

HEALTH AND WELLBEING BOARD		AGENDA ITEM No. 5(b)
26 MARCH 2015		PUBLIC REPORT
Contact Officer(s):	Will Patten, Interim AD Adult Strategic Commissioning	Tel. 07919 365883

BETTER CARE FUND SECTION 75 AGREEMENT BETWEEN PETERBOROUGH CITY COUNCIL AND THE NHS CAMBRIDGESHIRE AND PETERBOROUGH CLINICAL COMMISSIONING GROUP

R E C O M M E N D A T I O N S	
FROM : Directors	Deadline date: 31 st March 2015
<p>For the Board to:</p> <ol style="list-style-type: none"> 1. Comment on the draft Section 75 Agreement; 2. Approve the Section 75 agreement between PCC and the CCG (Appendix A); and 3. Confirm that the Joint Commissioning Forum (JCF) will oversee the BCF Plan and Section 75 Agreement and pooled budget on behalf of the Peterborough H&WB Board. 	

1. ORIGIN OF REPORT

- 1.1 This report is submitted to Board following the January 2015 update on the Better Care Fund & Peterborough's BCF re-submission successfully being approved in February 2015 without conditions. There is a requirement for Section 75 Agreements to be developed to enable the creation of pooled budgets to hold the BCF.
- 1.2 Following submission to NHS England, the BCF plan was reviewed and the decision that the submission had been successful was communicated to the Council on 06 February 2015.
- 1.3 The Council is currently seeking approval to enter into a Section 75 Agreement (of the 2006 Act) with the NHS Cambridgeshire and Peterborough Clinical Commissioning Group (CCG). This agreement will enable the commissioning health and social care services under the Better Care Fund (BCF).

2. PURPOSE AND REASON FOR REPORT

- 2.1 The purpose of this report is to seek comments on the draft Section 75 Agreement; to request approval of the Section 75 agreement between PCC and the CCG and to confirm that the Joint Commissioning Forum (JCF) will oversee the BCF Plan and Section 75 Agreement and pooled budget on behalf of the Peterborough H&WB Board.

3. BACKGROUND, KEY POINTS & GOVERNANCE

BACKGROUND

- 3.1 The BCF is not new money granted by Government, but rather a reorganisation of existing funding that is currently used to provide health and social care services in Peterborough. The aim of the BCF is to support transformation in integrated health and social care. The BCF was announced as a single pooled budget to support health and social care services to work more closely together in local areas. The pooled budget is expected to be in place from April 2015.

- 3.2 Across Peterborough, the value of the BCF is £11.9m.
- 3.3 On 9 January 2015, Peterborough's BCF plan was re-submitted. This revised submission addressed the comments received as part of the national assessment process, and was the conclusion of detailed work across our system.
- 3.4 On 6 February 2015, NHS England wrote to inform the Health & Wellbeing Boards that the BCF Plan had been approved. The approval letters noted that the plan is ... 'strong and robust and we have every confidence that you will be able to deliver against it.'
- 3.5 Approval of the plan follows intensive work by colleagues from partner statutory and voluntary organisations in the local health and wellbeing system. The CCG and Council are grateful to all contributing partners.
- 3.6 Now that approval has been granted for the BCF Plan, a Section 75 Partnership Agreement is required to enable the pooled budgets between health organisations and local authorities to be established. The national expectation is that formal arrangements for the BCF and Section 75. Agreements are to be in place by April 2015.

KEY POINTS

- 3.7 The purpose of the Section 75 of the 2006 Act is to set out the terms on which 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 for the City of Peterborough. It is also the means through which the Partners will pool funds as agreed between the Partners.
- 3.8 The aims and benefits of the Partners in entering in to the Section 75 Agreement are to:
- improve the quality and efficiency of the Services;
 - meet the National Conditions and local objectives; and
 - make more effective use of resources through the establishment and maintenance of a pooled fund for revenue expenditure on the Services.
- 3.9 The summary of the pooled funds for the Council is detailed in the table below (see 3.10).
- 3.10 Each Pooled Fund shall be managed and maintained in accordance with the terms of the Section 75.

Item (£000) (a)	Price (b)	Lead Commissioner (c)	Type (d)
Care Act Implementation	407	Council	Contribution
Section 256 agreement	3522	Council	Contribution
Protecting Adult Social Care Services	800	Council	Contribution
Protecting Adult Social Care Transformation – Data Sharing, 7 day working, Person Centred System, Information and Communication, Ageing Healthily and Prevention	1689	Council	Contribution
Older People Community Health Services	3749	CCG	Contribution
Performance Fund	429	CCG	Performance
Carers Prescription	150	CCG	Contribution
DFC Capital Adults	661	Council	Contribution
DFG Capital Children	150	Council	Contribution
SUBTOTAL (Revenue within BCF)	£10746		
Social Care Capital	£442	Council	Contribution
Disabled Facilities Grants	£811	Council	Contribution
TOTAL	£11999		

- 3.11 The performance element of the fund will be retained by the CCG, and only released if the locally agreed target of reducing emergency admissions by 1% is met.

GOVERNANCE

- 3.12 The Peterborough H&WB Board is accountable for the BCF Plan delivery and expenditure of the BCF. It is proposed that the Joint Commissioning Forum (JCF) will oversee the BCF Plan and Section 75 Agreement and pooled budget on behalf of the Peterborough H&WB Board.

4. CONSULTATION

- 4.1 In the developing and drafting of the BCF Plan, there were detailed discussions and workshops with system partners to create the vision, goal, objectives and scope of the Strategic level Plan and the specific delivery projects/schemes.
- 4.2 The approval process for the Section 75 agreement has included review and/or approval by the Joint Commissioning Forum and the PCC Cabinet Member responsible for Adult Social Care.

5. ANTICIPATED OUTCOMES

- 5.1 The Board is asked to:
- Note the formal approval of the BCF plans.
 - Formally approve the Section 75 Agreement, which formalises the commissioning relationship between the Council and the CCG.
 - Confirm that the Joint Commissioning Forum (JCF) will oversee the BCF Plan and Section 75 Agreement and pooled budget on behalf of the Peterborough H&WB Board.

6. REASONS FOR RECOMMENDATIONS

- 6.1 To enable the completion of the Section 75 Agreements with the CCG by 31 March 2015 to proceed thus enabling the establishment of pooled budgets.

7. ALTERNATIVE OPTIONS CONSIDERED

- 7.1 Do nothing – do not approve the Section 75 Agreement. This option was discounted as the Council would not be able to access the BCF.

8. IMPLICATIONS

FINANCIAL

- 8.1 The financial implication of the proposed decision to approve the Section 75 Agreement is that the Council and the CCG will meet NHS England's condition for receiving the £11.9m BCF.
- 8.2 The section 75 agreement is in line with the BCF submission, and the Council's MTFs (Medium Term Financial Strategy).

9. BACKGROUND DOCUMENTS

- i) BCF Plan
- ii) Draft Section 75 agreement
- iii) CMDN to Councillor Wayne Fitzgerald, Cabinet Member for Adult Social Care

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