

ADULT SOCIAL CARE AND PUBLIC HEALTH COMMITTEE**18 JULY 2024**

REPORT TITLE:	BETTER CARE FUND SECTION 75 AGREEMENT 2024/25
REPORT OF:	DIRECTOR OF ADULTS, HEALTH AND STRATEGIC COMMISSIONING

REPORT SUMMARY

This report requests Adult Social Care and Public Health Committee to approve the mandatory Section 75 pooled fund arrangement for 2024/25, between Cheshire and Merseyside Integrated Care Board (ICB) and the Council and give delegated authority to the Director of Law and Corporate Services in consultation with the Director of Care and Health to sign off the agreement. The report describes the arrangements, content, and value of the 2024/2025 Section 75 agreement and sets out the additional funding that the ICB have contributed to in the pool.

This report describes how these arrangements will achieve the government's priorities for the Better Care Fund (BCF) Plan 2023/25.

The report supports the Council Plan: Wirral Working Together 2023-27, specifically the 'promoting independence and healthier lives' theme.

This is a key decision.

RECOMMENDATION/S

The Adult Social Care and Public Health Committee is recommended to: -

- (1) approve the continuation and endorse the value of the pooled fund arrangement between the Council and the ICB for 2024/25, as set out in section 4.0;
- (2) authorise the Director of Law and Corporate Services in consultation with the Director of Care and Health, to enter into an agreement pursuant to Section 75 of the National Health Service Act 2006 with the NHS Cheshire and Merseyside ICB for 2024/25.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 The Better Care Fund was established by the Government (pursuant to the Care Act 2014) to provide funds to local areas to support the integration of health and social care to achieve mandatory National Conditions and Local Objectives. It is an NHS England (NHSE) requirement that the ICB and the Council establish a BCF Plan and pooled fund for this purpose. An agreement pursuant to Section 75 of the National Health Service Act 2006 (a Section 75 agreement) must be updated annually to set out the detail of budget areas pooled to draw down the elements of the pool relating to the Better Care Fund (BCF). Continuing the current pooled fund arrangements, including the increased contribution from the ICB, does not increase financial risk to the Council.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 To exit the arrangement is not recommended and it does not expose the Council to increased financial risk.

3.0 BACKGROUND INFORMATION

- 3.1 The BCF represents a collaboration between:
- Department of Health and Social Care
 - NHS England
 - Department for Levelling Up, Housing and Communities
 - The Local Government Association.
- 3.2 The BCF plan articulates, at a place-based level, how the BCF is used to successfully deliver the integration of health and social care in a way that supports person-centred care, sustainability and better outcomes for people and carers.
- 3.3 The management and delivery of the BCF plan currently is within the remit of the Joint Health and Care Commissioning Executive Board which:
- Ensures effective day-to-day management of the pooled funds under the Section 75 agreement.
 - Maintains an overview of the use of the pooled fund and service delivery.
 - Reports on performance of the pooled fund to various committees and boards
 - Is accountable for the delivery of Wirral place-based priorities.
- 3.4 Wirral's Place Director and the Director of Adult Care and Health seek local stakeholder endorsement of Wirral's BCF Plan via the Wirral Place Based Partnership Board. The plan is approved by the Health and Wellbeing Board.
- 3.5 The Section 75 agreement sets out the minimum and additional contributions from the ICB and the Council, the Disabled Facilities Grant, and the Improved BCF.
- 3.6 The allocation of the funding demonstrates the Section 75 arrangements contributes to the outcomes of the Wirral Working Together Plan as follows:

- Create a place that supports the Health and Wellbeing of everyone living in Wirral in the places that they live.
- Through understanding our populations' health, we enable more people to remain healthier and independent for longer and live well.
- Families and communities are empowered and supported to raise healthy and resilient children and young people and give them the best start in life.
- Wirral people and their families feel informed and involved in managing their health.
- Care and support are provided seamlessly from organisations that talk to each other.

3.7 The Section 75 arrangements demonstrate how, via well-established joint commissioning arrangements, funding has been allocated to services that achieve the Government's priorities for 2024/25 and a commitment to a systemic programme of service reviews provides assurance that all funded schemes deliver value for money outcomes against cost assessments by:

- Pooling resources, intelligence, and planning capacity
- Delivering the Right Care in the Right Place at the Right Time
- Managing demand and reducing the cost of care
- Clear accountability and governance arrangements
- Resilience and flexibility to emerging issues in service delivery.

3.8 The Adult Social Care Discharge Fund was introduced in November 2022 and has been extended into 2024/25. This is a national allocation of resources to Local Authorities and the NHS from the Government to support places to improve discharges from hospital. The funding was pooled into the BCF.

3.9 There was an increase in the Section 75 pooled fund in April 2024 because of the Adult Social Care Discharge Fund (section 4.2). These arrangements and the associated two-year BCF Plan will enable Wirral Place to achieve the government's priorities for 2023/25 and support the ambitions of the Wirral Working Together Plan. The end of year (2023/24) position demonstrates continued compliance with the requirements of the BCF fund and that the NHSE outcomes for 2023/25 have been met, and a balanced budget has been achieved.

4.0 FINANCIAL IMPLICATIONS

4.1 The table below sets out the contributions from the ICB and Wirral Council. The additional ICB funding does not expose the Council to increased financial risk. The current risk share arrangements remain the same and individual services will be reviewed to ensure National Conditions are met and value for money outcomes against cost assessments were demonstrated.

2024/25	ICB Contribution	Council Contribution	Total
BCF Schemes	£35,392,900	£26,621,188	£62,014,088
Non-BCF Schemes	£180,913,000	£54,342,600	£235,255,600
TOTAL	£216,305,900	£80,963,788	£297,269,688

4.2 The table below sets out the allocation of Adult Social Care discharge funding between the Council and the ICB.

2024/25	Allocation
Wirral Council	4,495,437
NHS Cheshire & Merseyside ICB - Wirral Place	3,344,764

5.0 LEGAL IMPLICATIONS

5.1 A BCF Plan and a Section 75 agreement pursuant to S75 of the NHS Act (2006) are required to draw down resources under the BCF and to enable the pooling of wider funding elements which are in the scope of the arrangement. Each year, Legal Services are fully engaged in the development of the Section 75 agreement. The Government delay in circulation of the guidance and the shift to place-based commissioning arrangements delayed the finalisation of the Section 75.

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSET

6.1 There are no new resource implications because of this proposal, as it is a continuation of current arrangements.

7.0 RELEVANT RISKS

7.1 The current risk share arrangements remain the same in that each party carries a 50% responsibility for any over or underspends.

8.0 ENGAGEMENT/CONSULTATION

8.1 A range of engagement and consultation processes related to the integration of services and commissioning functions have been undertaken in previous years. The BCF annual plan must provide evidence that key partners have been involved in its production and on that basis, there is no requirement for further consultation to continue with arrangements as proposed. However, as part of the reviews of all BCF funded services we will be engaging with people with lived experience to provide assurance that positive outcomes have been achieved.

9.0 EQUALITY IMPLICATIONS

9.1 There are no direct equality impacts from this report.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

10.1 Within the specification for any Council BCF funded services, commissioners have aimed to minimise environmental impact through its specification and commissioning process.

11.0 COMMUNITY WEALTH IMPLICATIONS

11.1 Funded services primarily recruit local people, and community care providers are offered an enhanced rate to pay the Real Living Wage which becomes a contractual obligation if accepted. NHS and Community Care Market providers are both large employers of people who work in Health and Care in Wirral.

REPORT AUTHOR: **Bridget Hollingsworth**
Head of Integrated Services
telephone: 0151 666 3609
email: bridgethollingsworth@wirral.gov.uk

APPENDICES

N/A

BACKGROUND PAPERS

Adult Social Care Discharge Fund Guidance 19 November 2022
BCF Narrative Plan 2023/25

TERMS OF REFERENCE

This report is being considered by the Adult Social Care and Public Health Committee in accordance with Section 2.2 a and b of its Terms of Reference, “adult social care matters (e.g., people aged 18 or over with eligible social care needs and their carers)” and “promoting choice and independence in the provision of all adult social care”.

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Adult Social Care and Public Health Committee	13 October 2021
Adult Social Care and Public Health Committee	18 July 2023
Adult Social Care and Public Health Committee	17 October 2023