

DECISION TITLE: Section 75 Partnership Agreement between the Council and the NHS Cambridgeshire and Peterborough Clinical Commissioning Group (CCG) relating to the commissioning of health and social care services under the Better Care Fund (BCF).

Councillor Wayne Fitzgerald, Cabinet Member for Adult Social Care

March 2015

Deadline date: March 2015

Cabinet portfolio holder: Responsible Director:	Wayne Fitzgerald, Cabinet Member for Adult Social Care Wendi Ogle-Welbourn, Corporate Director People and Communities
Is this a Key Decision?	YES If yes has it been included on the Forward Plan : Yes Unique Key decision Reference from Forward Plan : KEY/20MAR15/01
Is this decision eligible for call-in?	YES
Does this Public report have any annex that contains exempt information?	NO

R E C O M M E N D A T I O N S

The Cabinet Member is requested to:

1. Authorise the entering into a Section 75 Agreement with the NHS Cambridgeshire and Peterborough Clinical Commissioning Group relating to the commissioning of health and social care services as detailed within the Better Care Fund; and
2. Authorise the Corporate Director People and Communities, in consultation with the Director of Governance, to agree further changes to the S75 Agreement as required.

1. SUMMARY OF MAIN ISSUES

- 1.1 This report seeks the Cabinet Member's approval to enter into a Section 75 agreement between the Council and the Clinical Commissioning Group (CCG). This agreement relates to the commissioning of health and social care services as detailed in the Better Care Fund (BCF) submission and is attached at Appendix 1.
- 1.2 Section 75 of the National Health Service Act 2006 gives powers to local authorities and clinical commissioning groups to establish and maintain pooled funds out of which payment may be made towards expenditure incurred in the exercise of prescribed local authority functions and prescribed NHS functions.
- 1.3 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.

- 1.4 The aims and benefits of the Partners in entering in to the Section 75 Agreement are to:
- a) improve the quality and efficiency of the Services;
 - b) meet the National Conditions and local objectives; and
 - c) make more effective use of resources through the establishment and maintenance of a pooled fund for revenue expenditure on the Services.

2. PURPOSE OF THIS REPORT

- 2.1 This report is for the Cabinet Member for Adult Social Care to consider exercising delegated authority under paragraph 3.4.3 of Part 3 of the constitution in accordance with the terms of their portfolio at paragraph (c).

3. TIMESCALE

Is this a Major Policy Item/Statutory Plan?	NO	If Yes, date for relevant Cabinet Meeting	N/A
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4. DETAILS OF DECISION REQUIRED

- 4.1 This report seeks approval to agree to the terms and approach set out in the Section 75 Agreement, enabling the Council and the CCG to commission health and social care services under the BCF.

- 4.2 The £3.8bn Better Care Fund (formerly the Integration Transformation Fund) was announced by the Government in the June 2013 spending round, to ensure a transformation in integrated health and social care.

- 4.3 Peterborough City Council were notified on 06 February 2015 that the submission for £11.9m of funding had been approved and funding would begin in April 2015.

- 4.4 The BCF will contribute to Peterborough's vision for integration by focusing on initiatives that will help to prepare the system for a bigger change in the medium term by:

- Protecting existing social care services;
- Supporting the development of 7 day working and data sharing: and
- Supporting the development of closer working, including development of joint assessments with an accountable lead professional.

- 4.5 Specifically, the BCF will be used to fund the following in Peterborough:

- A contribution towards the OPACS Older People and Adult Community Services contract to establish the Uniting Care Partnership model:
- The information and data sharing project:
- The establishment of joint assessments and an accountable lead professional to support other elements of the system (particularly social care) to align with the UCP integrated neighbourhood team model and fulfil Care Act requirements: and
- The establishment of a multi-agency team to lead out approach to integration and transformation in Peterborough, and the creation of an ideas bank to assist in piloting small-scale integration projects.

- 4.6 In addition BCF will be used in the following areas of work in order to support the system as it works towards further integration and transformation.

- Implementation of the Care Act:
- Protection of social care services:
- Continuation of section 256 arrangements: and
- Continued CCG support for carers and re-ablement services.

- 4.7 The Council and the CCG have agreed to establish and maintain pooled funds for revenue expenditure. 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		

5. CONSULTATION

- 5.1 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.
- 5.2 The BCF plan was approved by the Health and Wellbeing Board in January 2015 and resubmitted. NHS England approved the plan, without any conditions in February. The Section 75 agreement is being presented at the March 2015 Health and Wellbeing Board, requesting comments and asking the board to recommend approval.

6. ANTICIPATED OUTCOMES

- 6.1 A robust Section 75 framework is approved that formalises the commissioning relationship between the Council and the CCG.

7. REASONS FOR RECOMMENDATIONS & ANY RELEVANT BACKGROUND INFORMATION

- 7.1 To enable BCF funding to be made available, a standard condition of NHS England is that an approved Section 75 Agreement must be in place.

8. ALTERNATIVE OPTIONS CONSIDERED

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

9. IMPLICATIONS

Financial

- 9.1 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.
- 9.2 The section 75 agreement is in line with the BCF submission, and the Council's MTFS (Medium Term Financial Strategy).

Legal

- 9.3 The legal implications of this proposed decision are set out within the report.

Procurement

- 9.4 There are no procurement implications resulting from this proposed decision.

10. DECLARATIONS / CONFLICTS OF INTEREST & DISPENSATIONS GRANTED

Declarations by any cabinet member consulted by the decision maker and any dispensation granted by the Audit Committee or Head of Paid Service (Chief Executive). Note, the Audit Committee grants dispensations where the member concerned has a pecuniary interest, whereas the Chief executive may grant a dispensation for these purposes to any cabinet member consulted on these proposals whether by an officer or another individual cabinet member where there is a common law conflict of interest that may not amount to a pecuniary interest under the Regulations.

None.

11. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985) and The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

- i) Better Care Fund Plan