

HEALTH AND WELLBEING BOARD: 23 JANUARY 2020

REPORT OF DIRECTOR OF HEALTH AND CARE INTEGRATION

**BETTER CARE FUND SECTION 75 AGREEMENT APPROVAL AND
ASSURANCE**

Purpose of the report

1. The purpose of this report is to provide the Board with an update concerning the refresh of the Leicestershire Better Care Fund (BCF) section 75 (s75) agreement for 2019/20 and to seek approval to continue with pooled budget arrangements.

Recommendation

2. It is recommended that:
 - a. The work undertaken to refresh the s75 pooled budget agreement for the BCF be noted;
 - b. That the continuation of s75 pooled budget arrangements between Leicestershire County Council, East Leicestershire and Rutland and West Leicestershire Clinical Commissioning Groups (CCGs) be approved.

Policy Framework and Previous Decisions

3. The BCF Policy framework was introduced by the Government in 2014, with the first year of BCF plan delivery being 2015/16. The County Council's Cabinet in February 2014 authorised the Health and Wellbeing Board to approve the BCF Plan and plans arising from its use.
4. In July 2014 the County Council's Cabinet approved the negotiation and completion of a joint commissioning agreement under Section 75 of the National Health Service Act 2006 with NHS East Leicestershire and Rutland and West Leicestershire CCGs, along with any other legal agreements necessary for the joint administration of the BCF, including setting up a pooled fund to be managed by the County Council.
5. The original s75 agreement was developed and approved in March 2015 for the 2015/16 financial year. It was written on a rolling-agreement basis to be reviewed and updated each year. The s75 agreement has been reviewed and updated for the subsequent years, with the most recent version covering 2017-19 having been approved by the Health and Wellbeing Board in January 2018.
6. East Leicestershire and Rutland and West Leicestershire CCGs approved the revised s75 agreement for 2019/20 on 10th December 2019.

Background

7. The Department of Health and Social Care has made it a condition that the operation of the BCF is subject to a s75 pooled budget arrangement where joint governance arrangements between the County Council and the two Leicestershire CCGs will apply.
8. The s75 agreement facilitates the commissioning and provision of services in the BCF Plan and sets out:
 - a. The financial contributions and the operation and management of the pooled budget.
 - b. The eligible service users included in the agreement.
 - c. The County Council and CCGs' respective roles and responsibilities to be exercised in the joint-working arrangements.
 - d. The scope of the services that are provided in partnership, including the County Council's functions and the CCGs' functions.
 - e. Review and governance arrangements.
9. Formal confirmation was received on 8th January 2020 from NHS England that the Leicestershire BCF Plan for 2019/20 has been approved, which confirmed that the BCF funding can now be released and transferred into pooled funds under the s75 agreement.

2019/20 BCF Section 75 Agreement

10. The BCF Plan was approved by the Health and Wellbeing Board at its meeting on 26th September 2019 ahead of submission to NHS England on 27th September. The deadline to complete and approve the BCF s75 agreement is by 31st January 2020.
11. The s75 agreement has been reviewed to ensure that it still meets national BCF conditions and the governance requirements of all parties. It covers 2019/20 to align with the current BCF Plan and will supersede the 2017-19 agreement. A copy of the BCF s75 agreement is attached as the Appendix to the report.
12. The updated agreement continues to have focus on financial risk sharing, with a default position that the BCF will continue to operate within its own resources and not place additional financial pressures to either Leicestershire County Council or the Leicestershire CCGs.
13. The previous document covering 2017-19 was written on a rolling basis and therefore only required minimum amendments to reflect the current position. The key changes are detailed below:
 - a. The BCF expenditure plan and outcome metrics have been updated to reflect the 2019/20 position.
 - b. Updated, where applicable, legislation and local processes.

Resource Implications

14. The BCF expenditure plan for Leicestershire totals £60.2m in 2019/20. The table below provides a summary of the Leicestershire BCF allocations:

<u>Better Care Fund Funding 2019/20</u> <u>Funding Source</u>	<u>2019/20</u> <u>£000</u>
<u>CCG Minimum Contributions</u>	
East Leicestershire & Rutland CCG	16,825
West Leicestershire CCG	22,352
	39,177
<u>MHCLG Funding</u>	
Disabled Facilities Grants	3,920
IBCF (Comprehensive Spending Review – Autumn 2015)	11,353
IBCF (Adult Social Care Grant Spring Budget 2017)	3,403
Winter Pressure Grant	2,414
	21,090
Total BCF Funding	£60,267

15. The BCF budget is hosted by Leicestershire County Council.

Circulation under the Local Issues Alert Procedure

None

Officer to Contact

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Appendix

Leicestershire BCF Section 75 Agreement

Background Papers

BCF Policy Framework 2019/20

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/821676/Better_Care_Fund_2019-20_Policy_Framework.pdf

BCF Planning Requirements 2019/20

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/821675/BCF_Planning_Requirements_2019-20_DHSC_1.pdf

Report to the Health and Wellbeing Board – 25 January 2018 – Better Care Fund Section 75 Agreement Approval and Assurance

<http://politics.leics.gov.uk/ieListDocuments.aspx?CId=1038&MId=5296&Ver=4>

Report to the Health and Wellbeing Board – 26 September 2019 - BCF Plan 2019/20

<http://politics.leics.gov.uk/ieListDocuments.aspx?MId=5742>

Relevant Impact Assessments

Equality and Human Rights Implications

16. The BCF aims to improve outcomes and wellbeing for the people of Leicestershire, with effective protection of social care and integrated activity to reduce emergency and urgent health demand.
17. An equalities and human rights impact assessment has previously been undertaken which is provided at <http://www.leicestershire.gov.uk/sites/default/files/field/pdf/2017/1/11/better-care-fund-overview-ehria.pdf>. This found that the BCF will have a neutral impact on equalities and human rights.

Partnership Working and associated issues

18. The delivery of the BCF plan and the governance of the associated pooled budget is managed in partnership through the collaboration of commissioners and providers in Leicestershire.
19. Day to day oversight of delivery is undertaken by the Integration Executive through the scheme of delegation agreed via the Integration Executive's terms of reference which have been approved by the Health and Wellbeing Board.
20. The delivery of the Leicestershire BCF ensures that a number of key integrated services are in place and contributing to the system wide changes being implemented through the five-year plan to transform health and care in Leicestershire, known as the Sustainability and Transformation Partnerships <http://www.bettercareleicester.nhs.uk/>