

# North Tyneside Council

## Report to Cabinet

### Date: 22 May 2023

#### Title: Approval of the Better Care Fund Plan 2023-25 and Authorisation to Enter Section 75 Partnership Agreement – Better Care Fund

<b>Portfolio(s):</b>	<b>Adult Social Care</b>	<b>Cabinet Member(s):</b>	<b>Councillor A McMullen</b>
	<b>Public Health and Wellbeing</b>		<b>Councillor K Clark</b>
<b>Report from Service Area:</b>	<b>Health, Education, Care and Safeguarding</b>		
<b>Responsible Officer:</b>	<b>Eleanor Binks, Director of Adult Services</b>		<b>Tel: (0191) 6437317</b>
<b>Wards affected:</b>	<b>All</b>		

## **PART 1**

### **1.1 Executive Summary:**

This report seeks approval of the draft Better Care Fund Plan for 2023-25 and authorisation for the Director of Adults Services to enter into a partnership agreement under section 75 of the National Health Service Act 2006 (“a section 75 Agreement”) following appropriate consultation.

The Authority is obliged by the “Better Care Fund planning requirements 2023-2025” published by NHS England as part of the Better Care Fund planning process to enter into a section 75 Agreement. All such agreements nationally must be signed and in place by 31 October 2023.

The Authority must submit its Better Care Fund Plan (BCF Plan) to NHS England by the national deadline of 28 June 2023. The BCF Plan requires spending on all funding elements of the Plan to be jointly agreed by the Authority and the Integrated Care Board (ICB) and for such funding to be a “pooled fund” and for the fund to be governed by a section 75 Agreement.

The deadlines published for the 2023-2025 planning round require this report to come to the 22 May 2023 Cabinet to allow for consideration by the Health and Wellbeing Board on 22 June prior to submission of the planning documents on 28 June. The documents submitted to Cabinet remain draft at this stage and this reports requests delegation for the Director of Adult Social Care in consultation with the Lead Member for Adult Social Care to agree further changes as discussions with the ICB continue.

The planning documentation and s75 agreement will cover a two-year period 2023-2025 however not all of the financial allocations for 2024/25 have been confirmed. It is anticipated that a further return will be required confirming the schemes and financial values in that year.

The BCF funding that the Authority will receive is dependent on the Authority having submitted an acceptable plan and entered into a Section 75 Agreement.

## **1.2 Recommendation(s):**

It is recommended that Cabinet:

- A. Approve the draft BCF Plan for submission to the Health and Wellbeing Board for further approval prior to submission to NHS England.
- B. Authorise the Director of Adults Services, in consultation with the Lead Member for Adult Social Care to agree further changes to the plans prior to submission to NHS England; and
- C. Authorise the Director of Adults Services, in consultation with the Director of Resources, the Director of Commissioning and Asset Management and Head of Law, to enter into an Agreement under section 75 of the National Health Service Act 2006 and to implement the financial and administrative arrangements for the Better Care Fund.

## **1.3 Forward Plan:**

Twenty-eight days' notice of this report have been given and this item first appeared in the Forward Plan that was published on 6th April 2023.

## **1.4 Council Plan and Policy Framework**

This item relates specifically to the following theme and priorities of the Our North Tyneside Plan 2021-2025:

A caring North Tyneside

- We will provide great care to all who need it, with extra support available all the way through to the end of the pandemic.
- We will work with the care provision sector to improve the working conditions of care workers.
- People will be cared for, protected and supported if they become vulnerable, including if they become homeless.

## **1.5 Information:**

### **1.5.1 Background**

The Better Care Fund (BCF) has been in operation since 2015/16, and is a government initiative to improve the integration of health and care services, with an emphasis on keeping people well outside of hospital and facilitating discharge from hospital.

The BCF creates a pooled fund, managed jointly by the Authority and the North East and North Cumbria Integrated Care Board (the ICB). The value of contributions to the fund in 2023/24 is £35,331,742 compared to £31,931,675 in the 2022/23 BCF pooled fund.

ICBs are required to contribute a defined amount to the fund to support adult social care. The resulting income from the NHS is £13,007,385. Together with the “Improved Better Care Fund” grant, which is paid directly by Government to the Authority, the BCF supports 22% of adult social care revenue expenditure within the Borough.

BCF income helps to fund community based social care services, such as reablement, immediate response home care, CareCall, and loan equipment/adaptations. It also contributes towards the Authority’s services offered to support carers, the Community Falls First Responder Service, and to independent living support for people with learning disabilities.

### 1.5.2 Governance arrangements

The detailed operations of the BCF in North Tyneside are set out in a nationally prescribed Planning Template and narrative plan which must be approved by the local Health and Wellbeing Board before submission to NHS England by 28 June 2023. The plan will then go through an assurance process and once approved, a Section 75 Agreement will be prepared, between the North-East and North Cumbria Integrated Care Board (the ICB). That Agreement establishes a BCF Partnership Board with representatives from the Authority and the ICB.

The Health and Wellbeing Board will consider the BCF Plan on 22 June 2023 prior to its submission to NHS England. Regular reports on the operation and performance of the BCF are provided to the Adult Social Care, Health and Wellbeing Sub-Committee of the Overview and Scrutiny Committee and this will continue to be the case.

The BCF Policy Framework requires that BCF Plan be agreed by the appropriate governance arrangements of the ICB as well as the Health and Wellbeing Board.

The BCF policy framework has operated on an annual basis for a number of years, however, this has moved to a two-year planning period covering financial years 2023/24 and 2024/25. Funding values for 2024/25 are not fully known at this stage so there will be a future requirement to update the initial plan submitted on 28 June 2023. This report therefore only provides financial information for 2023/24.

### 1.5.3 The value of the Better Care Fund

The minimum value of the North Tyneside BCF is set nationally. Table 1 below shows the value in the current year, and changes from previous years.

Table 1

Income Component	2022/23	2023/24	% change this year
Minimum ICB Contribution	19,326,469	20,420,347	5.66%
Improved Better Care Fund	9,578,514	9,578,514	0.00%
Discharge Support Fund	1,761,723	2,206,549*	25.2%
Disabled Facilities Grant	1,869,024	1,869,024**	0.00%

Disabled Facilities Grant carried forward	1,157,668	1,257,308	8.6%
Grand total	31,931,675	35,331,742	10.6%

\*The value in 2023/24 covers a 12-month period however the 2022/23 value covered the period 22 September 2022 to 31 March 2023

\*\*An additional sum of £130m has been announced nationally for Disabled Facilities Grants in the two-year period 2023-2025 however, allocations per local authority have not yet been published.

The national framework also stipulates minimum contributions to be paid by the ICB to adult social care, and minimum spend on NHS-commissioned out of hospital services

Table 2

	2022/23	2023/24	% change this year
ICB minimum contribution to adult social care	12,310,605	13,007,385	5.66%
NHS commissioned out-of-hospital spend	5,492,034	5,802,883	5.66%

#### 1.5.4 The Schemes within the BCF Plan

The schemes within the BCF Plan are a continuation from 2022/23. The Discharge Support Fund was introduced during 2022/23 and formed part of the final s75 agreement. The Discharge Support Fund has continued into 2023/24 and will continue to fund step down arrangements brought in from October 2022 to support discharges and maintain hospital flow with the aim to supporting people to return home after appropriate interventions.

#### 1.5.5 Requirement under the Policy Guidance

The guidance outlines some changes in 2023-25 compared to 2022/23. The core aims however continue enshrined in the national conditions.

1. A jointly agreed plan between local health and social care commissioners, signed off by the Health and Wellbeing Board;
2. Enable people to stay well, safe, and independent at home for longer and,
3. Provide the right care in the right place at the right time.
4. Maintaining NHS's contribution to adult social care and invest in NHS out of hospital services.

#### Metrics

The Policy Framework mandates the setting of targets to support the national conditions. The four metrics remain unchanged since 2022/23.

1. Effectiveness of reablement
2. Permanent admissions of older people to residential care
3. Unplanned hospitalisations due to chronic ambulatory care sensitive conditions
4. Unplanned admissions resulting from falls in the 65+ age group (new for 23-25)
5. Hospital discharge to normal place of residence

From quarter 3 in 2023/24, a new metric will be introduced measuring timely discharge from hospital.

This plan provides continuity with the previous BCF plan. The COVID-19 pandemic accelerated the provision of hospital discharge services based on a “home-first” approach, which was already under way. The Authority’s priorities for 2023/24 and beyond are to continue progress in the establishment of the integrated frailty service, and to maintain admission avoidance and hospital discharge services, thus supporting hospital capacity.

A new planning template on demand and capacity for intermediate care forms part of the assured BCF plans this year.

### **1.5.6 The impact of the Better Care Fund**

The Better Care Fund continues to play a key role in integrating health, social care and housing. The fund provides the governance and a context in which the NHS and local authorities work together, as equal partners, with shared objectives.

The BCF plan has enabled the Authority to have a single, local plan for the integration of health and social care which has improved joint working and had a positive impact on integration. This has helped to relieve pressure on the health care system, with system performance in the North East remaining relatively strong against a difficult picture nationally.

The BCF accounts for 22% of adult social care revenue expenditure. Hence, the Authority would be unable to maintain the current level of services without the benefit of the Better Care Fund income.

### **1.6 Decision options:**

The following decision options are available for consideration by Cabinet

#### Option 1

To agree the recommendations set out in paragraph 1.2 of this report.

#### Option 2

Not agree to the recommendations set out in paragraph 1.2 of this report and propose an alternative approval mechanism to ensure that the BCF Plan can be submitted by 28 June 2023 and an Agreement under section 75 of the National Health Service Act 2006 is entered into before 31 October 2023.

Cabinet is recommended to agree Option 1.

### **1.7 Reasons for recommended option:**

The continuation of the Better Care Fund presents an opportunity to take forward the principles of the Health and Wellbeing Strategy. If the requirement to submit a BCF Plan by 28 June 2023 and enter into a Section 75 Agreement is not met by 31 October 2023 the release of funds by NHS England could be delayed.

### **1.8 Appendices:**

## 1.9 Contact officers:

Scott Woodhouse, Strategic Commissioning Manager, Adults. Tel (0191) 643 7082.

Sue Graham, Health and Social Care Integration Manager. Tel (0191) 643 4036

Jane Cross, Senior Business Partner, HECS. Tel (0191) 643 3166

## 1.10 Background information:

The following background papers have been used in the compilation of this report:

1. 2023-2025 Better Care Fund Policy Framework. Department of Health and Social Care and the Department for Levelling Up, Housing & Communities.  
[2023 to 2025 Better Care Fund policy framework - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/policies/better-care-fund)
2. Better Care Fund Planning Requirements for 2023 to 2025. Department of Health and Social Care and the Department for Levelling Up, Housing & Communities.  
[NHS England » Better Care Fund planning requirements 2023-25](https://www.nhs.uk/england/better-care-fund/better-care-fund-planning-requirements-2023-25)

## PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

### 2.1 Finance and other resources

The plan does not of itself create additional demands for the Authority's services above those which are created by the growth of the population and in particular the number of elderly and vulnerable people the Authority serves.

As in previous years, the Authority is in discussion with the ICB to create a section 75 pooled budget to operationalise the BCF.

### 2.2 Legal

The National Health Service Act 2006 gives NHS England the powers to attach conditions to the payment of the Better Care Fund Plan. Amongst other things, the Better Care Fund planning requirements for 2023-25 published by NHS England have set a requirement that the Health and Wellbeing Board agrees the BCF plan as well as the ICB. The Health and Wellbeing Board will consider the BCF Plan on 22 June 2023. The 2023-25 Requirements also require the Authority and the ICB to enter into an Agreement under section 75 of the National Health Service Act 2006 to obtain funding through BCF.

This report in addition to seeking approval to the draft BCF Plan being submitted seeks authority from Cabinet for the Director of Services for Adults to enter into into an Agreement under section 75 of the National Health Service Act 2006 on behalf of the Authority.

### 2.3 Consultation/community engagement

#### 2.3.1 Internal Consultation

### 2.3.2 External Consultation/Engagement

The Health and Wellbeing Board will consider the BCF Plan on 22 June 2023.

Any relevant service developments would be considered by the Future Care Programme Board, which includes representation from the ICB, the Authority, NHS providers, the GP federation, Healthwatch, the Patient Reference Group, and the community and voluntary sector. The BCF plan includes no new service developments but is a continuation of previously planned schemes. Arrangements are in hand to obtain internal ICB approval of the Plan.

### 2.4 Human rights

There are no human rights implications arising directly from this report.

### 2.5 Equalities and diversity

There are no changes to schemes funded by the Better Care fund so there are no equality and diversity implications arising directly from this report. BCF services are particularly used by older and disabled persons, in accordance with their needs.

### 2.6 Risk management

The Better Care Fund Partnership Board maintains a risk assessment for the BCF.

### 2.7 Crime and disorder

There are no crime and disorder implications directly arising from this report.

### 2.8 Environment and sustainability

There are no environment and sustainability implications arising from this report.

## PART 3 - SIGN OFF

- Chief Executive
- Director(s) of Service
- Mayor/Cabinet Member(s)
- Chief Finance Officer
- Monitoring Officer
- Assistant Chief Executive