

ADULT SOCIAL CARE AND PUBLIC HEALTH COMMITTEE**18 July 2023**

REPORT TITLE:	BETTER CARE FUND 2022/23 SECTION 75 ARRANGEMENTS
REPORT OF:	DIRECTOR OF CARE AND HEALTH

REPORT SUMMARY

The report requests Adult Social Care and Public Health Committee to retrospectively approve the Section 75 pooled fund arrangement for 2022/23 between the Integrated Care Board (ICB) and the Council and give delegated authority to the Director of Law and Governance in consultation with the Director of Care and Health to sign off the agreement. The report describes the arrangements, content, and value of the 2022/2023 Section 75 and sets out the additional funding that the ICB contributed to the pool. The report sets out how the content of the S75 supported the outcomes of the Healthy Wirral Plan and achieved the Governments priorities for 2022/23.

This is a key decision which affects all wards.

RECOMMENDATION/S

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

1. Approve the continuation and value of the pooled fund arrangement between the Council and the ICB for 2022/23. (Section 4.0 and Appendix 1)
2. Note that the shared risk arrangements are limited to the Better Care Fund (BCF) arrangements only, which is currently reporting a break-even position.
3. Note the increase in the Section 75 pooled fund in November 2022 as a result of the Adult Social Care Discharge Fund
4. Give delegated authority to the Director of Law and Governance in consultation with the Director of Care and Health to enter a S75 Agreement with the Wirral ICB for 2022/23.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 A section 75 pooled fund agreement must be updated to set out the detail of budget areas pooled in 2022/23 and the associated governance. There is a mandatory legal requirement to have a Section 75 agreement in place to draw down the elements of the pool relating to the BCF. Continuing the current pooled fund arrangements, including the increased contribution from the CCG, does not increase financial risk to the Council.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 The pooled fund arrangements are contributing to ensuring people and carers remain as independent as possible for as long as possible and people are discharged from hospital to the right place at the right time. There have been significant pressures within the health system and the care market, the BCF has mitigated some of these pressures and it is therefore recommended to continue with the pooled fund arrangement for 2022/23, including the increased contribution from the ICB. 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 Joint Health and Care Commissioning Executive Group (JHCCEG) continues to oversee and monitor the effective use of pooled fund resources. It:
- Ensures effective day to day management of the pooled funds under the Section 75.
 - 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.
- 3.2 The Section 75 sets out the minimum and additional contributions from the ICB and Wirral Council, the Disabled Facilities Grant (DFG), and the Improved Better Care Fund. The allocation of the funding demonstrates the section 75 arrangements reflect and help achieve the outcomes of the Healthy Wirral Plan:
- 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.

3.3 The S75 arrangements demonstrates how, via our well-established joint commissioning arrangements funding has been allocated to services that achieve the Government’s priorities for 2022/23, including.

- 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.

3.4 The Adult Social Care Discharge Fund was introduced in November 2022 (Adult Social Care Discharge Fund guidance 19 November 2022) 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. The funding was provided in two tranches, the first (40%) in November 2022 and the second (60%) in January 2023. The allocations are set out in section 4.2 of this report.

4.0 FINANCIAL IMPLICATIONS

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

Funding	22-23
DFG	-4,723,627
Minimum NHS Contribution	-31,702,604
iBCF	-19,238,890
Additional LA Contribution	-2,000,000
Additional ICB Contribution	-376,036
Slippage b/f from 2021-22	-236,064
Total Funding	-58,277,221

5.0 LEGAL IMPLICATIONS

5.1 A section 75 agreement for the pooled fund is the contractual agreement which sets out the terms of the arrangement. Such an agreement is 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 delay in circulation of the guidance and the shift to place based commissioning arrangements delayed the finalisation of the S75. This is permissible within the BCF guidance.

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

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.

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. There is no requirement for further consultation to continue with arrangements as proposed.

9.0 EQUALITY IMPLICATIONS

9.1 Equality Impact Assessments will be embedded into service design and reviews. Any new commissions will require an Equality Impact Assessment to be completed.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

10.1 Most BCF funded schemes are delivered by local providers, the emphasis is on providing support in the right place and avoiding the need for extensive out of area travel.

11.0 COMMUNITY WEALTH IMPLICATIONS

11.1 Most BCF funded schemes are delivered by local providers creating employment opportunities for Wirral citizens.

REPORT AUTHOR: **Bridget Hollingsworth**
Head of Integrated Services
telephone: 07912 759770
email: bridgethollingsworth@wirral.gov.uk

APPENDICES

Appendix 1 Section 75 financial tables.

BACKGROUND PAPERS

BCF Narrative Plan.

TERMS OF REFERENCE

This report is being considered at the Adult Social Care and Public Health Committee in accordance with Section 2.2(a) adult social care matters (e.g., people aged 18 or over with eligible social care needs and their carers).

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Adult Social Care and Public Health Committee	13 October 2021