

CABINET

9 JUNE 2020

S75 UPDATE: BETTER CARE FUND

Portfolio Holder:	Councillor David Brake, Portfolio Holder for Adults' Services
Report from:	James Williams, Director of Public Health Ian Sutherland, Director of People – Children and Adults Services
Author:	Su Ormes, Head of Adult Partnership Commissioning and Better Care Fund

Summary

This report seeks approval for the Better Care Fund S75 agreement for 2020/21 which has been updated to reflect the new Kent and Medway CCG arrangements.

Additionally, this report seeks approval for a variation to the S75 agreement for 2020/21 to include the Covid 19 funding in relation to hospital discharges and out of hospital work.

It also seeks agreement to extend the existing Better Care Fund arrangements of 2019/20 until the new policy framework and planning guidance is issued for this financial year

1. Budget and Policy Framework

- 1.1. Matters relating to the Better Care Fund S75 pooled budget agreement are a matter for Cabinet.
- 1.2. Better Care Fund arrangements for 2020/21 are subject to receipt of the policy framework and planning guidance and this has been delayed due to the Coronavirus Pandemic.
- 1.3. This report has been included on the Forward Plan in accordance with Section 11 (Cases of Special Urgency) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. As such, this report has been circulated separately to the main agenda. Therefore, the Cabinet is asked to accept this report as urgent to ensure that it

can finalise the Better Care Fund S75 Agreement at the earliest opportunity to ensure the continuation of the services funded by the Better Care Fund and the delivery of coronavirus funding from Central Government.

2. Background

- 2.1. The Better Care Fund (BCF) in Medway is a joint plan between NHS Medway Clinical Commissioning Group (the CCG) and Medway Council with Medway NHS Foundation Trust (MFT) as a key stakeholder. A pooled budget for the Better Care Fund is administered in accordance with a Section 75 agreement between the CCG and the Council.
- 2.2. Policy guidance and frameworks for the Better Care Fund in 2020/21 have not yet been issued and therefore we are unable to commence planning and development of our Medway BCF plans. The recent mergers of CCGs to form a Kent and Medway CCG require an update to the existing S75 to support the services within the plan.
- 2.3. In March and April 2020, government announced and issued guidance on a number of initiatives to support the response to the Covid 19 Pandemic.
- 2.4. Government published 'COVID 19 hospital discharges and out of hospital work Guidance & FAQs' on 30 April 2020. This confirmed that The Government has agreed to fully fund the cost of new or extended out-of-hospital health and social care support packages, referred to in the guidance. This applies, from 19 March 2020, for people being discharged from hospital or who would otherwise be admitted into it, for a limited time, to enable quick and safe discharge and more generally reduce pressure on acute services.
- 2.5. Guidance advised that local authorities should pool existing funding for discharge support with this additional money. The additional funding should be identifiable separately and spending from this new funding should be recorded for each person discharged and supported under these arrangements. Once pooled, funding should be treated as a single pooled fund and used to deliver the appropriate care for individuals to be discharged under these new arrangements.

3. Options

- 3.1. Officers request that the existing Better Care Fund arrangements (Appendix A) should be extended to cover the interim period until the new BCF Policy Frameworks and Planning Guidance is issued for 2020/21. This is required to ensure the continuation of the essential services included within the Better Care Fund.
- 3.2. Approval of the associated S75 agreement and a delegation of authorisation to the Director of People - Children and Adults Services, in consultation with in consultation with the Medway NHS Clinical Commissioning Group Deputy

Managing Director, Chief Legal Officer and the Portfolio Holder for Adults' Services.

- 3.3. Officers request that agreement is given to approve a variation to the S75 agreement to allow the pooled budget to include the new Covid funding related to hospital discharges as outlined in section 4 of the report.

4. Advice and Analysis – Covid Funding details

- 4.1. The Hospital Discharge and Out of Hospital funding agreement will be kept under review in line with Government requirements. CCGs and local authority partners will be notified by NHSE&I or DHSC, in collaboration with ADASS and LGA, when this no longer applies to new patients or recipients of support.

- 4.2. The funding scheme covers:

- Full or enhanced cost of care packages agreed at the point of discharge and delivered in the community, both domiciliary and non-domiciliary, and from a range of providers (including hospices).
- The additional cost of care for those who would ordinarily be deemed 'self-funding' during the period of the process if they were a hospital discharge during the emergency period or if their needs increased and required a new care setting.
- Enhancement of existing packages of care.
- It will also cover the cost of any loss of 'means tested' income from this cohort by the local authority.
- The costs of providing community health services to the homeless and rough-sleepers, wherever this accommodation may be situated.
- It also includes the cost of onward care both stepping up and stepping down packages of care intensity throughout the period covered by these arrangements. For example, for a patient discharged initially to a care home bed and subsequently moved to a 'home setting' once clinically appropriate – the additional costs of both elements will be met through this additional funding during the period.

- 4.3. It will be important that CCGs and primary care maintain medical, DN and therapy input to these additional care packages to enable people to either move back home or to decrease their need to care and support otherwise what is intended.

4.4. Funding is not intended to cover:

- Existing funded packages of care (prior to 19 March 2020) that will remain funded on the normal basis, but that if there are material changes to the package, they will then fall within scope of these new arrangements.
- Additional administrative burden on commissioners such as staffing and non-pay related costs incurred by CCGs and local authorities. CCG funding for this should be covered under the “workforce” element of the COVID 19 response work.
- Any extra costs associated with COVID 19 virus testing.

5. Risk management

Risk	Description	Action to avoid / mitigate	Rating
Government refuse to fund / clawback funding from the grant scheme	Grant not awarded in line with criteria specified by Government	Ensure allocation of funding is recorded in line with government guidelines.	E2
S75 is not agreed	Failing to sign the S75 will mean there is no legal agreement between the CCG and the Council	Officers to follow Governance processes to ensure S75 is amended	E2

6. Consultation

- 6.1. Proposals were discussed with the Portfolio Holder for Adults’ Services who indicated his support for the scheme.

7. Financial implications

- 7.1. The finances of the BCF are contained within a Section 75 agreement and this will be updated based on the revised BCF Policy Frameworks and Planning Guidance for 2020/21 when published.

8. Legal implications

- 8.1. S75 of the National Health Service Act 2006 and the resulting regulations (NHS Bodies and Local Authorities Partnership Arrangements Regulations 2000/617) set out the partnership arrangements that NHS bodies and Local Authorities may enter into via a s75 agreement. These include pooled funds and delegation of certain functions.

- 8.2. As this report seeks approval to extend an existing arrangement made in line with the national policy framework there are no direct legal implications arising from it.

9. Recommendations

- 9.1. Cabinet is asked to agree the revision of the S75 arrangements to include reference to the new Kent and Medway CCG and to pool the Coronavirus funding as detailed in section 4 of the report for the period from 1 April 2020 to 31 March 2021.
- 9.2. Cabinet is asked to agree an extension of the existing BCF plan to cover the interim period until planning guidance is issued and to delegate authority for the development and delivery of Medway's Better Care Fund programme during 2020/2021 to the Director of People - Children and Adults Services, in consultation with the Medway NHS Clinical Commissioning Group Deputy Managing Director, Chief Legal Officer and the Portfolio Holder for Adults' Services.

10. Suggested reasons for decisions

- 10.1 The extension of the existing BCF Plan and S75 arrangements to cover the period from 1 April 2020 to 31 March 2021 will enable the arrangements and services that sit within the Better Care Fund to be dealt with as seamlessly as possible the policy framework and planning guidance from Central Government is received. This has been delayed due to the Coronavirus Pandemic.
- 10.2 Given the severity of the Covid-19 pandemic and the funding available to Medway Council it is appropriate for the Council to introduce these measures.

Lead officer contact

Su Ormes, Head of Adult Partnership Commissioning and Better Care Fund

T: 01634 331280

E: su.ormes@medway.gov.uk

Appendices

Appendix A – Better Care Fund Plan

Background papers

None