners, and out of which payments may be made towards carrying out the functions that are within the scope of the arrangements.
- 3.4 Such arrangements can only be formed if they are likely to lead to an improvement in the way in which the functions are exercised.

- 3.5 Integrated Care Systems (ICSs) represent one of the most significant structural reforms to the NHS in the past decade. With their aim of unifying health strategies across once fragmented regional health bodies, they hope to improve the efficiency, quality and delivery of healthcare services.
- 3.6 The s75 agreement between Brighton & Hove City Council and Sussex Partnership Foundation Trust has been in place for over twenty-three years and has meant Social Care staff have been co-located within the Trust to deliver its statutory duties.
- 3.7 The s75 agreement serves as a significant tool in achieving the ICS ambition to transform adults and older adults' community mental health services and reduce health inequalities.
- 3.8 This agreement contributes to the improvement in mental health and wellbeing and should result in easier access to a more responsive mental health service, in line with the strategic intent of other initiatives such as the Brighton & Hove Joint Health & Well Being Strategy and the Sussex Health & Care Partnership Shared Delivery Plan.
- 3.9 The current s75 agreement reflects integrated arrangements for the delivery of community mental health services across the city. Following the most recent review in 2022, the risk-share between the local authority and the NHS within the council's Community Care Budget was removed. Since then, the council has retained sole responsibility for the governance and management of that budget for assessing and commissioning care and support under the Care Act 2014. The council also put in place its own management of those Care Act statutory responsibilities. What the s75 Agreement preserves are the integrated working arrangements between NHS and Council staff within single teams, including joint funding arrangements for some elements of the workforce. This agreement is scheduled for renewal in October 2025, and it is proposed that this agreement be extended for an additional three years.
- 3.10 The attached appendices 1-12 set out the proposed s75 agreement and schedules between Brighton & Hove City Council and Sussex Partnership Foundation Trust.
- 3.11 Annual reviews of the schedules are conducted by Sussex Partnership Foundation Trust and Brighton & Hove City Council to ensure that they accurately reflect organisational changes.
- 3.12 The increasing demands placed on both Sussex Partnership NHS Foundation Trust and Brighton & Hove City Council are regularly assessed and reviewed, with appropriate actions taken to address them.
- 3.13 Staffing recharges are reviewed periodically, and future funding for positions is considered when vacancies arise.
- 3.14 There are many benefits to the s75 agreement including:

- Joined-up care - s75 agreements enable seamless coordination between health and social care, reducing duplication and fragmentation.
 - Shared goals - partners can align priorities and work toward common outcomes for patients and service users.
 - Better value for money - joint planning can lead to cost savings and more targeted investment in prevention and early intervention.
 - Person-centered care - services are designed around the needs of individuals rather than organisational boundaries.
 - Continuity of care - patients experience smoother transitions between services, especially important for those with complex or long-term mental health conditions.
 - Supports national policy – s75 align with government ambitions to deliver more integrated, community-based care.
- 3.15 As well as these benefits there are also challenges faced with this s75 agreement including:
- Governance and Accountability – ambiguity in responsibility boundaries.
 - Financial and Budgetary Issues – complexity in the staff recharging processes.
 - Dependence on Local Leadership – the success of s75 agreements often relies on strong personal relationships and effective leadership.
 - Development of Neighbourhood Mental Health Teams – BHCC management and staffing resources will need to be reorganised to effectively support the development of NMHTs.
 - Demand – increasing requirements for statutory work is leading to a growing waiting list, which poses a risk to Brighton and Hove City Council.
- 4. Analysis and consideration of alternative options**
- 4.1 None specifically for this scrutiny report.
- 5. Community engagement and consultation**
- 5.1 None specifically for this scrutiny report.
- 6. Financial implications**
- 6.1 The Section 75 pooled budget for Mental Health Services is £29,757 in total for 2025/26 (£28.806m in 2024/25). This includes a contribution of £8.314m from Brighton & Hove ICB and £21.443m This comes from the 'Summary'

from Brighton & Hove City Council. Currently the Section 75 partnership arrangement for Mental Health contains a financial 'risk share' clause which has determined that the partners will share any overspend risk 50/50 up to a cap of £0.250m after which the commissioners (BHCC and the ICB) would be required to agree how to fund any additional overspend.

Name of finance officer consulted: Jane Stockton Date consulted:
05/09/2025

7. Legal implications

- 7.1 The purpose, benefits and statutory basis for a Section 75 Agreement pursuant to the NHS Act 2006 are contained within the body of the report. The recommendations of the Overview & Scrutiny Committee will be taken into account by the decision maker, when the decision on whether to renew the s75 Agreement will be made.

Name of lawyer consulted: Elizabeth Culbert Date consulted: 05/09/25

8. Equalities implications

- 8.1 None specifically for this scrutiny report.

9. Sustainability implications

- 9.1 None specifically for this scrutiny report.

10. Health and Wellbeing Implications:

- 10.1 None specifically for this scrutiny report. However, there will be significant health and wellbeing implications as of any decision on a s75 agreement on mental health services.

Other Implications

11. Procurement implications

- 11.1 None specifically for this scrutiny report.

12. Crime & disorder implications:

- 12.1 None specifically for this scrutiny report.

13. Conclusion

- 13.1 The report and attached appendices set out details of the proposed renewal of the s75 agreement between Brighton & Hove City Council and Sussex Partnership Foundation Trust.

- 13.2 People Overview & Scrutiny Committee members are recommended to note the contents of the report including the recommendation to renew the s75 agreement for a further three years.

Supporting Documentation

1. Appendices

1. Appendix 1 - Section 75 Agreement July 2025
2. Appendix 2 - Schedule 1 – Introduction & Aims and Objectives
3. Appendix 3 - Schedule 2 – Local Performance Indicators
4. Appendix 4 - Schedule 3 – Premises and Support Services
5. Appendix 5 - Schedule 4 – Terms of Reference for the Joint Management Group
6. Appendix 6 - Schedule 5 – Financial Contributions
7. Appendix 7 - Schedule 6 – Staff Posts Allocated to the Arrangements
8. Appendix 8 - Schedule 7 – Joint Secondment Agreement
9. Appendix 9 - Schedule 8 – Joint HR Protocol for the Management of Staff
10. Appendix 10 - Schedule 9 – Joint Management of Change and Redundancy Policy
11. Appendix 11 - Schedule 10 – Safe & Effective Practice
12. Appendix 12 - Schedule 11 – Terms of Reference for the Joint Operational Group
13. Appendix 13 - Mental Health Services s75 Agreement PowerPoint presentation

