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| <p style="text-align: center;">Health and Wellbeing Board Tuesday 18th April 2017</p> |  |
| <p>Report of: Tower Hamlets Clinical Commissioning Group/ Tower Hamlets Council</p> | <p>Classification: Unrestricted</p> |
| <p>Better Care Fund 2017-19</p> | |

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| Lead Officer | Denise Radley, Corporate Director of Health, Adults and Community |
| Contact for information | <p>Louise Inman, Programme Manager- Better Care Fund and Joint Commissioning, Tower Hamlets Clinical Commissioning Group</p> <p>Steve Tennison, Senior Strategy, Policy and Performance Officer – Integration Lead, LB Tower Hamlets</p> |

Executive Summary

At its February meeting, the Board was advised that the publication of the national Better Care Fund (BCF) planning guidance and policy framework for the period 2017-19 had been delayed, together with details of available resources.

The HWBB agreed to delegate to the Joint Commissioning Executive (JCE) responsibility for signing off and submitting to NHS England the Borough's BCF Plan and Programme for 2017-19, and that the proposed BCF Plan and Programme should be circulated to members of the HWBB for comment prior to submission;

The BCF policy framework for 2017-19 was published on 31 March. At the time of writing, the detailed planning requirements document and allocations that underpin the framework have not yet been published. An oral update will be provided to the meeting.

Recommendation:

The Health and Wellbeing Board is recommended to:

1. Note the further delay in the publication of BCF guidance and receive an oral update at the meeting.

1 DETAILS OF REPORT

- 1.1. Further information will be provided in the presentation to the meeting

2 FINANCE COMMENTS

- 2.1 The finance comments set out here are a summary of the financial information known so far. The full implications for Tower Hamlets will be examined further as the guidance is digested and understood.
- 2.2 In 2016/17, Tower Hamlets received a BCF funding of circa £21.46m. Of this amount, £9.3m represented BCF funding for LBTH led interventions whilst the remainder was for THCCG commissioned interventions.
- 2.3 Confirmation of the 2017/18 and 2018/19 BCF settlement was only released on 31st March 2017. The following table sets the national position.

| Better Care Fund funding contribution | 2017-18 £bn | 2018-19 £bn |
|---|------------------------|------------------------|
| Minimum NHS (clinical commissioning groups) contribution | £3.582 | £3.650 |
| Disabled Facilities Grant (capital funding for adaptations to houses) | £0.431 | £0.468 |
| New grant allocation for adult social care (Improved Better Care Fund)* | £1.115 | £1.499 |
| Total | £5.128 | £5.617 |

*Combined amounts announced at Spending Review 2015 and Spring Budget 2017

The guidance for 2017-19 states that there are four national conditions, rather than the previous eight. These are as follows

- i. Plans to be jointly agreed
- ii. NHS contribution to adult social care is maintained in line with inflation
- iii. Agreement to invest in NHS commissioned out-of-hospital services, which may include 7 day services and adult social care
- iv. Managing Transfers of Care (a new condition to ensure people's care transfers smoothly between services and settings).

The guidance also states that beyond this, areas have flexibility in how the Fund is spent over health, care and housing schemes or services, but need to agree how this spending will improve performance in the following four metrics:

- i. Delayed transfers of care;
- ii. Non-elective admissions (General and Acute);
- iii. Admissions to residential and care homes; and

iv. Effectiveness of reablement.

- 2.4 The minimum NHS contribution to BCF for the Tower Hamlets area is yet to be released but in line with the statement in the guidance, it appears that a 1.79% inflationary uplift has been added to the national 2016/17 figure to arrive at the 2017/18 amount of £3.582 billion. Based on this, it is reasonable to assume that the allocation for Tower Hamlets in 2017/18 should not be significantly different to the 2016/17 allocation in real terms.
- 2.5 The £1.115 billion earmarked as 'new grant allocation for adult social care' appears to be a combination of the original £105m earmarked as Improved Better Care Fund (IBCF) allocation within 2017/18 local government financial settlement and the recent Spring Budget 2017 announcement of £1.01 billion as additional funding for Adults Social Care. It is expected based on earlier correspondence that LBTH will receive £1.6m of the original £105m and £7.02m of the £1.01 billion. These figures were all used in our budget preparation.
- 2.6 It is anticipated that most of the 2016/17 BCF programme in Tower Hamlets can be rolled forward and additional interventions created to improve services available to service users. The S75 agreement in place remains a relevant tool aimed at addressing the financial and non-financial risks.

3. LEGAL COMMENTS

- 3.1. The Care Act 2014 ('the 2014 Act') places a duty on the Council to exercise its functions by ensuring the integration of care and support provision with health provision; promote the well-being of adults in its area with needs for care and support; and contribute to the prevention or delay of the development by adults in its area of needs for care and support. The 2014 Act also amended the National Health Service Act 2006 ('NHS Act 2006') to provide the legislative basis for the Better Care Fund. This allows for the NHS Mandate to include specific requirements relating to the establishment and use of an integration fund.
- 3.2. The Government provides funding to local authorities under the Better Care Fund to integrate local services. The funding is through a pooled budget which is made available upon the Council entering into an agreement with a relevant NHS body under section 75 of the NHS Act 2006. Such agreements may be entered into where arrangements are proposed which are likely to lead to improvement in the way that prescribed NHS functions and prescribed health-related functions of the Council are exercised.
- 3.3. In order to receive the Better Care funding, the Government requires the Council to set out its plans for the application of those monies. The Government published a policy framework for the 2016/17 Better Care Fund programme in January 2016 which indicated that plans should be agreed by the Council's Health and Wellbeing Board ("**HWB**"), then signed off by the

Council and the Clinical Commissioning Group ('CCG'). This is consistent with the general policy, reflected in the Health and Social Care Act 2012, of giving HWBs responsibility for joint health and wellbeing strategies and the joint strategic needs assessment. Although the 2017-19 policy framework has yet to be finalised, it can reasonably be anticipated that this will contain similar provisions, and will set out the requirements for the plan to demonstrate how the area will meet certain national conditions.

- 3.4. The Equality Act 2010 requires the council in the exercise of its functions to have due regard to the need to avoid discrimination and other unlawful conduct under the Act, the need to promote equality of opportunity and the need to foster good relations between people who share a protected characteristic (including age, disability, maternity and pregnancy) and those who do not.

Appendices

- None