



ADULT SOCIAL CARE AND PUBLIC HEALTH COMMITTEE

17 OCTOBER 2023

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| REPORT TITLE: | BCF SECTION 75 POOLED FUND |
| REPORT OF: | DIRECTOR OF CARE AND HEALTH |

REPORT SUMMARY

The report sets out the detail of the budget areas to be pooled in 2023/24 as part of the mandatory agreement under Section 75 of the National Health Service 2006 Act, between the Council and NHS Cheshire and Merseyside Integrated Care Board (ICB), Wirral Place. It describes how these arrangements will achieve the Government's priorities for the Better Care Fund (BCF) Plan 2023/25 and support the ambitions of the Healthy Wirral Plan.

The report requests Adult Social Care and Public Health Committee to approve the Section 75 pooled fund arrangement for 2023/24 between the 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 2023/2024 pooled budget and sets out the additional funding that the ICB has contributed to the pooled budget.

This has implication for all wards and is a key decision.

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 NHS Cheshire and Merseyside ICB as outlined in section 4.1 of this report; and
2. Authorise the Director of Law and Governance in consultation with the Director of Care and Health to enter a Section 75 agreement with NHS Cheshire and Merseyside ICB for 2023/24. Note that the shared risk arrangements are limited to the Better Care Fund (BCF) only, which is currently reporting a break-even position.
3. Note the increase in the Section 75 pooled fund in April 2023 as a result of the Adult Social Care Discharge Fund as outlined in Section 4.2 of this report.

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 a National Health Service England requirement that the local ICB and Council establish a pooled fund for this purpose. A Section 75 agreement under the national health services act 2006 must be updated annually to set out the detail of budget areas pooled and the associated governance. The Section 75 agreement must provide for drawing down the elements of the funding pool relating to the 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 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 2023/24. To exit the arrangement is not recommended and the proposed arrangement 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 sits within the jurisdiction of the Joint Health and Care Commissioning Executive Board. It:

- 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 Care and Health seeks local stakeholder endorsement of Wirral's Plan via the Wirral Place Based Partnership Board. The plan will be approved by the Health and Wellbeing Board.

- 3.5 The Section 75 agreement sets out the minimum and additional contributions from the ICB and Wirral Council, the Disabled Facilities Grant, and the Improved BCF.
- 3.6 The allocation of the funding demonstrates the Section 75 arrangements reflect and helps achieve the outcomes of the Healthy Wirral Plan which are 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; and
 - Care and support are provided seamlessly from organisations that talk to each other.
- 3.7 The Section 75 agreement arrangements demonstrate how via the Council's well-established joint commissioning arrangements, funding has been allocated to services that achieve the Government's priorities for 2023/24 (see below) and a commitment to a systemic programme of service reviews providing 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; and
 - 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 2023/24. 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 allocations are set out in section 4.2 of this report.
- 3.9 These arrangements outlined in this report on the associated 2-year BCF plan will enable Wirral place to achieve the government's priorities for 2023/25 and support the ambitions of the Healthy Wirral Plan.

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.

| 2023/24 | ICB Contribution | Council Contribution | Total |
|-----------------|-------------------------|-----------------------------|---------------------|
| BCF Schemes | £33,496,971 | £25,962,517 | £59,459,488 |
| Non-BCF Schemes | £158,047,619 | £50,369,000 | £208,416,619 |
| TOTAL | £191,544,590 | £76,331,517 | £267,876,107 |

4.2 The additional contribution from the government to support hospital discharge is set out below.

| 2023/24 | Allocation |
|----------------------------------------------|-------------------|
| Wirral Council | £2,697,262 |
| NHS Cheshire & Merseyside ICB – Wirral Place | £2,457,969 |
| Total | £5,155,231 |

4.3 The shared risk arrangements are limited to the BCF only, which is currently reporting a break-even position.

5.0 LEGAL IMPLICATIONS

5.1 Under Section 75 of the National Health Service Act 2006, NHS bodies may enter into arrangements with local authorities in relation to NHS functions and the health functions of local authorities.

5.2 Section 141 of the Care Act 2014 provides for the BCF Pooled Funds to be held under and governed by an overarching Section 75 Partnership Agreement. 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 Section 75 agreement. 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 There is a risk that the Council is exposed to financial risk, but this is mitigated by having the risk share agreement in place for services provided within the BCF.

7.2 There is a risk that the Council would not meet the requirement to have a pooled fund in place, but this is mitigated by the Section 75 being in place.

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 Wirral Council has a legal requirement to make sure its policies, and the way it carries out its work, do not discriminate against anyone. 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.

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APPENDICES

N/A

BACKGROUND PAPERS

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

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 |