

AMENDMENT TO 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) 2019-2020
Councillor Wayne Fitzgerald, Cabinet Member for Adult Social Care
JUNE 2020
Deadline date: June 2020

Cabinet portfolio holder: Responsible Director:	Wayne Fitzgerald, Cabinet Member for Adult Social Care, Health and Public Health 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/2MAR20/02
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

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

The Cabinet Member is recommended to:

1. Authorise amendments to the existing Section 75 Agreement with the NHS Cambridgeshire and Peterborough Clinical Commissioning Group relating to the commissioning of health and social care services to reflect key changes to the Better Care Fund in 2019/20; and
2. Authorise the Corporate Director of 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.

1. PURPOSE OF THIS REPORT

- 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).

2. **TIMESCALES**

Is this a Major Policy Item/Statutory Plan?	NO	If yes, date for Cabinet meeting	N/A
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3. **BACKGROUND AND KEY ISSUES**

- 3.1 This report seeks the Cabinet Member's approval to amend the existing Section 75 Agreement with Cambridgeshire and Peterborough Clinical Commissioning Group for the Better Care Fund.
- 3.2 The variation is necessary to reflect key changes to the Better Care Fund in 2019/20, including:
- Changes to the financial allocations
 - Changes to NHS England nationally mandated conditions
 - Submission of a new Better Care Fund plan for 2019/20
- 3.3 The financial effect of the variations to the Section 75 agreement will be an increased contribution to the pooled fund from Peterborough City Council of an additional £2,610,390 in 2019/20 (as a result of the CCG minimum contribution uplift, Disabled Facilities Grant uplift, Improved Better Care Fund uplift and the addition of the Winter Pressures Grant being incorporated into the pooled budget). The 2020/21 uplift will be up to an additional £1m, but final allocations are yet to be agreed.
- 3.4 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) and a subsequent CMDN approved in March 2018 for the BCF Plan 2017-19.
- 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 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.
- 3.8 The 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.
- 3.9 Peterborough City Council were notified in January 2020 that the 2019/20 submission for

£21m of funding had been approved.

- 3.10 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,
 - Supporting the development of community services and multi-disciplinary working
 - Supporting the development of information, advice and communications
 - Supporting a reduction in delayed transfers of care (DTOCs) through the
 - implementation of the High Impact Changes for managing discharge
- 3.11 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 reablement services
- 3.12 The Council and the CCG have agreed to establish and maintain pooled funds for expenditure. The 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:

Scheme	2018/19 Allocations	2019/20 BCF Agreed Allocation
PETERBOROUGH BETTER CARE FUND		
Peterborough City Council Allocations		
PCC - Section 256 (Independent Sector Placements)	£3,522,000	£3,522,000
	£1,831,732	£2,283,642
PCC - Protection of Adult Social Care		
PCC 7 Day Services / Reduction of DTOCS (reablement and bed based market)	£250,000	£250,000
PCC - Person Centred Services	£100,000	£100,000
PCC - Ageing Healthily and Prevention	£550,000	£550,000
PCC - Care Act	£407,000	£407,000
PCC - Carer's Support*	£75,000	£75,000
PCC - Wellbeing Network*	£25,000	£25,000
PCC - Disabled Facilities Grant	£1,826,575	£1,970,984
	£8,587,307	£9,183,626
CCG Allocations		
CCG - Integrated Adults Community Health Services	£4,211,952	£4,957,856
CCG - Carer's Support*	£75,000	£75,000
CCG - Wellbeing Network*	£25,000	£25,000
Performance Fund	£429,000	£0
	£4,740,952	£5,057,856
TOTAL BCF	£13,328,259	£14,241,482
WINTER PRESSURES GRANT		
PCC - Nursing Placements	£0	£793,661
TOTAL Winter Pressures Grant		
IMPROVED BETTER CARE FUND		
PCC - Investment in Adult Social Care and Social Work	£0	£231,276
PCC - Falls Prevention	£150,000	£70,000
PCC - LGA Financial Settlement monies - protection of ASC in line with the original intentions of the grant	£2,996,000	£5,345,000
Investment in Housing for Vulnerable People	£1,100,000	£0
PCC - Costed DTOC Plan	£1,000,000	£820,000
IBCF TOTAL	£5,246,000	£6,466,276
TOTAL BCF POOLED BUDGET	£18,574,259	£21,501,419

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.

5. ANTICIPATED OUTCOMES OR IMPACT

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

6. REASON FOR THE RECOMMENDATION

- 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.

7. ALTERNATIVE OPTIONS CONSIDERED

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

8. IMPLICATIONS

Financial Implications

- 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 £21.5m BCF in 2019-20. The section 75 agreement is in line with the BCF submission, and the Council's MTFFS (Medium Term Financial Strategy).

Legal Implications

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

Equalities Implications

- 8.3 There are no equalities implications.

Carbon Impact Assessment

- 8.5 There are no carbon impact implications

9. DECLARATIONS / CONFLICTS OF INTEREST & DISPENSATIONS GRANTED

- 9.1 None

10. 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.

- 10.1 1. CMDN BCF 17-19
2. Better Care Fund Plan 2017-19
3. Better Care Fund Plan 2019-20

11. APPENDICES

- 11.1 None