

<b>Item No.</b> 13.	<b>Classification:</b> Open	<b>Date:</b> 4 February 2020	<b>Meeting Name:</b> Cabinet
<b>Report title:</b>		Section 75 agreement 2019-20 – Better Care Fund Pooled Budget	
<b>Ward(s) or groups affected:</b>		All	
<b>Cabinet Member:</b>		Councillor Jasmine Ali, Children, Schools and Adult Care	

## **FOREWORD – COUNCILLOR JASMINE ALI, CABINET MEMBER FOR CHILDREN, SCHOOLS AND ADULT CARE**

The Better Care Fund is a government initiative to encourage integration between health and social care so that hospitals are supported to help people, mostly older people, to leave hospital and preferably return home.

The initiative is about pooling money and jointly planning how that money is spent. The government has increased the social care share of the fund by adding income streams such as the Improved Better Care Fund.

As a consequence, the Better Care Fund is an important contribution to the adult social care budget that enables the council to fund key services that support people to live independently in the community and deliver a balanced budget.

The guidance for agreeing the Better Care Fund was issued late and was being assured by the NHSE in mid-November when over half of the financial year has passed. The approval of the plan was further delayed to the end of December. Funding social care in this way – year to year and issuing guidance after the financial year has started - makes it difficult for long term planning.

The absence of the social care green paper becomes more pronounced in the context of this report and means that the Better Care Fund is an essential part of budget setting for the council. It has been 1,000 days since we were first promised a green paper setting out the much needed options for reform.

## **RECOMMENDATIONS**

1. That cabinet approves the proposed pooled budget agreement between the council and the clinical commissioning group under section 75 of the National Health Services Act 2006.
2. That cabinet delegates authority to approve changes to the services contained within the agreement to the strategic director of children's and adults' services in consultation with the cabinet member for children, schools and adult care.

## BACKGROUND INFORMATION

3. The Better Care Fund (BCF) 2019-20 planning template was submitted on 27 September 2019 for national assurance. The plan was agreed by the leader of the council on behalf of the Health and Wellbeing Board, the strategic director for children's and adults on behalf of the council and the CCG accountable officer on behalf of the CCG. The BCF planning template is attached in Appendix 1.
4. Following the national BCF assurance process NHS England agreed the plan on 8 January 2020. The next step in the BCF process is to formally establish the BCF pooled through a Section 75 agreement with NHS Southwark CCG in order to discharge the plan.
5. It should be noted that due to extensive delays in the national BCF process outside the control of the council, this agreement relates to the current financial year from April 2019. As such the agreement is largely retrospective in confirming actual budget plans.

## KEY ISSUES FOR CONSIDERATION

6. The total value of the Section 75 agreement is £41,463,230, with funding sources as set out below:

DFG	£1,486,043
Minimum CCG Contribution	£22,654,606
iBCF	£15,751,933
Winter Pressures Grant	£1,570,648
<b>Total</b>	<b>£41,463,230</b>

7. Establishing the pooled budget by agreeing the Section 75 agreement will support the CCG to transfer its contribution into the BCF of which £16.616m will be paid to the council for adult social care as set out in the plan. The council contributions of DFG, iBCF and Winter Pressures Grant are all ringfenced for council services under the BCF plan.
8. The Section 75 agreement formalises the key decision already made on the BCF plan. Given the delay in issuing national planning guidance this is already being spent as part of the Adult Social Care 2019-20 revenue budget agreement.
9. The draft Section 75 agreement is attached (Appendix 2). This document has been agreed by NHS Southwark CCG.

## Policy implications

10. The document "2019-20 Better Care Fund: Policy Framework" published by the Department of Health and Department of Communities and Local Government on 11 April 2017 sets out the purpose of the BCF in terms of driving forward the national integration agenda. The BCF plan reflects local policy on integration as set out in the Southwark Five Year Forward View and is consistent with the national framework.

## **Community impact statement**

11. The BCF plan protects current services funded through the core BCF which provide essential support for people with health and social care needs. This has benefit to all people with protected characteristics, particularly services provided for older people, and people with disabilities and mental health problems. The BCF also funds a range of voluntary sector services promoting community resilience. The iBCF funding is also used to protect current levels of home care and nursing care funded through the council general fund but for which current budgets are insufficient to meet current activity levels.
12. Other beneficiaries of this investment are the homecare workforce who have been paid the London living wage as part of Southwark's Ethical Care Charter. This workforce has a high proportion of women and those from the black and minority ethnic communities.

## **Resource implications**

13. Agreement to the S75 Agreement will release funding from the BCF for council services. These amounts have already been assumed in budget planning and monitoring for 2019-20.

## **Consultation**

14. Approval to the Section 75 agreement does not require consultation. The associated Better Care Fund plan has been agreed through the Health and Wellbeing Board, which received an update report on the plan at its meeting in November.

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

### **Director of Law and Democracy**

15. This report seeks approval of the proposed pooled budget arrangement and agreement between the council and the clinical commissioning group in order to deliver the 2019-20 Better Care Fund plan. Approval is also sought to delegate to the strategic director of children's and adults' services authority to execute the agreement and approve any changes to the services noted in the agreement.
16. Paragraph 4 notes that the Better Care Fund plan has been agreed by the leader of the council on behalf of the Health and Wellbeing Board, and by the strategic director of children's and adults on behalf of the council, prior to its submission to NHS England. Approval of the Plan by the Health and Wellbeing Board is required under the Health and Social Care Act 2012 and Part L of the council constitution.
17. The plan has been subject to consultation, in line with central government guidance issued in July 2017.

### **Strategic Director of Finance and Governance (41TJ1920)**

18. This report recommends the approval of the Better Care Fund plan for 2019-20. The plan includes the rollover of the majority of pre-existing schemes, plus the

addition of growth monies for 2019-20 totaling approximately £6m.

19. These income streams (BCF, iBCF & Winter Pressures) now fund in excess of £30m of the Council's Adult Social Care budgets, including a mixture of 'traditional' social care provision such as nursing care and home care and joint projects with the CCG to reduce delayed transfers of care. Given that the council and CCG have been jointly incurring expenditure in relation to these schemes since 1 April 2019 it is disappointing that central government delays mean that plans for the year are only submitted in late September. The recent Spending Round has confirmed that existing social care funding will continue into 2020-21, including a proposed 3.4% uplift in the BCF. Whilst this is a welcome development, longer term certainty is required if councils and CCGs are to be expected to develop and sustain meaningful transformation.
20. The proposals contained within this report can be fully funded within existing resources in 2019-20, however health and social care colleagues must continue to make plans that meet the needs of the borough whilst recognising the continuing uncertainty of these funding streams.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
None		

## APPENDICES

No.	Title
Appendix 1	BCF Planning Template
Appendix 2	Section 75 agreement

## AUDIT TRAIL

<b>Cabinet Member</b>	Councillor Jasmine Ali, Children, Schools and Adult Care	
<b>Lead Officer</b>	David Quirke-Thornton, Strategic Director for Children's and Adults' Services	
<b>Report Author</b>	Adrian Ward, Partnership Commissioning Team	
<b>Version</b>	Final	
<b>Dated</b>	23 January 2020	
<b>Key Decision?</b>	Yes	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments Included</b>
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
<b>Cabinet Member</b>	Yes	Yes
<b>Date final report sent to Constitutional Team</b>		23 January 2020