

HEALTH AND WELLBEING BOARD

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BETTER CARE FUND: UPDATE AND SECTION 75 BUDGET ARRANGEMENTS

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Summary

As part of the governance arrangements for the Better Care Fund Medway Council and Clinical Commissioning Group (CCG) are required to establish a pooled budget in accordance with Section 75 of the Health and Social Care Act.

This report details the progress made to finalise the Section 75 Agreement and the Better Care Fund Plan for 2016/17 for the Health and Wellbeing Board to consider.

1. Budget and Policy Framework

- 1.1 Approval of the Better Care Fund (BCF) and related decisions such as the establishment of pooled budgets are a matter for Medway Council's Cabinet and the CCG's Governing Body
- 1.2 All BCF related plans including the Section 75 Agreements (S75) are also provided to the Health and Wellbeing Board so progress can be noted and partners across the health and social care system can input.

2. Background

- 2.1 The creation of the pooled fund under a S75 agreement of the Health and Social Care Act was approved by Cabinet on 13 January 2015. Responsibility to produce and finalise the agreement with the CCG was delegated to the Director of Children and Adults Services with the Assistant Director, Legal and Corporate Services, and in consultation with the Portfolio Holder for Adult Services. This arrangement ended on 31 March 2016.
- 2.2 On 10 May 2016, Cabinet agreed to delegate authority to the Director of Children and Adult Services to produce and finalise the S75 pooled fund for 2016/17 with the Accountable Officer of the CCG, in consultation with the Chief Legal Officer and the Portfolio Holder for Adult Services, after it had been considered and endorsed by the Health and Wellbeing Board. A parallel

report was provided to the Governing Body of the CCG on 26 May 2016 where authority was delegated to the Accountable Officer.

- 2.3 Due to the timescales the council and CCG have to meet for NHS England, it has been difficult to proceed through normal governance processes.
- 2.4 As it is now clear that the financial details relating to the BCF are likely to arrive in a similar manner in future years, it is prudent to put arrangements in place that allow for such short-order timescales. During 2016/17 the process will be reviewed and proposals placed before Cabinet and the CCG Governing Body for decision and to the Health and Wellbeing Board for noting. The current timescale for finalising the S75 and BCF plan for 2016/17 is 30 June 2016.
- 2.5 It will be noted that there is a modest increase in the pooled budget, as detailed in section 5, this is due to an uplift in funds allocated to the CCG.

3. Advice and analysis

- 3.1 Although the system has challenges progress is being made to deliver the BCF plan. The new contract to provide an integrated community equipment service goes live in July; the Home First programme went live on 4 April 2016; after a slower than anticipated beginning the Care Navigators are making rapid progress with all practices now participating generating a monthly referral rate of 150 plus. The joint Intermediate Care and Reablement procurement is in the final stages of evaluation and is on track for mobilisation during September 2016.
- 3.2 Whilst the conditions for BCF beyond 2017 are unclear, it is becoming apparent that NHS England does see the potential to change parts of the system, such as Delayed Transfer of Care (DToC), through the BCF programmes. DToC has been brought in as a new National Condition for 2016/17. Other aspects such as having systems that “talk” to each other and the use of the NHS number as the single service user / patient identifier remain a focus for BCF plans.
- 3.3 The challenge remains in meeting the time-scale allowed for by NHS England to develop complex plans across the health and social care system within governance arrangements for the Council and CCG.

4. Risk management

- 4.1 Risk sharing and risk management are important aspects of the S75 agreement for the pooled budget and these are covered comprehensively as part of the agreement. The Better Care Fund has a comprehensive section on risk share arrangements specifically as they relate to overspends and underspends.

5. Financial implications

- 5.1 The BCF for 2016/17 has a value of £18.255m as detailed below. This is an increase from the 2015/16 pooled budget figure of £17.2m.

Source of allocation	Proposed allocation to Pooled fund £m
NHS Medway CCG	16.564
Medway Council	
Disabled Facilities Grant	1.691
Total Better Care Funding	18.255

It will be noted that there is no adult social care (ASC) Capital Grants allowance for 2016/17 but the Disabled Facilities Grant has been uplifted by an amount greater than the amount of the ASC Capital grant received in 2015/16.

6 Legal implications

- 6.1 Section 75 of the NHS Act 2006 (the “Act”) allows local authorities and NHS bodies to enter into partnership arrangements to provide a more streamlined service and to pool resources, if such arrangements are likely to lead to an improvement in the way their functions are exercised. Section 75 of the Act permits the formation of a pooled budget made up of contributions by both parties out of which payments may be made towards expenditure incurred in the exercise of both prescribed functions of the NHS body and prescribed health-related functions of the local authority.
- 6.2 The Act precludes CCGs from delegating any functions relating to family health services, the commissioning of surgery, radiotherapy, termination of pregnancies, endoscopy, the use of Class 4 laser treatments and other invasive treatments and emergency ambulance services.
- 6.3 For local authorities, the services that can be included within section 75 arrangements are broad in scope although a detailed exclusions list is contained within Regulation 6 of the NHS Bodies and Local Authorities Partnership Arrangements Regulations 2000.
- 6.4 The fund is comprised of a number of existing funding streams (as part of 2014/15 allocations to local authorities and CCGs).

7. Recommendations

- 7.1 The Health and Wellbeing Board is asked to consider and endorse the individual schemes and services included within the scheme specifications of the draft Section 75 Pooled Fund for the Better Care Fund for 2016/17, as set out in Appendix 1 to the report.

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Appendices

Appendix 1 – Extract from the Section 75 Pooled Fund for the Better Care Fund
2016/2017

Background papers

There are no background papers.

Extract from the Section 75 Pooled Fund for the Better Care Fund 2016/2017

SCHEDULE 2 - SCHEME SPECIFICATIONS

INDIVIDUAL SCHEMES

The Better Care Fund Plan sets out the following Individual Schemes which will be jointly commissioned by the Partners:

BCF Programmes

1. Infrastructure Support – Partnership Commissioning Team BCF

2. Self Help and Community Resilience

- i. Voluntary sector contracts
- ii. Community Resource service

3. Intermediate Care, Reablement and rehabilitation

- a) Community Equipment
- b) Intermediate Care beds, St Barts, Frindsbury Hall and Platters Farm
- c) Reablement
- d) Telecare / Technology Enhanced Care Services (TECS)

4. Carers

5. Primary Care and Community services redesign

- a) Care Navigators
- b) Community Nursing

6. Dementia

- a) Day service for people with dementia

SERVICES

Service Background Information

The following services are currently being provided

Kent County Council Commercial services

Paediatric Equipment (currently via a partnership agreement and an SLA with KCC)

- Toileting Equipment
- Daily Living Equipment for Independence
- Seating
- Moving, Handling, Standing and Mobility Equipment
- Bathing Equipment
- Children's Specialist Beds

Electrical Equipment

- Bath Lifts
- Electric Riser Chairs
- Modular Shower Chairs
- Pillow Lifts
- Leg Lifters
- Ceiling Track Hoists

Bespoke Equipment

- The installation of minor adaptations required to improve the Service User's independence and accessibility within their own home.
- Arranging for the installation of more complex minor adaptations e.g. concrete half steps, the construction of wooden ramps and installation of external galvanised handrails.

Family Mosaic

Technicians Service

- The provision of a Technicians service to facilitate hospital discharge, prevent hospital admission or support referrals from the Rapid Response function.
- Minor works
- Handy persons service
- Core works for DFGs

MCH

Full range of community equipment for health and social care

Funding/Engagement From External Sources

This contract will be the start of an integrated Community Equipment Service for Medway Council and Medway CCG through Joint (Aligned) Commissioning arrangements. The CCG has agreed that the Council will lead on procurement processes for community projects. The phased approach has been agreed by CADMT and the CCG.

Parent Company Guarantee/Performance Bond Required

Current parent company guarantee is provided by Family Mosaic