

HEALTH AND WELLBEING BOARD: 28 JANUARY 2021

REPORT OF THE DIRECTOR OF ADULTS AND COMMUNITIES

**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 2020/21 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 2019-20 having been approved by the Health and Wellbeing Board in January 2020.

Background

6. 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.
7. 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.
8. The BCF Policy Statement for 2020-21 states that;
 - a. Plans covering all mandatory funding contributions have been agreed by Health and Wellbeing Board areas and minimum contributions are pooled in a section 75 agreement (an agreement made under section 75 of the NHS Act 2006).
 - b. Spending plans will not be assured regionally or formally approved. Local authorities and CCGs should ensure that robust local governance is in place to oversee BCF funds. This includes placing the funding into a pooled fund governed by an agreement under section 75 of the NHS Act 2006 with an appropriate governance structure, that reports in to the Health and Wellbeing Board.

2020/21 BCF Section 75 Agreement

9. The s75 agreement has been reviewed to ensure that it still meets national BCF conditions and the governance requirements of all parties. It covers 2020/21 to align with the current BCF Plan and will supersede the 2019-20 agreement. A copy of the BCF s75 agreement is attached as Appendix A to the report.
10. As part of the above review it has been determined that a s75 Variation Agreement for Covid19 Discharge Requirements is required for 2020-21 and this is also attached as Appendix B to the report.
11. 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.
12. The 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 have been updated to reflect the 2020/21 position.
- b. Updated, where applicable, legislation and local processes.
- c. The are no outcome metrics required for 2020/21

Resource Implications

13. The BCF expenditure plan for Leicestershire totals £62.9m in 2020/21 which includes an additional Disabled Facilities Grant of £527,769. The table below provides a summary of the Leicestershire BCF allocations:

<u>Better Care Fund Funding 2019/20</u> <u>Funding Source</u>	<u>2020/21</u> <u>£000</u>
<u>CCG Minimum Contributions</u>	
East Leicestershire & Rutland CCG	17,725
West Leicestershire CCG	23,625
	41,350
<u>MHCLG Funding</u>	
Disabled Facilities Grants	4,448
IBCF (Comprehensive Spending Review – Autumn 2015)	11,353
IBCF (Adult Social Care Grant Spring Budget 2017)	3,403
Winter Pressure Grant	2,414
	21,618
Total BCF Funding	£62,967

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

Circulation under the Local Issues Alert Procedure

None

Officer to Contact

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Appendices

Appendix A - Leicestershire BCF Section 75 Agreement

Appendix B - Covid19 Discharge Requirements Section 75 Variation Agreement

Background Papers

Better Care Fund Policy Statement 2020/21

<https://www.gov.uk/government/publications/better-care-fund-policy-statement-2020-to-2021/better-care-fund-policy-statement-2020-to-2021>

Report to the Health and Wellbeing Board – 23 January 2020 – Better Care Together
Section 75 Agreement Approval and Assurance.

<http://politics.leics.gov.uk/ieListDocuments.aspx?CId=1038&MId=6104&Ver=4>

Relevant Impact Assessments

Equality and Human Rights Implications

15. 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.
16. 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

17. 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.
18. 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.
19. 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/>