

HEALTH AND WELLBEING BOARD: 24 FEBRUARY 2022

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 Health and Wellbeing Board with an update concerning the refresh of the Leicestershire Better Care Fund (BCF) section 75 (s75) agreement for 2021/22 and to seek approval to continue with the pooled budget arrangements.

Recommendation

2. It is recommended that:
 - a. The work undertaken to refresh the Section 75 (s75) pooled budget agreement for the Better Care Fund 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 s75 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 2020-21 having been approved by the Health and Wellbeing Board in January 2021.

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 Framework for 2021-22 states that;
 - a. The BCF is one of the government's national vehicles for driving health and social care integration. It requires clinical commissioning groups (CCGs) and local government to agree a joint plan, owned by the Health and Wellbeing Board (HWB). These are joint plans for using pooled budgets to support integration, governed by an agreement under s75 of the NHS Act (2006)

Furthermore, the BCF Planning Guidance for 2021-22, states that:

- b. National condition 1 requires that a plan for spending all funding elements is jointly agreed by local authority and CCG partners and placed into a pooled fund, governed by an agreement under s75 of the NHS Act 2006. Plans will need to confirm that individual elements of the mandatory funding have been used in accordance with their purpose as set out in the BCF Policy Framework, relevant grant conditions and these planning requirements.

2021/22 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 2021/22 to align with the current BCF Plan and will supersede the 2020-21 agreement. A copy of the BCF s75 agreement is attached as the 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 still required for 2021-22 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. Key changes to previous plans are detailed below:
- The BCF expenditure plan has been updated to reflect the 2021/22 position.
 - The plans include targets for the five key performance indicators:
 - Unplanned admissions for chronic ambulatory care-sensitive conditions.
 - Proportion of older people (65 and over) who were still at home 91 days after discharge from hospital into reablement / rehabilitation services
 - Percentage of people, resident in the HWB, who are discharged from acute hospital to their normal place of residence (excluding RIP)
 - Percentage of in patients, resident in the HWB, who have been an inpatient in an acute hospital for:
 - 14 days or more
 - 21 days or more
 - Long-term support needs of older people (age 65 and over) met by admission to residential and nursing care homes, per 100,000 population
 - Updated, where applicable, legislation and local processes.

Resource Implications

13. The BCF expenditure plan for Leicestershire totals £65.3m in 2021/22 which includes a Disabled Facilities Grant of £4,447,227. The table below provides a summary of the Leicestershire BCF allocations:

Better Care Fund Funding 2021/22	
Funding Source	
	£000
CCG Minimum Contributions	
East Leicestershire & Rutland CCG	18,681
West Leicestershire CCG	24,985
	43,666
MHCLG Funding	
Disabled Facilities Grants	4,447
IBCF (Comprehensive Spending Review – Autumn 2015)	11,353
IBCF (Adult Social Care Grant Spring Budget 2017)	3,404
Winter Pressure Grant	2,414

	21,618
Total BCF Funding	£65,284

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 Framework 2021/22

<https://www.gov.uk/government/publications/better-care-fund-policy-framework-2021-to-2022/2021-to-2022-better-care-fund-policy-framework#:~:text=The%202021%20to%202022%20Better.system%20recovery%20from%20the%20pandemic.>

Report to the Health and Wellbeing Board – 28 January 2021 – Better Care Fund Section 75 Agreement Approval and Assurance.

<https://politics.leics.gov.uk/documents/s159339/BCF%20s75%20Agreement%202020-21.pdf>

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 pool budget is managed in partnership through the collaboration of commissioner 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/>

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