

TRAFFORD COUNCIL

Report to: Executive
Date: 26 July 2021
Report for: Decision
Report of: Executive Member for Adult Social Care

Report Title

Section 75 Framework Partnership Agreement relating to commissioning of health and social care using the Better Care, Hospital discharge and Learning disabilities funds between Trafford Clinical Commissioning Group and Trafford Council

Summary

The Better Care Fund was introduced by the Government from 1st April 2015 consolidating a number of previous funding streams into one pooled fund which is hosted by the CCG. This fund includes monies for the protection of adult social care. The expectations of the Government of having a Better Care Fund are to promote better integration of health and social services for individuals and deliver cost benefits across the whole system.

The Better Care Fund requires collaborating bodies to enter into a Section 75 agreement. The purpose of the S75 agreement is to set out the terms on which Trafford CCG and Council have agreed to collaborate and to establish a framework for the provision of health and social care services through a joint commissioning arrangement.

This paper provides information regarding the scope of the proposed s75 agreement; the collaborative partnership arrangements between Trafford CCG and the Council and it seeks the approval of the proposal to delegate the requisite authority to agree the final terms of Section 75 agreement on behalf of the Council.

Recommendation(s)

It is recommended that the Executive:

1. Notes the proposed scope of the s75 partnership agreement, including funding arrangements, as detailed in the report;
2. Approves the proposal to enter into a s75 partnership agreement with Trafford CCG and to formalise Better Care funding for 2021-22;
3. Approves the proposal to delegate authority to the Corporate Director for

Adults Services, in consultation with the Corporate Director of Governance and Community Strategy, to finalise and complete the s75 Agreement on behalf of the Council.

Contact person for access to background papers and further information:

Name: Andrea Gallant and Karen Ahmed
 Extension: 1890

Background Papers: None

Implications:

Relationship to Policy Framework/Corporate Priorities	The activity is integral to the delivery of our sustainable Transformation Plan. The Better Care Fund supports the integration of Health and Social Care Commissioning functions.
Relationship to GM Policy or Strategy Framework	The activity supports the development of an integrated system wide approach to supporting people who have healthcare needs.
Financial	The Better Care Fund financial allocations are determined at a national level and have been agreed by Trafford Council and Trafford CCG on how they will be spent. The Learning Disabilities funding has been agreed by the CCG and the Council and is based upon, as previously, estimates of LD care and support costs and the contract costs for services provide to the CCG by CWP. The hospital discharge fund and criteria is determined at a national level.
Legal Implications:	The section 75 agreement is based on a nationally recognised model agreement. Legal advice regarding the terms and conditions of the s75 agreement has been sought from the Council's legal team accordingly.
Equality/Diversity Implications	None.
Sustainability Implications	The activity contributes to the overall delivery of a sustainable health and social care system.
Resource Implications e.g. Staffing / ICT / Assets	n/a
Risk Management Implications	Whilst the s75 agreement offers the opportunity to develop a risk share, this option has only been exercised for the Hospital discharge programme with each organisation owning the risks against all other schemes.
Carbon Reduction	Not applicable.
Health & Wellbeing Implications	The funds aim to improve the overall Health and Wellbeing of residents of Trafford.
Health and Safety Implications	n/a.

1.0 Background

- 1.1 The Better Care Fund was introduced by the Government from 1st April 2015 consolidating a number of previous funding streams into one single funding stream which is hosted by the CCG. This stream includes monies for the protection of adult social care, including the extra funding announced in the spring budget of 2017 and referred to as the improved Better Care Fund (iBCF). The expectations of the Government of having a Better Care Fund are to promote better integration of health and social services for individuals and deliver cost benefits across the whole system.
- 1.2 The NHS published guidelines on how the BCF should be spent and managed for 2017 – 2019. Trafford Council and Trafford CCG produced a joint plan on how the money would be spent for 2017 to 2019. Trafford Health and Wellbeing board agreed this plan, as this was a national condition of receiving the money. There were a total of 4 national conditions that the plan had to meet before NHS England granted approval. NHS England granted approval to Trafford's BCF plan in June 2017. NHS England also specified that the money should be pooled and managed using a Section 75 agreement.

2.0 Section 75 Agreement (S75A)

- 2.1 Section 75 of the 2006 Act gives powers to local authorities and clinical commissioning groups to establish and maintain pooled funds out of which payment may be made towards expenditure incurred in the exercise of prescribed local authority functions and prescribed NHS functions.
- 2.2 The purpose of the S75A is to set out the terms on which Trafford CCG and Council have agreed to collaborate and to establish a framework for the provision of health and social care services through a joint commissioning arrangement.
- 2.3 The intended benefits of the Section 75 agreement are to improve the quality and efficiency of the services and to make more effective use of resources. This will:
 - Re-balance the local Health and Social Care Economy.
 - Improve Health and Wellbeing.
 - Develop Communication / Relationships.
 - Develop Integration.
- 2.4 The pooled Better Care Fund allocations are made up of the Disabled Facilities Grant (DFG), the improved Better Care Fund (iBCF) and a minimum CCG contribution.

Funding	2020/21 £'000	2021/22 £'000
Total DFG - Local Authority contribution	£2,470	£2,470
Total iBCF - Local Authority contribution	£7,983	£7,983
Total Minimum CCG Contribution	£16,512	£17,387
Total BCF pooled budget	£26,965	£27,840

2.5 The Hospital Discharge Programme was included in 2020/21 in response to the Covid pandemic:

Funding	2020/21 £'000	2021/22 £'000
Total Hospital Discharge Programme	£12,027	TBC

2.6 The S75A for 2021/22 incorporates Learning Disabilities for the first time. This positive move builds on the existing S75A between the CCG and the Council and enables us to be in a better place to meet the requirements of the spatial framework as we move towards an Integrated Care System in Greater Manchester. It will enable Trafford CCG and the Council to maintain consistency and oversight of delivery to an extremely complex group of vulnerable people as part of our transitional arrangements.

2.7 The pooled LD Fund allocations are set out below:-

Funding	2021/22 £'000
Total Local authority contribution	£23,893
Total CCG Contribution	£2,340
Total LD pooled budget	£26,233

2.8 The s75 Agreement will include a breakdown of the schemes to be included in 21/22 and information on the governance for the fund. Two particular aspects to highlight are:

- The S75 will be hosted by Trafford CCG
- The risk share agreement is that each organisation will meet its own risks with regards to performance and any overspends for the schemes it has responsibility for, with the exception of the HDP in which the risk share agreement is a 50/50 split. The pooled fund will be spent on a whole range of services, a breakdown of which can be found in the S75A in Appendix 1.

These schemes will be overseen by the Trafford Together one system board and the Health and Well Being Board.

3.0 Other Options

3.1 Entering into a Section 75 agreement is the only way in which the Council and Trafford CCG can establish a Better Care Fund and maintain pooled funds out of which payments may be made towards expenditure incurred in the exercise of prescribed local authority functions and prescribed NHS functions.

3.2 Future section 75 Partnership Agreements

With the forthcoming development of the Greater Manchester Integrated Care Services, we will be looking to maintain and continue expanding the close working between the CCG and the Council as this achieves the best outcomes possible for residents. We are therefore in the process of developing a section 75 to underpin a joint approach to the strategic planning, commissioning, market oversight and service development functions related to the Trafford as described in the spatial framework.

4.0 Consultation

4.1 There are no consultation requirements in respect of this s75 Agreement.

5.0 Reasons for Recommendation

5.1 The Better Care Fund requires collaborating bodies to enter into a Section 75 Agreement to: establish a framework for the provision of health and social care services through a joint commissioning arrangement; to establish a Better Care Fund; and to maintain pooled funds out of which payment may be made towards expenditure incurred in the exercise of prescribed local authority functions and prescribed NHS functions..

6.0 Recommendations

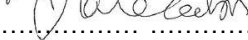
6.1 It is recommended that the Executive:-

1. Notes the proposed scope of the s75 partnership agreement, including funding arrangements, as detailed in the report;
2. Approves the proposal to enter into a s75 partnership agreement with Trafford CCG and to formalise Better Care funding for 2021-22;

3. Approves the proposal to delegate authority to the Corporate Director for Adults Services, in consultation with the Corporate Director of Governance and Community Strategy, to finalise and complete the s75 Agreement on behalf of the Council.

Finance Officer Clearance (type in initials)... GB.....

Legal Officer Clearance (type in initials)...DS.....

[CORPORATE] DIRECTOR'S SIGNATURE (electronic).....

To confirm that the Financial and Legal Implications have been considered and the Executive Member has cleared the report.