

Agenda item 11

DERBYSHIRE HEALTH AND WELLBEING BOARD

7 December 2017

Report of the Strategic Director of Adult Care and Public Health

**BETTER CARE FUND 2017-19:
PLAN APPROVAL AND SECTION 75 UPDATE**

1. Purpose of the Report

To inform the Health and Wellbeing Board of:

- confirmation from NHS England of the approval of the Derbyshire 2017-19 Better Care Fund Plan, and;
- revisions to the existing Section 75 Pooled Budget Agreement that underpins the Derbyshire Better Care Fund.

2. Information and Analysis

On 27 October 2017 Simon Weldon, Director of NHS Operations and Delivery and SRO for the Better Care Fund NHS England, wrote via email to the Chair of the Health and Wellbeing Board to confirm that the plan for Derbyshire had been classified as 'Approved' (see also Appendix 1). In receiving this approval, the Council and its Clinical Commissioning Group (CCG) partners have been able to formally establish the pooled fund arrangements for delivering the plan. This pooled budget is legally underpinned by a Section 75 (s.75) Partnership Framework Agreement between the Council and the CCGs.

A s.75 was developed in 2014-15 in order to begin delivery of the Derbyshire BCF Programme, which began in 2015-16. A copy of the s.75 was signed by the Chief Operating Officers of the participating CCGs and the Director of Adult Care for the local authority. It came into force on 1 April 2015. The agreement continues in force until any partner gives notice of termination.

With the BCF Plans being refreshed in 2016-17 and 2017-18 (the latter for two years up until 2019) the s.75 has had to be amended to reflect these changes. In summary, the main elements of the s.75 agreement that have been amended relate to a number of Schedules that detail how the pooled budget will operate – no changes have been made to the main body of the agreement except for updates to contact details for the parties involved:

Schedule 1 – Scheme Specifications

Part 1 – This has been updated to reflect the schemes and associated lines of expenditure agreed for the 2017-19 BCF Plan, along with changes to personnel within the CCGs with responsibility for the BCF. There have been no further amendments made to expenditure lines since the Plan was submitted to NHS England on 11 September 2017.

Part 2 - This contains project summary forms for the expenditure lines, providing more detail about what is being funded and its expected contribution to the scheme it is a part of.

Schedule 2 – Governance

This schedule has been updated to include a revised governance diagram and amendments to wording of the terms of reference of the BCF Programme Board – specifically the replacement of references to “Unit of Planning” with “Sustainability and Transformation Plan”.

Schedule 3 – Risk Share and Overspends

This Schedule provides details of the financial framework under which the pooled budget operates. Amendments have been made to section 2.4 and were agreed by both the BCF Programme Board and Finance and Performance Sub-Group in June 2017. These amendments related specifically to the process for utilising any underspends occurring in the pooled budget. The Annexes which cover pooled fund contributions have also been updated for the 2017-19 period.

Schedule 5 – Performance Arrangements

This has been updated for 2017-19 to reflect the removal of local performance metrics from the national reporting requirements.

3. Background papers

Derbyshire BCF 2016-17 Section 75 Partnership Framework Agreement:

https://www.derbyshire.gov.uk/images/Derbyshire%20Better%20Care%20Fund%20Framework%20Partnership%20Agreement%202016%20Revision_tcm44-264437.pdf

Derbyshire Better Care Fund Plan 2016/17 Refresh:

https://www.derbyshire.gov.uk/images/Derbyshire%20BCF%202017_19%20Narrative%20Plan%20Final_tcm44-279797.pdf

RECOMMENDATIONS

The Health and Wellbeing Board is asked to receive the report and note the:

1. Confirmation of approval for the Derbyshire BCF Plan 2017-19, and;
2. Changes made to the Section 75 Partnership Framework Agreement to reflect the revised plan for 2017-19

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Strategic Director Adult Care and Public Health
Derbyshire County Council



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27 October 2017

To: *(by email)*
Cllr Carol Hart

Chair, Derbyshire Health and Wellbeing Board

Joy Hollister

Strategic Director of Adult Care and Acting Head of Paid Service, Derbyshire County Council

Dr Chris Clayton

Accountable Officer, NHS Derbyshire CCG

Gareth Harry

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Jenny Swatton

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Sarah Carter

Accountable Officer, NHS North Derbyshire CCG

Angela Wright

Accountable Officer, NHS Erewash CCG

Elaine Richardson

Accountable Officer, NHS Tameside and Glossop CCG

Dear Colleagues

BETTER CARE FUND 2017-19

Thank you for submitting your Better Care Fund (BCF) plan for regional assurance. We know that the BCF has again presented challenges in preparing plans at pace and we are grateful for your commitment in providing your agreed plan. The Better Care Fund is the only mandatory policy to facilitate integration of health and social care and the continuation of the BCF itself. It brings together health and social care funding, with a major injection of social care money announced at Spring Budget 2017. For the first time, this policy framework for the Fund covers two financial years to align with NHS planning timetables and to give areas the opportunity to plan more strategically.

Your plan has been assessed in accordance with the process set out in the *Better Care Fund 2017-19: Guide to Assurance of Plans*.

In determining and exercising further powers in connection with your application, NHS England has had regard to the extent to which there is a need for the provision of health services; health-related services (within the meaning given in section 14Z1 of the NHS Act 2006); and social care services.

I am delighted to let you know that, following the regional assurance process, your plan has been classified as '**Approved**'. In summary, the assurance team recognises your plan has been agreed by all parties (local authority[s], Clinical Commissioning Group/s (CCG/s), and your Health and Wellbeing Board), and the plan submitted meets all requirements and the focus should now be on delivery.

High quality care for all, now and for future generations

Your BCF funding can therefore now be released subject to the funding being used in accordance with your final approved plan, and the funding being transferred into pooled funds under a section 75 agreement.

These conditions have been imposed through NHS England's powers under sections 223G and 223GA of the NHS Act 2006 (as amended by the Care Act 2014). These sections allow NHS England to make payment of the BCF funding subject to conditions. If the conditions are not complied with, NHS England is able to withhold or recover funding, or direct the CCG(s) in your Health and Wellbeing Board area as to the use of the funding.

Amounts payable to the CCG in respect of the BCF are subject to the following conditions under section 223GA of the NHS Act 2006:

1. That the CCG will meet the performance objectives specified in its BCF plan; and
2. That the CCG will meet any additional performance objectives specified by NHS England from time to time.

If the CCG fails to meet those objectives, NHS England may withhold the funds (in so far as they have not already been paid to the CCG) or recover payments already made; and may direct the CCG as to the use of the amounts payable in respect of the BCF.

In addition to the BCF funding, the Spring Budget 2017 increased funding via the Improved Better Care Fund (IBCF) for adult social care in 2017-19. This has been pooled into the local BCF. The new IBCF grant (and as previously the Disabled Facilities Grant) will be paid directly to local authorities via a Section 31 grant from the Department for Communities and Local Government. The Government has attached a set of conditions to the Section 31 grant, to ensure it is included in the BCF at local level and will be spent on adult social care.

You should now progress with your plans for implementation. Ongoing support and oversight with your BCF plan will be led by your local better care manager.

Once again, thank you for your work and best wishes with implementation and delivery.

Yours faithfully,



Simon Weldon

Director of NHS Operations and Delivery and SRO for the Better Care Fund NHS England

Copy (by email) to:

OFFICIAL

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Graham Spencer

Leader of Derbyshire County Council
Better Care Fund Lead Official, Derbyshire County Council

Jo Farrar
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