

TELFORD & WREKIN COUNCIL

HEALTH & WELLBEING BOARD – 11th March 2015

**BETTER CARE FUND: DEVELOPMENT OF THE SECTION 75
PARTNERSHIP AGREEMENT**

**REPORT OF: PAUL TAYLOR: DIRECTOR OF HEALTH, WELLBEING AND
CARE AND DAVID EVANS: CHIEF OFFICER, CCG**

LEAD CABINET MEMBER –CLLR ARNOLD ENGLAND

PART A) – SUMMARY REPORT

1. SUMMARY OF MAIN PROPOSALS

1.1 The Health and Wellbeing Board is asked to note that:

- A Section 75 Partnership Agreement to underpin the Better Care Fund is under development with the intention of being in place from the 1st April 2015.

2. RECOMMENDATIONS

The Board is requested:

- 1) To note the progress that has taken place to develop a Section 75 Partnership Agreement.
- 2) To oversee the arrangements of the Section 75 Partnership Agreement over the coming year

3. IMPACT OF ACTION

The single Section 75 Partnership Agreement which will come into effect from 1st April 2015 will be for the full funding amount within the BCF for 2015-16 (£12,068,000). This Agreement will represent new ways of working between the two authorities and other partner organisations. The Health and Wellbeing Board are responsible for oversight of these arrangements.

4. SUMMARY IMPACT ASSESSMENT

COMMUNITY IMPACT	Do these proposals contribute to a specific HWB Priority	
	Yes	<ul style="list-style-type: none"> To reduce avoidable admissions to the acute hospital and support with care at home To support people with specific health needs to live independently for as long as possible To support people with dementia
	Do these proposals contribute to specific Co-Operative Council priority objective(s)?	
	Yes	<ul style="list-style-type: none"> Improving the health and wellbeing of our communities and addressing health inequalities
	Will the proposals impact on specific groups of people?	
	Yes	<p>The current focus for the BCF is to transform public services for adults needing high levels of health and/or social care support, particularly frail older people at risk of and/or suffering as a result of:</p> <ul style="list-style-type: none"> Falls Dementia Long term conditions /End of Life High risk of admission to hospital or care home Discharged from hospital with a need for rehabilitation and/or enablement <p>This is based on JSNA evidence of demographic changes. Local residents aged 65 and over are an increasing proportion of the population with the fastest increase since 2001 in the 85+ age group (27.3%). The 65+ population is expected to increase by 9,200, an increase of 37%. This age group currently represents 14.5% of the total population. By 2026 this will 17.3%.</p>

TARGET COMPLETION/DELIVERY DATE	<ul style="list-style-type: none"> Section 75 Partnership Agreement – 1st April 2015. 	
FINANCIAL/VALUE FOR MONEY IMPACT	Yes	<p>The Better Care Fund Pooled Fund will contain £12.068m of funding in 2015/16.. As this fund includes the current level of funding within the 2014/15 Section 75 agreements the total fund is £378k more than the minimum amount required. This additional funding is from the Local Authority. The total amount also includes £1.28m of capital allocations in respect of Social Care and Disabled Facilities which must be spent in line with nationally set criteria. Whilst only one S75 agreement can be used it may cover more than one pooled budget.</p> <p>The high level financial information is contained within the published plan and shows scheme by scheme budgets, expected benefits ,savings and the level of performance pay linked to the requirement of a reduction of 3.5% in non elective hospital admissions. The Section 75 agreement is the key document which will underpin the financial aspects of the plan ensuring the appropriate governance is in place to monitor and control the overall pooled budget and the detailed schemes within it.</p> <p>The details of what needs to be included within the Section 75 agreement are included within the main body of the report one of the most significant components is the risk share agreement. This will identify the areas of risk associated with the BCF, their financial value and the basis and level of each risk. The agreement will set out the proportion of each risk each partner will bear.. This is a key part of the development work now being undertaken.</p>

		Further national guidance on pooled budgets is expected shortly which may further inform the content of the S75 Agreement
LEGAL ISSUES	Yes	<p>The Health and Social Care Act 2012 (“HSCA”) sets out the government’s reforms to the National Health Service in England, including the abolition of Primary Care Trusts, whose commissioning functions transferred to GP consortia Clinical Commissioning Groups (“CCG’s”) from 1 April 2013. The HSCA amends the National Health Service Act 2006 (“NHSA”) to include CCGs in the definition of NHS bodies able to enter into section 75 Agreements.</p> <p>The Better Care Fund has been established by the Government to provide funds to local areas to support the integration of health and social care. Section 75 of the NHSA (as amended) gives powers to local authorities and CCG’s to establish and maintain pooled funds out of which payment may be made towards expenditure incurred in the exercise of prescribed local authority functions and prescribed NHS functions.</p> <p>The purpose of the s75 Agreement is to set out the terms on which the Council and the CCG (“the Partners”) have agreed to collaborate and to establish a framework through which the Partners can secure the future position of health and social care services through lead or joint commissioning arrangements.</p> <p>It is also a means through which the Partners will pool funds and align budgets as agreed between the Partners. Overall strategic oversight of Partnership working between the Partners is vested in the Health and Well Being Board, which shall make</p>

		<p>recommendations to the Partners as to any action it considers necessary.</p> <p>A new generic model “BCF Section 75 Agreement” has been co-produced by NHS England and Bevan Brittan solicitors. This model will need to be further developed by the Partners with particular emphasis on the management of the pooled funds, governance and the financial and non-financial risk sharing arrangement, including the sharing of risks for overspends and underspends.</p> <p>The Commencement Date of the s75 Agreement is to be confirmed by the Partners. It should be no later than 1st April 2015, but may be earlier.</p>
EQUALITY & DIVERSITY	No	None.
IMPACT ON SPECIFIC WARDS	No	Borough Wide Impact
PATIENTS & PUBLIC ENGAGEMENT	Yes	<p>Linked to the BCF, engagement has taken place through a range of meetings including:</p> <ul style="list-style-type: none"> • Launch event – July 2014 • Working Together Event – September 2014 • Presentations to a wide range of meetings including Carers Partnership Board, Dementia Partnership Board, Shropshire Partners in Care; Voluntary Sector Chief Officers Group. • Representation of Healthwatch at the Programme Management Board and sub-groups
OTHER IMPACTS, RISKS & OPPORTUNITIES	No	None.

PART B) – ADDITIONAL INFORMATION

1. INFORMATION

It is a statutory requirement for a Section 75 pooled budget agreement to be developed to support the delivery of the Better Care Fund (BCF) plan from 1 April 2015. The Better Care Fund is a national initiative to encourage integrated health and social care working at a local level and to improve outcomes for patients, service users and carers and Telford & Wrekin's Bettercare Fund Plan was accepted by the Department of Health in December 2014.

2. ACTIONS TO DEVELOP THE SECTION 75

Officers' representing the Local Authority and Telford & Wrekin CCG have been meeting regularly to jointly progress the development of a Section 75 Pooled Budget in relation to the Better Care Fund.

During these discussions a number of issues for consideration have been raised including: accounting and hosting of the Pool; material risks or issues with the proposed draft agreement and steps to mitigate those risks; monitoring and reporting processes and metrics and governance arrangements. The agreement will be reviewed by the respective legal teams of the Local Authority and CCG and will be subject to a number of iterations as it develops further and is finalised.

Whilst much of the work on the contents of the Section 75 agreement has been completed further work is required on specific issues relating to risk sharing along with legal advice.

It is intended that a full draft Section 75 agreement including the above areas will be completed by April 2015 and will be considered by the CCG Board for approval and the Assistant Director: Family Cohesion & Commissioning, after consultation with the cabinet Member: Adult Social Care who has delegated authority to approve the Section 75 on behalf of the Local Authority as long as it is within the budget and policy framework.

The signed agreement for the pooled budget will form the basis of the governance arrangements and will set out clearly and precisely what the overall aims are; who is responsible for what and the associated plans for reporting and accountability. Discussion are currently ongoing as to whether two pools will exist within the Section 75; one relating to monies the CCG will directly manage and one relating to monies the Local Authority will directly manage or whether one pool will meet the needs of the partners.

The Section 75 agreement from April 2015 will include the overall agreed monies from the 2014/15 pooled budgets as listed below:

- Section 75 agreement for carers
- Section 256 agreement (Lansley monies) with NHSE

- Section 75 agreement Intermediate Care
- Section 256 agreement Rehabilitation Reablement and intermediate Care
- Section 256 agreement Named patient Individuals

A Pooled Budget Monitoring Work-stream has been set up which will provide scrutiny and assurance to the Programme Management Board and Health and Well-Being Board on the development and expenditure of the Section 75 agreement in relation to the Better Care Fund.

3. REPORTING AND ACCOUNTABILITY

The governance arrangements supporting the Section 75 pooled budget arrangement are fundamental to the smooth delivery and implementation of the BCF plan and ensuring the level of risk both financial and non-financial the council, CCGs, partner organisations and providers are exposed to. This has been supported through the publication of CIPFA guidance, and the draft templates issued by NHS England and produced by Beavan Brittan.

The CCG and Local Authority governing bodies need to be familiar with the level of contribution to the pooled budget; what has been spent at any given time; what has been delivered against the plan and how the pooled budget is performing in overall terms.

The Pooled Budget Monitoring Work-stream will provide a monthly report to the BCF Programme Management Board.

Formal reporting from the Programme Management Board to Health and Well-Being Board, Council Senior Managers meeting and CCG Governance Board are in place to receive regular reports. Each organisation will have its own organisational reporting, governance and reporting systems. It is proposed that the Pooled Budget Monitoring Work stream will:

- Recommend the use of money within the Pooled Fund
- Agree levels of increases and/ or reduction in spend in any area(s) leading to:
 - Efficiencies
 - Investment in the new approaches to better care stated objectives and outcome through agreed (to be developed) approaches
- Monitor the services and schemes in accordance with the Performance Management Framework;
- Provide monthly reports on the Budget in the form of agreed detailed financial breakdowns
- Consider action in regard to any overspends or underspends and report on such to the Partners
- Produce reports to the Programme Management Board and Health and Well-being Board

- Consider disputes referred to it in the first instance

4. IMPACT ASSESSMENT – ADDITIONAL INFORMATION

Please see Part A: Section 4 above.

5. PREVIOUS MINUTES

HWBB December 2014.

6. BACKGROUND PAPERS

Telford & Wrekin Better Care Fund Plan (September 2014)

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