

DECISION TITLE: Variation to the Section 75 Framework Partnership Agreement – relating to the commissioning of health and social care services under the Better Care Fund 2017
ENTER NAME OF CABINET MEMBER EXERCISING DELEGATED POWERS: Cllr John Howard
ENTER MONTH IN WHICH DECISION IS BEING TAKEN: May 2023
Deadline date: May 2023

Cabinet portfolio holder: Responsible Director:	Cllr John Howard, Health and Social Care Debbie McQuade, Director of Adult Social Care
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/27FEB23/05
Is this decision eligible for call-in?	YES
Does this Public report have any annex that contains exempt information?	NO

RECOMMENDATIONS
The Cabinet Member is recommended to:
<ol style="list-style-type: none"> 1. Approve variations to the existing Section 75 Framework Partnership Agreement with NHS Cambridgeshire and Peterborough Integrated Commissioning Board dated 18 July 2019 to reflect key changes to the Better Care Fund, as set out in this report.

1. PURPOSE OF THIS REPORT

1.1 This report is for the Cabinet Member 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 (a).

2. TIMESCALES

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

3.1 This report seeks Cabinet Member's approval to amend the existing Section 75 Agreement with the NHS for the Better Care Fund by Deed of Variation.

A Section 75 Agreement between Peterborough City Council and Cambridgeshire and Peterborough Clinical Commissioning Group was entered into in July 2019, following the publication of planning guidance for the Better Care Fund 2017-19. 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 has subsequently been amended by Deeds of Variation dated 3 December 2020, 5th May 2021, 28th October 2021 and 5th September 2022 to reflect changes to subsequent annual Better Care Fund Plans.

The amendment to the Section 75 Agreement is necessary to reflect key changes to the Better Care Fund in 2022/23, including:

- *Changes to the financial allocations*
- *Submission of a new Better Care Fund Plan for 2022/23, which has now received formal approval from NHS England (received on 10th January 2023).*
- *Changes to reflect the dissolution of the Clinical Commissioning Group and formation of the Integrated Care Board*
- *Incorporation of the new Adult Social Care Discharge Fund, announced in November 2022, into the pooled budget in line with national conditions*

The financial effect of the latest variation to the Section 75 agreement will be an increased contribution to the pooled fund from Peterborough City Council of an additional £456,799 in 2022/23 (as a result of the CCG minimum contribution uplift), plus an additional £661,384 (as a result of the introduction of the Adult Social Care Discharge Fund). This totals an additional £1,118,183 contribution to the pooled budget to Peterborough City Council.

Section 75 of the National Health Service Act 2006 gives powers to local authorities and the NHS 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.

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 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 Partners.

The aims and benefits of the Partners in entering into the Section 75 Agreement are:

- a) Improve the quality and efficiency of the services;
- b) Meet the national conditions and local conditions; and
- c) Make more effective use of resources through the establishment and maintenance of a pooled fund for revenue expenditure on the Services.

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.

Peterborough City Council were notified on 10th January 2023 that the local Better Care Fund plan submission for £24.2m of funding for 2022/23 had been approved. In addition, on the 16th December 2022, our local agreed plan for £611,384 of Adult Social Care Discharge Funding was submitted and approved by NHS England.

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 hospital discharge flow

Our local Better Care Fund plans continue to build on 2021/22 plans. However, plans have been refreshed to ensure alignment with wider system priorities and governance, reflecting the shift in integrated, collaborative place delivery being at the core of our integration agenda. There have been few changes to the proposed investment since the 2021/22 plan, but rather a refreshment of finances. Additional voluntary NHS based funding has again been added to the pooled budget this year, which predominantly represents the health contribution to the integrated community equipment budget.

On the 22nd September 2022, the Department of Health and Social Care (DHSC) announced its ‘plan for Patients’ which committed £500m of funding for the rest of this financial year, to support timely and safe discharge from hospital into the community by reducing the number of people delayed in hospital awaiting social care. The focus of the Adult Social Care Discharge Fund is on, but not limited to, ‘home first’ approach and discharge to assess. The full conditions of the funding and local allocations were published on the 18th November 2022, along with the requirement to submit locally agreed spending plans to NHS England by the 16th December 2022. The detailed guidance is set out at the following link: [2022/23 Better Care Fund \(BCF\) Policy Framework and Planning Requirements.](#)

It is a national requirement that this funding be pooled into the local Better Care Fund pooled budget for 2022/23.

The Council and the ICB 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:

Item (£000) (a)	2022/23 Price (b)	Lead Commissioner (d)	Type (e)
Integrated Neighbourhood Teams	5,470,504	ICB	Minimum NHS Contribution
Carers Support: carers prescription service and help at home	77,875	ICB	Minimum NHS Contribution

Community Equipment	431,482	ICB	Minimum NHS Contribution
Section 256 agreement: care placement spend	3,740,799	PCC	Minimum NHS Contribution
Protecting adult social care services; including discharge planning team, reviews team, adult early help and home services delivery model	3,166,650	PCC	Minimum NHS Contribution
Reducing DTOCs/7 day services: reablement and reablement flats	250,000	PCC	Minimum NHS Contribution
Person Centred Care: Technology enabled care	100,000	PCC	Minimum NHS Contribution
Ageing healthily and Prevention: Quality Improvement and Quality Assurance	625,000	PCC	Minimum NHS Contribution
Care Act Implementation / Enhanced Offer	407,000	PCC	Minimum NHS Contribution
Carers Support	75,000	PCC	Minimum NHS Contribution
Further expansion of Enhanced Response Service	80,000	PCC	Minimum NHS Contribution
SUBTOTAL (Revenue within Minimum NHS Contribution)	14,507,310		
Carers Support: carers prescription and help at home	30,045	ICB	Additional NHS Contribution
Community Equipment	344,969	ICB	Additional NHS Contribution
SUBTOTAL (Additional NHS Contribution)	1,125,014		
Disabled Facilities Grant (Capital)	2,236,384	PCC	Disabled Facilities Grant
Investment in Adult Social Care and Social Work	306,276	PCC	Improved Better Care Fund
Falls Prevention	30,000	PCC	Improved Better Care Fund
Costed plan to support discharge	753,190	PCC	Improved Better Care Fund

Protection of adult social care: care placement spend	5,483,734	PCC	Improved Better Care Fund
Nursing home capacity	793,661	PCC	Improved Better Care Fund
Enhanced response service	113,000	PCC	Improved Better Care Fund
<i>SUBTOTAL (Improved Better Care Fund)</i>	<i>7,479,861</i>		
Intensive Dementia Support	28,600	ICB	ICB ASC Discharge Fund
Mental Health Discharge Support	31,200	ICB	ICB ASC Discharge Fund
Transfer of Care Hub workforce	143,000	ICB	ICB ASC Discharge Fund
Transfer of care hub – digital solution	169,000	ICB	ICB ASC Discharge Fund
Voluntary sector alliance and single point of access for VCS	286,873	ICB	ICB ASC Discharge Fund
Discharge support – transport	81,120	ICB	ICB ASC Discharge Fund
Discharge Support – high intensity users	65,000	ICB	ICB ASC Discharge Fund
Additional capacity – complex cases discharge incentives	26,000	ICB	ICB ASC Discharge Fund
Out of area discharge support (Hinchingbrooke)	11,700	ICB	ICB ASC Discharge Fund
Digital solution to improve internal patient transfers for Hinchingbrooke	16,900	ICB	ICB ASC Discharge Fund
Workforce: training, education and support for retention and recruitment of staff	52,000	ICB	ICB ASC Discharge Fund
Reablement Capacity	153,122	PCC	Local Authority Adult Social Care Discharge Grant
Brokerage capacity	60,000	PCC	Local Authority Adult Social Care

			Discharge Grant
Reablement – retention payments	153,122	PCC	Local Authority Adult Social Care Discharge Grant
Social care discharge capacity	32,949	PCC	Local Authority Adult Social Care Discharge Grant
Discretionary housing grants	20,000	PCC	Local Authority Adult Social Care Discharge Grant
Community equipment	100,000	PCC	Local Authority Adult Social Care Discharge Grant
Care Home discharges – incentivisation	73,200	PCC	Local Authority Adult Social Care Discharge Grant
Home care discharges – incentivisation	80,000	PCC	Local Authority Adult Social Care Discharge Grant
Voluntary sector alliance	100,000	PCC	Local Authority Adult Social Care Discharge Grant
Public health – strength and balance pilot	20,000	PCC	Local Authority Adult Social Care Discharge Grant
Administration of grant	6,613	PCC	Local Authority Adult Social Care Discharge Grant

SUBTOTAL (ASC Discharge Grant)	1,572,777		
TOTAL	26,921,346		

4. CORPORATE PRIORITIES

4.1 This supports the following Council Priorities of:

1. Our Places & Communities
 - Health and Wellbeing
2. Prevention, Independence & Resilience
 - Adults

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. This included:

- Discussions with the Cambridgeshire and Peterborough Integrated Care Board.
- Legal representation from PCC legal.
- Approval from the Joint Health and Wellbeing Board / Integrated Care Board Chairs, followed by retrospective approval from the full board on 14th October 2022 .
- NHS England formal approval of 2022/23 of the Peterborough Plan received 10th January 2023.

5.2 The financial assumptions associated with the Better Care Fund for 2022/23 have been included in the MTFs and have been subject to the governance and approval processes associated with setting the Council budget.

6. ANTICIPATED OUTCOMES OR IMPACT

6.1 This will enable the Council to continue to be compliant with NHS England's conditions for receiving Better Care Fund monies.

7. REASON FOR THE RECOMMENDATION

7.1 The Council is required are required under the national conditions of the Better Care Fund to establish a section 75 agreement for the pooled budget arrangements.

8. ALTERNATIVE OPTIONS CONSIDERED

8.1 Do nothing – but this would result in us not being compliant with NHS England's national condition associated with receiving Better Care Fund monies, putting this funding at risk.

9. IMPLICATIONS

Financial Implications

9.1 This is in line with the Council's Medium Term Financial Strategy (MTFS).

Legal Implications

- 9.2 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.

The agreement will be varied pursuant to clause 30 which states that no variations to the agreement are valid unless recorded in writing and signed by both parties.

Equalities Implications

- 9.3 There are none.

10. DECLARATIONS / CONFLICTS OF INTEREST & DISPENSATIONS GRANTED

- 10.1 There are 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.

- 11.1 *Better Care Fund Planning Guidance 2022-23*
[2022/23 Better Care Fund \(BCF\) Policy Framework and Planning Requirements.](#)

[Addendum to the 2022 to 2023 Better Care Fund policy framework and planning requirements](#)

12. APPENDICES

- 12.1 There are none.