

# North Tyneside Council

## Report to Cabinet

### Date: 29 November 2021

#### Title: Authorisation to Enter Section 75 Partnership Agreement – Better Care Fund

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

#### **PART 1**

##### **1.1 Executive Summary:**

This report seeks authorisation for the Director of Children and 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 2021-22” 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 January 2022.

The Authority submitted its Better Care Fund Plan (BCF Plan) to NHS England on 16 November 2021 which was the national submission deadline date for such a submission. The BCF Plan requires spending on all funding elements of the Plan to be jointly agreed by the Authority and the Clinical Commissioning Group (CCG) and for such funding to be a “pooled fund” and for the fund to be governed by a section 75 Agreement.

The BCF funding that the Authority will receive is dependent on the Authority having entered into a Section 75 Agreement.

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

It is recommended that Cabinet:

- a) Authorise the Director of Children and Adults Services, in consultation with the Director of Resources, the Director of Commissioning and Asset Management, and

the Director of Law and Governance, 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 day's notice of this report have been given and this item first appeared in the Forward Plan that was published on 28th October 2021.

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

This item relates specifically to the following theme and priorities of the Our North Tyneside Plan 2021-2024:

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 NHS North Tyneside Clinical Commissioning Group (the CCG). The total value of the fund is £29,457,097, which is an increase of 3.8% over 2020/21 BCF pooled fund.

CCGs are required to contribute a defined amount to the fund to support adult social care. The resulting income from the NHS is £11,651,150. Together with the "Improved Better Care Fund", which is paid direct by Government to the Authority, the BCF supports 21% 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 Section 75 Agreement, which is renewed each year, between North Tyneside Council and NHS North Tyneside Clinical Commissioning Group (CCG) following submission of the BCF Plan. That Agreement establishes a BCF Partnership Board with representatives from the Authority and NHS North Tyneside CCG.

As requested by the Health and Wellbeing Board who approved the BCF Plan on 11 November 2021 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 Governing Body of the CCG as well as the Health and Wellbeing Board. Such approval was given by the CCG on 23<sup>rd</sup> November.

The Elected Mayor approved the BCF Plan, prior to its submission to NHS England on 16<sup>th</sup> November 2021.

### 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	2018/19	2019/20	2020/21	2021/22	% change this year
Disabled Facilities Grant	1,526,533	1,647,220	1,647,220	1,869,024	13.5%
Minimum CCG Contribution	15,833,838	16,603,777	17,420,966	18,291,187	5.0%
Improved Better Care Fund	6,772,688	8,265,809	9,296,886	9,296,886	0.0%
Winter Pressures Grant	0	1,031,077	0	0	
<b>TOTAL</b>	<b>24,133,059</b>	<b>27,547,883</b>	<b>28,365,072</b>	<b>29,457,097</b>	<b>3.8%</b>

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

Table 2

	2018/19	2019/20	2020/21	2021/22	% change this year
CCG minimum contribution to adult social care	10,085,863	10,576,301	11,096,836	11,651,150	5.0%
NHS commissioned out-of-hospital spend	4,449,528	4,718,332	4,950,544	5,197,836	5.0%

### 1.5.4 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 us 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 21% of adult social care revenue expenditure. Hence, we 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

Authorise the Director of Children and Adults Services, in consultation with the Director of Resources, the Director of Commissioning and Asset Management, and the Director of Law and Governance, 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.

### Option 2

Not agree to Option 1 and to suggest an alternative approval mechanism to ensure that an Agreement under section 75 of the National Health Service Act 2006 is entered into before 22 January 2022.

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 enter into a Section 75 Agreement is not met by 22 January 2022 the release of funds by NHS England will be delayed.

## **1.8 Appendices:**

None.

## **1.9 Contact officers:**

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

Kevin Allan, Programme Manager, Integrated Care for Older People. Tel (0191) 643 6078

## **1.10 Background information:**

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

1. 2021-22 Better Care Fund Policy Framework. Department of Health and Social Care and the Department for Levelling Up, Housing & Communities. [2021 to 2022 Better Care Fund policy framework - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/100222/2021-to-2022-better-care-fund-policy-framework.pdf)

2. Better Care Fund Planning Requirements for 2021 to 2022. Department of Health and Social Care and the Department for Levelling Up, Housing & Communities. [B0898-300921-Better-Care-Fund-Planning-Requirements.pdf \(england.nhs.uk\)](#)
3. The Report to the Elected Mayor seeking approval to the Better Care Fund Plan being submitted to NHS England. [Delegated decisions 2021-22 | North Tyneside Council](#)

## **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 our population and in particular the number of elderly and vulnerable people we serve.

As in previous years, the Authority is in discussion with the CCG 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 2021-22 published by NHS England have set a requirement that Health and Wellbeing Board agrees the BCF plan as well as the Clinical Commissioning Group which has happened. The 2021-22 Requirements also require the Authority and the Clinical Commissioning Group to enter into an Agreement under section 75 of the National Health Service Act 2006 to obtain funding through BCF. This report seeks authority for the Director of Services for Children and Adults to enter into such an Agreement 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 considered and approved the BCF Plan on 11<sup>th</sup> November 2021.

The service developments referred to in section 1.5.4 above have been considered by the Future Care Programme Board, which includes representation from the CCG, the Authority, NHS providers, the GP federation, Healthwatch, the Patient Reference Group, and the community and voluntary sector. The CCG approved the BCF Plan on 23<sup>rd</sup> November 2021

### **2.4 Human rights**

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

### **2.5 Equalities and diversity**

There are no new 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  X
- Director(s) of Service  X
- Mayor/Cabinet Member(s)  X
- Chief Finance Officer  X
- Monitoring Officer  X
- Assistant Chief Executive  X