

HEALTH AND WELLBEING BOARD: 5th December 2024

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 2024/25 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 and the Leicester, Leicestershire and Rutland Integrated Care Board 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 2023-24 having been approved by the Health and Wellbeing Board in February 2024.

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 LLR Integrated Care Board (ICB) 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 ICB's 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 ICBs' functions.
 - e. Review and governance arrangements.
8. The BCF Policy Framework for 2023-25 states that:
 - a. The Better Care Fund (BCF) is one of the government's national vehicles for driving health and social care integration. It requires integrated care boards (ICBs) 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 section 75 of the NHS Act (2006).

Furthermore, the BCF Planning Guidance for 2023-25, states that:

- b. National condition 1 requires that a plan for spending all funding elements is jointly agreed by the relevant local authority and ICB(s) and placed into a pooled fund, governed by an agreement under section 75 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.

In the Addendum to the 2023 to 2025 Better Care Fund policy framework and planning requirements it is a condition of the funding that:

- c. funding allocated to ICBs should be pooled into HWB level BCF section 75 agreements. ICBs should agree the distribution of this funding with LAs in their area and confirm the agreed distribution to the BCF team (via the planning template)

2024/25 BCF Section 75 Agreement

9. The 2024/25 BCF s75 agreement is attached as Appendix A to this report and ensures that national BCF conditions and the governance requirements of all parties are met.
10. This agreement underpins the BCF 2024-25 Plan approved by NHS England in September 2024.
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 ICB
13. Key changes to previous plans are detailed below:
 - a) The BCF expenditure plan has been updated for the agreed 2024/25 spend.
 - b) The plans include targets for the 5 key performance indicators remained.

Resource Implications

14. The BCF expenditure plan for Leicestershire totals £82.5m in 2024/25 and this is funded as shown in the table below:

<u>BCF Plan 2024/2025</u>	<u>LLR ICB</u>	<u>LCC/DC</u>	<u>Total</u>
ICB Minimum Contributions	51,507		51,507
Disabled Facilities Grants (DFG)		4,851	4,851
Improved Better Care Fund (iBCF)		17,691	17,691
Discharge Fund	4,356	4,134	8,490
Total Funding	55,863	26,676	82,539

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

Circulation under the Local Issues Alert Procedure

None

Appendices

Appendix A - Leicestershire BCF Section 75 Agreement 2024/2025

Background papers

Better Care Fund Policy Framework and Planning Guidance Addendum 2024-25
<https://www.gov.uk/government/publications/better-care-fund-policy-framework-2023-to-2025/addendum-to-the-2023-to-2025-better-care-fund-policy-framework-and-planning-requirements>

Better Care Fund Policy Framework 2023-25:
<https://www.gov.uk/government/publications/better-care-fund-policy-framework-2023-to-2025/2023-to-2025-better-care-fund-policy-framework>

BCF 2024-25 submission report to the Health and Wellbeing Board May 2024:
<https://democracy.leics.gov.uk/documents/s182784/HWBB%20Cover%20Report%20-%20Leicestershire%20Better%20Care%20Fund%20Plan%2024-25.pdf>

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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 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 concluded that the BCF will have a neutral impact on equalities and human rights.

18. A review of the assessment was undertaken as part of the BCF submission for 2021.

Partnership Working and associated issues

19. 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.

20. Day to day oversight of delivery is via 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.
21. The delivery of the Leicestershire BCF ensures that several 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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