

North Tyneside Council

Report to Cabinet

Date: 19 September 2022

Title: Approval of the Better Care Fund Plan 2022/23 and Authorisation to Enter Section 75 Partnership Agreement – Better Care Fund

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

PART 1

1.1 Executive Summary:

This report seeks approval of the Better Care Fund Plan for 2022/23 and 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 2022/23” 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 December 2022.

The Authority must submit its Better Care Fund Plan (BCF Plan) to NHS England by the national deadline of 26 September 2022. 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 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 Better Care Fund Plan for submission to the Health and Wellbeing Board for further approval prior to submission to NHS England.

- b) Authorise the Director of Children and Adults Services, in consultation with the Director of Resources, the Director of Commissioning and Asset Management, and the Assistant Chief Executive 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 18 August 2022.

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 2022/23 is £30,774,007 which is an increase of 4.47% over 2021/22 BCF pooled fund (note an amount of £1,157,668 of unspent Disabled Facilities Grant carried forward from 2021/22 will be added to this amount and included within the overall total of the fund).

ICBs are required to contribute a defined amount to the fund to support adult social care. The resulting income from the NHS is £12,310,605. Together with the "Improved Better Care Fund" grant, which is paid direct by Government to the Authority, the BCF supports 20.5% 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 26 September 2022. 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, with a view to signing off, the BCF Plan on 22 September 2022 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.

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	2020/21	2021/22	2022/23	% change this year
Disabled Facilities Grant	1,647,220	1,869,024	1,869,024	0.00%
Minimum CCG Contribution	17,420,966	18,291,187	19,326,469	5.66%
Improved Better Care Fund	9,296,886	9,296,886	9,578,514	3.03%
TOTAL before carry forward	28,365,072	29,457,097	30,774,007	4.47%
Disabled Facilities Grant carried forward	0		1,157,668	
Grand total			31,931,675	

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

	2020/21	2021/22	2022/23	% change this year
CCG minimum contribution to adult social care	11,096,836	11,651,150	12,310,605	5.66%
NHS commissioned out-of-hospital spend	4,950,544	5,197,836	5,492,034	5.66%

1.5.4 The Schemes within the BCF Plan

The schemes within the BCF Plan are a continuation from 2021/22. One scheme 'Falls First Responder' has been included within the scheme 'Community Based Support' as the falls first responder service is now being delivered as part of the Carecall service within community based support.

1.5.5 Requirement under the Policy Guidance

The guidance outlines minimal changes in 2022/23 compared to 2021/22.

National conditions

The national conditions are:

- A jointly agreed plan between local health and social care commissioners, signed off by the Health and Wellbeing Board;
- NHS contribution to adult social care to be maintained in line with the uplift to the CCG minimum contribution;
- Invest in NHS-commissioned out-of-hospital services.
- An agreed approach to implementing the BCF objectives

Metrics

The Policy Framework mandates minor changes to the metrics to support the national conditions.

1. Effectiveness of reablement (as in previous years)
2. Permanent admissions of older people to residential care (as in previous years)
3. Unplanned hospitalisations due to chronic ambulatory care sensitive conditions (introduced in 2021/22)
4. Hospital discharge to normal place of residence which was also introduced in 2021/22. A metric on hospital lengths of stay is no longer required.

This plan provides continuity with the previous BCF plan. The COVID-19 pandemic has accelerated the provision of hospital discharge services based on a "home-first" approach, which was already under way. Our priorities for 2022/23 and beyond are to regain progress in the establishment of the integrated frailty service, which was impacted by the pandemic, and to maintain admission avoidance and hospital discharge services, thus supporting hospital capacity.

The narrative plan includes a new section on supporting unpaid carers.

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 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 20.5% 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

- a) Approve the BCF Plan for submission following consideration by the Health and Wellbeing Board
- b) Authorise the Director of Children and Adults Services, in consultation with the Director of Resources, the Director of Commissioning and Asset Management, 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 propose an alternative approval mechanism to ensure that the BCF Plan can be submitted by 26 September 2022 and an Agreement under section 75 of the National Health Service Act 2006 is entered into before 31 December 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 submit a BCF Plan by 26 September 2022 and enter into a Section 75 Agreement is not met by 31 December 2022 the release of funds by NHS England could be delayed.

1.8 Appendices:

Appendix 1 – The North Tyneside Better Care Fund Narrative Plan

Appendix 2 – The North Tyneside Better Care Fund Planning Template

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

David Dunford, Senior Business Partner, Strategic Finance, Tel (0191) 643 7027

1.10 Background information:

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

1. 2022/23 Better Care Fund Policy Framework. Department of Health and Social Care and the Department for Levelling Up, Housing & Communities.

<https://www.gov.uk/government/publications/better-care-fund-policy-framework-2022-to-2023>

2. Better Care Fund Planning Requirements for 2022 to 2023. Department of Health and Social Care and the Department for Levelling Up, Housing & Communities.

<https://www.england.nhs.uk/publication/better-care-fund-planning-requirements-2022-23/>

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 ICB (formerly 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 2022/23 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 September 2022. The 2022/23 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 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 will consider the BCF Plan on 22 September 2022.

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 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