

Non-Executive Report of the: Health and Wellbeing Board Tuesday 1 February 2022	
Report of: Warwick Tomsett, Joint Director of Integrated Commissioning – NEL CCG and LBTH	Classification: Unrestricted
Better Care Fund Plan 2021-22	

Originating Officer(s)	Suki Kaur Deputy Director of Partnership Development Phil Carr Strategy and Policy Manager
Wards affected	All wards

Executive Summary

The Better Care Fund (BCF) is aimed at bringing together health and social care organisations to plan, fund and commission integrated services.

The BCF Policy Framework sets out four national conditions that all BCF plans must meet to be approved. These are:

1. A jointly agreed plan between local health and social care commissioners and signed off by the Health and Wellbeing Board.
2. NHS contribution to adult social care to be maintained in line with the uplift to CCG minimum contribution.
3. Invest in NHS commissioned out-of-hospital services.
4. Plan for improving outcomes for people being discharged from hospital

This paper requests approval of our Better Care Fund Plan for 2021-22 as part the NHS England Assurance process and in line with national condition 1.

Recommendations:

The Health and Wellbeing Board is recommended to:

1. Approve the Better Care Fund Plan for 2021-22

1. REASONS FOR THE DECISIONS

The Health and Wellbeing Board has a statutory duty to approve local Better Care Fund Plans as set out in the national planning requirements.

2. ALTERNATIVE OPTIONS

To not provide approval and request amendments. However note that due to the late issuing of guidance (30th September 2021) for a programme that began on 1st April 2021 there is limited scope to make amendments.

3. DETAILS OF THE REPORT

Currently in its sixth year the aim of the Better Care Fund (BCF) is to deliver better outcomes and secure greater efficiency in health and social care services through increased integration of provision.

To receive BCF funding, a local BCF Plan and programme needs to be agreed jointly by the council and the CCG, endorsed by the Health and Well-Being Board (HWBB) and finally approved by NHS England (NHSE). The jointly agreed programme then needs to be incorporated into a formal agreement under Section 75 of the NHS Act 2006. BCF plans set out the local joint vision for, and approach to, integration, including how the activity in the BCF plan will complement the direction set in the NHS Long Term Plan and are also expected to take into account the wider context, including the development of Integrated Care Systems; the requirements of the Care Act, 2014, and wider local government transformation in the area covered by the plan - for example, programmes, such as Integrated Personal Commissioning.

The Health and Wellbeing Board are required to approve Borough plans and due to the late issuing of guidance and scheduling of Health and Wellbeing Boards this year we are requesting retrospective approval (due to the plan having been submitted from assurance on the 16th November 2021). However an item was brought to the 21st September meeting of the Health and Wellbeing Board which discussed our internal review and outlined future plans.

The BCF programme in 2021-22 totals £55.93m which is made up of CCG minimum contribution (£23.1m), the Disabled Facilities Grant (£2.3m) and the Improved Better Care Fund (£16.3m) which now includes the previously separate Winter Pressure funding. Both the CCG and Council make additional contributions to the pooled fund of £13.4m and £0.78m respectively.

Note that the Better Care Fund is not additional funding to the council, instead it represents a continuation of existing funding to support the base budget spend on integrated services. A full list of services funded by the Better Care Fund in 2019-20 is included in the Better Care Fund Plan 2019-20 attached to this report (Appendix 2).

Attached to this report is the completed BCF 2021-22 Planning Template, BCF narrative plan and signed Section 75 for 2021-22.

4. EQUALITIES IMPLICATIONS

The Better Care Fund is focussed on integrating health and social care services to better support people with a diverse range of illnesses and conditions. These include people with mental health problems, people at risk of being admitted to hospital and people being discharged from hospital with appropriate support. It also funds Reablement which supports people to learn or relearn skills necessary for daily living following ill-health or disability; the adaptation of the domestic accommodation of people with disabilities to enable them to live at home, and the training of staff in the use of assistive technology.

As the Better Care Fund is used to fund a number of schemes across health and social care, equalities issues are picked up within each of these individual schemes.

5. OTHER STATUTORY IMPLICATIONS

The Better Care Fund is concerned with achieving best value in the health and social care economy, by ensuring that services are provided most appropriately across the system and that the allocation of resources supports efficiency improvements, as well as better outcomes for service users. It also seeks to reduce the historic problem of financial savings in one sector being achieved at the expense of additional costs in the other, through better joint planning and shared priorities

6. COMMENTS OF THE CHIEF FINANCE OFFICER

The proposed BCF plan for 2021-22 increases the value of functions pooled via the Better Care Fund Section 75 agreement to approximately £55.93m in 2021-22. The funding within the oversight of the BCF comprises the Council (£19.41m) and the CCG (£36.52m) investments. The core health contribution to the BCF is channelled via the CCG, whilst the Council contribution also includes the Disabled Facilities Grant (£2.32m) and the Improved Better Care Fund (£16.316m)

It should be noted that the DFG is a capital grant that has to be used within the conditions of the grant. It is time limited and can only be used for specific purposes that meet capital accounting criteria. The Council has established a DFG working group who will ensure that the conditions are adhered to

The 2021-22 Better Care Fund programme addresses the relevant financial / non-financial risks and sets out 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

The Council has a duty under the Care Act 2014 to promote the well-being of its residents and ensure that adequate level of care and support is provided by integrating care and support provision with health provision.

The Care Act 2014 also amended the National Service Act 2006 to provide the legislative basis for the Better Care Fund.

The Government through the Better Care Fund policy framework provides Financial support for Councils and NHS organisations to jointly plan and deliver local services. NHS England is required to put in place arrangements for CCGs to pool a mandated minimum amount of funding. Local authorities are required to continue to pool grant funding from the Better Care Fund, Winter Pressures funding and the Disabled Facilities Grant. A condition for receiving the funding is that Councils and NHS bodies enter into a section 75 agreement.

The Government published a policy framework to set National Conditions for the Better Care Fund in 2021-22. The allocation of the Better Care Fund will be made via section 31 Grant. The Council is required to jointly work with the NHS to ensure that conditions set under the section 31 grant are met. This can only be achieved by entering into a section 75 agreement. Failure to do so will put the Council in breach of the section 31 grant conditions.

A Section 75 agreement provides for the establishment of funds made up of contributions from the Council and NHS CCG and delegates certain Council and CCG' health related functions to improve the way these functions are exercised. Whilst no competition is required to enter into this agreement as it is a condition to meet the Government Policy Framework, the Council is not absolved from carrying out a procurement exercise to purchase the related services. The Council and CCG will carry out collaborative procurements in compliance with the Public Contracts Regulations 2015 to purchase services designed to meet the Better Care Fund plan.

The s75 agreement attached to this report and has been drafted to reflect the 2021-2022 Better Care Fund Plan and define the Council and CCG' respective roles and responsibilities to meet the current Government Policy Framework requirements. It seems reasonable to delegate any future amendments to this s75 agreement to the Corporate Director Health, Adults and Community considering the nature of the contract and future changes to the Government Policy Framework.

The Council is required when exercising its functions to comply with the duty set out in section 149 of the Equality Act 2010, namely to have due regard to the need to eliminate unlawful discrimination, advance equality of opportunity between those who share a protected characteristic and those who do not, and foster good relations between those who share a protected characteristic and those who do not. The prevention and or delay to the development of needs for care and the reduction of needs of either kind that already exists among its residents will assist with the execution of the Council's Equality Duty in this regard.

Linked Reports, Appendices and Background Documents

Linked Report

- NONE

Appendices

- APPENDIX 1: BCF 2021-22 Planning Template,
- APPENDIX 2: BCF narrative plan and
- APPENDIX 3: Section 75 for 2021-22

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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