



<b>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) 2017-2019</b>
<b>Councillor Wayne Fitzgerald, Cabinet Member for Adult Social Care</b>
<b>March 2018</b>
<b>Deadline date: 31<sup>st</sup> March 2018</b>

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/19MAR18/01
Is this decision eligible for call-in?	YES
Does this Public report have any annex that contains exempt information?	NO
Is this a project and if so has it been registered on Verto?	NO Verto number: N/A

**RECOMMENDATIONS**

The Cabinet Member is recommended to:

1. Authorise the termination of the existing 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;
2. Authorise the Council to enter into a new Section 75 Agreement with the NHS Cambridgeshire and Peterborough Clinical Commissioning Group relating to the commissioning of health and social care services from 1<sup>st</sup> April 2018, as detailed within the Better Care Fund 2017-2019 plan: and
3. Authorise the Corporate Director People and Communities, in consultation with the Director of Governance and subject to the officer delegations set out in the constitution, to agree further changes to the Section 75 Agreement as required.

<b>1.</b>	<b>PURPOSE OF THIS REPORT</b>		
1.1	This report is for the Cabinet Member of 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).		
<b>2.</b>	<b>TIMESCALES</b>		
	Is this a Major Policy Item/Statutory Plan?	<b>NO</b>	If yes, date for Cabinet meeting <b>N/A</b>
<b>3.</b>	<b>BACKGROUND AND KEY ISSUES</b>		
3.1	This report seeks the Cabinet Member's approval to terminate the existing Section 75 Agreement with Cambridgeshire and Peterborough Clinical Commissioning Group for the Better Care Fund and subsequently to enter into a new Section 75 Agreement.		
3.2	A section 75 agreement between Peterborough City Council and Cambridgeshire and Peterborough Clinical Commissioning Group was entered into in March 2015, following the introduction of the new national Better Care Fund initiative. This was a national requirement of NHS England funding to release Better Care Fund monies into a jointly agreed pooled fund. The section 75 agreement took effect following a CMDN dated 20 March 2015 (ref: KEY/20MAR15/01)		
3.3	<p>The new agreement is necessary to reflect key changes to the Better Care Fund in 2017-19, including:</p> <ul style="list-style-type: none"> <li>• Changes to the financial allocations</li> <li>• Changes to NHS England nationally mandated conditions</li> <li>• Submission of a new Better Care Fund plan for 2017-19 which the Council has only recently been made aware of</li> <li>• Updates to local governance arrangements</li> </ul>		
3.4	The financial effect of the new Section 75 Agreement will be an increased contribution into the pooled fund from Peterborough City Council of an additional £4,027,686 in 2017/18 and £5,548,853 in 2018/19 (as a result of the uplift to the Disabled Facilities Grant allocation and the introduction of the new Improved Better Care Fund allocation from the Department of Communities and Local Government (DCLG)).		
3.5	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.		
3.6	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.		
3.7	<p>The aims and benefits of the Partners in entering in to the Section 75 Agreement are to:</p> <ul style="list-style-type: none"> <li>a) improve the quality and efficiency of the Services;</li> <li>b) meet the National Conditions and local objectives; and</li> <li>c) make more effective use of resources through the establishment and maintenance of a pooled fund for revenue expenditure on the Services.</li> </ul>		

3.8 3.9	<p>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.</p>																																																																	
3.10	<p>Peterborough City Council were notified on 21 December 2017 that the submission for £16.8m of funding for 2017/18 and £18.6m of funding for 2018/19 had been approved and funding would begin in April 2017.</p>																																																																	
3.11	<p>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 prevention and early intervention,</p> <ul style="list-style-type: none"> <li>• Supporting the development of community services and multi-disciplinary working</li> <li>• Supporting the development of information, advice and communications <ul style="list-style-type: none"> <li>• Supporting a reduction in delayed transfers of care (DTCOs) through the implementation of the High Impact Changes for managing discharge</li> </ul> </li> </ul>																																																																	
3.12	<p>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 and delivering an enhanced offer to carers; Protection of social care services; Continuation of section 256 arrangements; and continued CCG support for carers and re-ablement services</p> <p>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 and it is agreed that the monies held in the Pooled Fund, recorded in the BCF Plan, may only be expended under the following headings:</p>																																																																	
	<table border="1"> <thead> <tr> <th data-bbox="268 1126 638 1227">Item (£000) (a)</th> <th data-bbox="646 1126 805 1227">2017/18 Price (b)</th> <th data-bbox="813 1126 997 1227">2018/19 Price (c)</th> <th data-bbox="1005 1126 1236 1227">Lead Commissioner (d)</th> <th data-bbox="1244 1126 1439 1227">Type (e)</th> </tr> </thead> <tbody> <tr> <td data-bbox="268 1227 638 1294">Care Act Implementation / enhanced offer to carers</td> <td data-bbox="646 1227 805 1294">407</td> <td data-bbox="813 1227 997 1294">407</td> <td data-bbox="1005 1227 1236 1294">Council</td> <td data-bbox="1244 1227 1439 1294">Contribution</td> </tr> <tr> <td data-bbox="268 1294 638 1328">Section 256 agreement</td> <td data-bbox="646 1294 805 1328">3522</td> <td data-bbox="813 1294 997 1328">3522</td> <td data-bbox="1005 1294 1236 1328">Council</td> <td data-bbox="1244 1294 1439 1328">Contribution</td> </tr> <tr> <td data-bbox="268 1328 638 1395">Protecting Adult Social Care Services</td> <td data-bbox="646 1328 805 1395">1706</td> <td data-bbox="813 1328 997 1395">1832</td> <td data-bbox="1005 1328 1236 1395">Council</td> <td data-bbox="1244 1328 1439 1395">Contribution</td> </tr> <tr> <td data-bbox="268 1395 638 1529">7 Day Services / Reduction of DTCOs (reablement and bed based market)</td> <td data-bbox="646 1395 805 1529">250</td> <td data-bbox="813 1395 997 1529">250</td> <td data-bbox="1005 1395 1236 1529">Council</td> <td data-bbox="1244 1395 1439 1529">Contribution</td> </tr> <tr> <td data-bbox="268 1529 638 1574">Person Centred Services</td> <td data-bbox="646 1529 805 1574">100</td> <td data-bbox="813 1529 997 1574">100</td> <td data-bbox="1005 1529 1236 1574">Council</td> <td data-bbox="1244 1529 1439 1574">Contribution</td> </tr> <tr> <td data-bbox="268 1574 638 1641">Ageing Healthily and Prevention</td> <td data-bbox="646 1574 805 1641">550</td> <td data-bbox="813 1574 997 1641">550</td> <td data-bbox="1005 1574 1236 1641">Council</td> <td data-bbox="1244 1574 1439 1641">Contribution</td> </tr> <tr> <td data-bbox="268 1641 638 1742">Integrated Adult Community Health Services</td> <td data-bbox="646 1641 805 1742">4124</td> <td data-bbox="813 1641 997 1742">4212</td> <td data-bbox="1005 1641 1236 1742">CCG</td> <td data-bbox="1244 1641 1439 1742">Contribution</td> </tr> <tr> <td data-bbox="268 1742 638 1776">Risk Share</td> <td data-bbox="646 1742 805 1776">429</td> <td data-bbox="813 1742 997 1776">429</td> <td data-bbox="1005 1742 1236 1776">CCG</td> <td data-bbox="1244 1742 1439 1776">Performance</td> </tr> <tr> <td data-bbox="268 1776 638 1809">Carers Prescription</td> <td data-bbox="646 1776 805 1809">150</td> <td data-bbox="813 1776 997 1809">150</td> <td data-bbox="1005 1776 1236 1809">CCG</td> <td data-bbox="1244 1776 1439 1809">Contribution</td> </tr> <tr> <td data-bbox="268 1809 638 1843">Wellbeing Network</td> <td data-bbox="646 1809 805 1843">50</td> <td data-bbox="813 1809 997 1843">50</td> <td data-bbox="1005 1809 1236 1843">CCG</td> <td data-bbox="1244 1809 1439 1843">Contribution</td> </tr> <tr> <td data-bbox="268 1843 638 1977"><b>SUBTOTAL (Revenue within BCF CCG Minimum Contribution)</b></td> <td data-bbox="646 1843 805 1977"><b>£11,287</b></td> <td data-bbox="813 1843 997 1977"><b>£11,502</b></td> <td data-bbox="1005 1843 1236 1977"></td> <td data-bbox="1244 1843 1439 1977"></td> </tr> <tr> <td data-bbox="268 1977 638 2067">Social Care Capacity and Investment</td> <td data-bbox="646 1977 805 2067">350</td> <td data-bbox="813 1977 997 2067">NIL</td> <td data-bbox="1005 1977 1236 2067">Council</td> <td data-bbox="1244 1977 1439 2067">Contribution</td> </tr> </tbody> </table>	Item (£000) (a)	2017/18 Price (b)	2018/19 Price (c)	Lead Commissioner (d)	Type (e)	Care Act Implementation / enhanced offer to carers	407	407	Council	Contribution	Section 256 agreement	3522	3522	Council	Contribution	Protecting Adult Social Care Services	1706	1832	Council	Contribution	7 Day Services / Reduction of DTCOs (reablement and bed based market)	250	250	Council	Contribution	Person Centred Services	100	100	Council	Contribution	Ageing Healthily and Prevention	550	550	Council	Contribution	Integrated Adult Community Health Services	4124	4212	CCG	Contribution	Risk Share	429	429	CCG	Performance	Carers Prescription	150	150	CCG	Contribution	Wellbeing Network	50	50	CCG	Contribution	<b>SUBTOTAL (Revenue within BCF CCG Minimum Contribution)</b>	<b>£11,287</b>	<b>£11,502</b>			Social Care Capacity and Investment	350	NIL	Council	Contribution
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	Investment into housing options for vulnerable people	2000	1100	Council	Contribution
	Prevention Initiatives: Falls Prevention and Atrial Fibrillation	150	150	Council	Contribution
	DTOC Plan	1000	1000	Council	Contribution
	Adult Social Care Cost Pressures	377	2996	Council	Contribution
	<b>SUBTOTAL (Revenue within Improved Better Care Fund Local Authority Contribution)</b>	<b>£3877</b>	<b>£5246</b>		
	Disabled Facilities Grant	£1,675	£1,827	Council	Contribution
	<b>TOTAL</b>	<b>£16,839</b>	<b>£18,574</b>		
<b>4.</b>	<b>CONSULTATION</b>				
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.				
<b>5.</b>	<b>ANTICIPATED OUTCOMES OR IMPACT</b>				
5.1	A robust Section 75 framework is approved that formalises the commissioning relationship between the Council and the CCG.				
<b>6.</b>	<b>REASON FOR THE RECOMMENDATION</b>				
6.1	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.				
<b>7.</b>	<b>ALTERNATIVE OPTIONS CONSIDERED</b>				
7.1	Do nothing – do not approve the new Section 75 Agreement. This option was discounted as the Council would not be able to access the BCF.				
<b>8.</b>	<b>IMPLICATIONS</b>				
	<b>Financial Implications</b>				
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 £16.8m BCF in 2017/18 and the £18.5m BCF in 2018/19. The section 75 agreement is in line with the BCF submission, and the Council's MTFS (Medium Term Financial Strategy).				
	<b>Legal Implications</b>				
8.2	The legal implications of this proposed decision are set out within the report.				
	<b>Equalities Implications</b>				
8.3	There are no equalities implications.				
<b>9.</b>	<b>DECLARATIONS / CONFLICTS OF INTEREST &amp; DISPENSATIONS GRANTED</b>				

9.1	None
<b>10.</b>	<p><b>BACKGROUND DOCUMENTS</b></p> <p>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</p> <ol style="list-style-type: none"> <li>1. CMDN (ref: KEY/20MAR15/01)</li> <li>2. Better Care Fund Plan 2017-19</li> </ol>
<b>11.</b>	<b>APPENDICES</b>
11.1	None.