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| Non-Executive Report of the: Health and Wellbeing Board 19 November 2019 |  |
| Report of: Denise Radley and Selina Douglas | Classification: Unrestricted |
| Better Care Fund 2019-20 | |

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| Originating Officer(s) | Phil Carr and Suki Kaur |
| Wards affected | All Wards |

Executive Summary

This report covers the BCF Plan for 2019-20. The template has been reviewed by Denise Radley, Selina Douglas, Warwick Tomsett, Andrea Antoine, Adrian Osborne and regional BCF team.

The final version was submitted to NHS England by 27 September.

Recommendations:

The Health and Wellbeing Board is recommended to:

1. Endorse the BCF Plan for 2019-20.

1. REASONS FOR THE DECISIONS

- 1.1 It is a requirement of the Better Care Fund that the plans are signed-off by local Health and Wellbeing Boards. Due to the delay in circulating the Guidance for 2019-20 it was agreed that plans could be shared with HWBB following the submission deadline in order to support scheduling to meet the 27th September deadline.
- 1.2 Tower Hamlets Better Care Fund Plan 2019-20 was approved by Denise Radley, Corporate Director of Health, Adults and Community and Selina Douglas as the Managing Director of Tower Hamlets Clinical Commissioning Group.

2. ALTERNATIVE OPTIONS

- 2.1 As the Guidance was delayed, BCF schemes are already underway (from 1st

April 2019) so there are no alternate options.

3. DETAILS OF THE REPORT

- 3.1 The Better Care Fund (BCF), now in its fourth year, is the only mandatory national programme focussed on integrating health and social care. It comprises a ring-fenced pooled fund for use by NHS and Local Government partners made up of a direct grant paid out by central government.
- 3.2 The NHS, Department of Health and Social Care (DHSC) and Ministry of Housing and Local Government (MHCLG) published the Better Care Fund Planning Requirements for 2019-20 on the 18 July 2019. This document set out the detailed requirements for Better Care Fund plans following the 2019-20 Better Care Fund (BCF) Policy Framework, published by Departments on the 10 April 2019.
- 3.3 The deadline for submitting final BCF plans was 27 September 2019. The date was aligned with the deadline for initial returns on the 'Implementation of the Long Term Plan' to enable areas to combine consideration and discussions on areas of interface or overlap, where appropriate.
- 3.4 All Health & Wellbeing Boards (HWB) in England must agree a plan for the use of the pooled fund, worth over £6.4 billion nationally, to support integrated health and care services, as well as capital funding adaptations to houses. The BCF Planning Requirements for 2019-20 sought to reduce the burden of planning by using a single planning template, removing the requirement for a separate narrative and a separate plan for the Winter Pressures grant.
- 3.5 This is the first year that Winter Pressures funding is included within the BCF to encourage more proactive, joint planning ahead of winter and to minimise seasonal pressures.
- 3.6 The national conditions of the BCF continue to be:
- 3.7 NHS CCG minimum allocations: the overall CCG minimum allocation (£3.84 billion across England) is split for the purposes of local allocations into two components:
 - 3.8 Funding that had previously been the direct social care grant to local government (pre 2015)
 - 3.9 the remainder of the allocation; derived from CCG core allocations.
- 3.10 Both elements have been increased by 6.7% for Tower Hamlets. This was determined after the completion of CCG operating plans which were compiled on the basis of a 1.79% uplift for all CCGs. There are two elements to the BCF - social care schemes and elements of the fund spent on NHS commissioned services. The funding pressure caused by the increase is being dealt differently for these elements. For the social care schemes, additional funding has been made available to CCGs to reflect the financial

pressure. CCGs were asked to complete and submit an additional template to the London finance teams on 6th September 2019, to access the additional funding through which the Tower Hamlets submission was successful.

- 3.11 National condition 1: Social care minimum spend to be maintained in line with NHS revenue in 2019-20.
- 3.12 National condition 2: NHS Commissioned Out of Hospital spend from CCG minimum to support community care and demand away from acute care.
- 3.13 National condition 3: continued focus to reduce Delayed Transfers of Care – with the expectations set for areas in 2018-19 remaining in place. There are no longer local splits set between social care and NHS delays
- 3.14 Key elements of the completed planning template:
 - **Tab 4: Strategic Narrative** - these questions seek to understand the approaches to integration around the person, the HWB level and alignment with the system.
 - **Tab 6: Expenditure** - confirmed funding contributions from each partner organisation including arrangements in relation to funding within the BCF for specific purposes and a scheme-level spending plan demonstrating how the fund will be spent.
 - **Tab 7: High Impact Change Model** - a brief narrative that sets out the approach to implementing the model further and an assessment of the current level of implementation against each of the 8 elements of the model.
 - **Tab 8: Metrics** - a brief plan for how the national metrics will be achieved (i.e. Non Elective Admissions, Residential Admissions, Reablement and Delayed Transfers of Care).

3.15 The 2019 timetable for the submission and sign off of the BCF planning template is as follows:

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| <p>BCF planning submission from local Health and Wellbeing Board areas (agreed by CCGs and local government). All submissions will need to be sent to the local BCM, and copied to england.bettercaresupport@nhs.net</p> | <p>By 27 September (TH endorsement by the Joint Commissioning Executive 20th September 2019 and Health and Wellbeing Board 19th November 2019)</p> |
| <p>Scrutiny of BCF plans by regional assurers, assurance panel meetings, and regional moderation</p> | <p>By 30 October</p> |
| <p>Regionally moderated assurance outcomes sent to BCST</p> | <p>By 30 October</p> |

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| Cross regional calibration | By 5 November |
| Assurance recommendations considered by Departments and NHSE | 5 – 15 November |
| Approval letters issued giving formal permission to spend (CCG minimum) | Week commencing 18 November |
| All Section 75 agreements to be signed and in place | By 15 December |

3.16 A draft of the BCF template is attached as Appendices. As noted above, this was completed and submitted to NHS England on 27 September 2019.

4. EQUALITIES IMPLICATIONS

4.1 The Better Care Fund Plan 2019-20 and the schemes associated with it consider equalities information and identify where key inequalities exist and seek to address them.

5. OTHER STATUTORY IMPLICATIONS

5.1 Local Health and Wellbeing Boards are required to sign-off on local Plans as part of the Regional Assurance Process.

6. COMMENTS OF THE CHIEF FINANCE OFFICER

6.1 The Better Care Fund (BCF) is a programme spanning both the NHS and local government which seeks to join-up health and care services, so that people can manage their own health and wellbeing, and live independently in their communities for as long as possible. To support delivery the CCG and the council establish a pooled fund through the creation of a Section 75 (s75) agreement.

6.2 The s75 agreement is formed of Better Care Fund CCG Minimum (BCF), Disabled Facilities Grant (DFG), the Improved Better Care Fund (IBCF), the Winter Pressures Grant and CCG and council additional direct funding. The BCF is received by the CCG and amounts to £20.8m in 2019-20. This was an increase of 6.7% from that received in 2018-19. The DFG (£2.0m), Improved Better Care Fund (£14.9m) and Winter Pressures Grant (£1.5m) are received by the council. Both the CCG and council make additional contributions to the pooled fund of £13.7m and £0.9m respectively. This provides funding totalling £53.8m to the pooled fund in 2019-20. Table 1 below provides a breakdown

Table 1

| Running Balances | Income |
|-----------------------------|--------------------|
| DFG | £2,045,288 |
| Minimum CCG Contribution | £20,804,910 |
| iBCF | £14,851,079 |
| Winter Pressures Grant | £1,464,965 |
| Additional LA Contribution | £871,260 |
| Additional CCG Contribution | £13,745,702 |
| Total | £53,783,204 |

- 6.3 For 2019-20 all previous BCF schemes have been reviewed, and financial allocations amended to reflect need and available funding. These schemes and allocations are detailed in appendix 1.
- 6.4 It should be noted that the DFG is a capital grant with conditions. It is time limited and can only be used for specific purposes that meet capital accounting criteria.
- 6.5 The s75 agreement that will be put in place, will largely address the relevant financial/non-financial risks and the mitigating actions. However the risk share should be reviewed regularly and reflected in the allocation. Failure to review the risk may lead to extra base budget pressures for both the Council and the CCG.

7. COMMENTS OF LEGAL SERVICES

Better Care Fund

- 7.1. 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.
- 7.2. 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 the Better Care Fund planning requirements 2019 to 2020 which indicated that plans should be agreed by the Council's Health and Wellbeing Board ("HWB"), then signed off by the Council and 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. The 2019-20 policy framework sets out the requirements for the plan to demonstrate how the area will meet certain national conditions, outlined in the body of the report.

Contracting

- 7.3. Pursuant to section 75 of the National Health Service Act 2006, the NHS Bodies and Local Authorities Partnerships Arrangements Regulations 2000, the s75 Agreement provides for the establishment of funds made up of

contributions from the Council and NHS CCG out of which payments may be made towards expenditure incurred in the exercise of their functions; for the exercise by NHS CCG of the Council's functions and for the exercise by the Council of the NHS CCG's functions in writing.

- 7.4. The s75 Agreement must be consistent with the Better Care Fund Plan 2019/20 approved by HWB and entering into it formalises the arrangements agreed by the Council and NHS CCG in accordance with the statutory, regulatory and guidance frameworks.

Equalities Duties

- 7.5. 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.

Linked Reports, Appendices and Background Documents

Linked Report

- None

Appendices

- Appendix 1 - NEW BCF_201920_Planning_Template_v1.0_Tower Hamlets
- Appendix 2 - BCF Plan 19-20, Strategic Narrative

Local Government Act, 1972 Section 100D (As amended)

List of "Background Papers" used in the preparation of this report

List any background documents not already in the public domain including officer contact information.

- None

Officer contact details for documents:

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