

TRAFFORD COUNCIL

Report to: Executive
Date: 26th October 2015
Report for: Approval
Report of: Executive Member Adult Social Services and Community Wellbeing and the Acting Corporate Director for Children, Families and Wellbeing

Report Title

Section 75 Agreement – Better Care Fund

Summary

Under the national guidance relating to the Better Care Fund the Council and Trafford Clinical Commissioning Group are required to formalise the funding associated with the Better Care Fund under a s75 agreement. Discussions have been taking place at the Better Care Fund Steering Group and the agreement has been finalised for approval.

The agreement identifies proposed use of funding of £15.544m for 2015-16.

Recommendation(s)

That the Executive:

- 1) Approve the s75 agreement for the Better Care Fund for 2015-16 and the risk share included in the agreement
- 2) Agree that the Trafford Clinical Commissioning Group will host the s75 agreement

Contact person for access to background papers and further information:

Name: Paul Stevenson
Extension: 4321

Background Papers:

Template s75 agreement prepared by Bevan Brittan on behalf of the national BCF Programme Office available at: <http://www.england.nhs.uk/ourwork/part-rel/transformation-fund/bcf-plan/risk-sharing/>

Section 75 agreement - FRAMEWORK PARTNERSHIP AGREEMENT RELATING TO THE COMMISSIONING OF HEALTH AND SOCIAL CARE SERVICES RELATING TO THE BETTER CARE FUND - TRAFFORD COUNCIL and NHS TRAFFORD CLINICAL COMMISSIONING GROUP, Version 10, July 2015

Relationship to Policy Framework/Corporate Priorities	Improving health and wellbeing of residents Value for money and low Council Tax
Financial	The financial implications are set out in Section 3 and 4 of this report.
Legal Implications:	The proposed agreement is based on a model produced nationally by Bevan Brittan.
Equality/Diversity Implications	N/A
Sustainability Implications	N/A
Resource Implications e.g. Staffing / ICT / Assets	None.
Risk Management Implications	The agreement includes a risk share schedule, which sets out risk share arrangements in the event of an overspend on the fund.
Health & Wellbeing Implications	The Better Care Fund is predicated on improving the overall Health & Wellbeing of residents of the borough.
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. 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. All Councils are required to have a Section 75 agreement in place for the transfer of the funding and the associated monitoring of the Better Care Fund.
- 1.2 A model legal agreement for the Better Care Fund developed by lawyers, Bevan Brittan was made available nationally and this has been used as the basis for the agreement referred to in this report.
- 1.3 The agreement is between the Council and Trafford CCG and identifies proposed use of funding of £15.544m. The Council's share of funding under the agreement is £5.546m.

2.0 Proposed Section 75 agreement

- 2.1 The proposed Section 75 agreement is a detailed legal document and is available on request. This is based on the Bevan Brittan model and has been produced jointly by representatives the Better Care Fund Steering Group from Trafford Council and Trafford CCG.

Two particular aspects to highlight in respect of the agreement are:

1. The Better Care Fund will be hosted by Trafford CCG.
2. The agreement includes a risk share agreement (Schedule 2), under which any overspend on the fund relating to performance on reductions in non-elective admissions, will be shared on a 70% / 30% basis between the CCG and the Council respectively.

3.0 Financial Implications

- 3.1 No additional resources have been provided by the Government to create the BCF, instead existing funding streams, largely from the NHS, have been channelled into the Fund. Total funding paid to the Council under the BCF is £5,546,480. This comprises £3,546,480 of funding which was formerly paid as s256 funding and £2,000,000 for Protecting Social Care. The planned use of funding in the 2015-16 Financial Year is identified below.

Service Area	Amount (£)
Community equipment and adaptations	150,000
Telecare	
Integrated crisis and rapid response services	324,000
Maintaining eligibility criteria	407,000
Reablement services	400,000
Bed-based intermediate care services(Ascot)	783,000
Early supported hospital discharge schemes	440,480
Joint health and care teams/working	342,000

Other social care residential and nursing placements	700,000
Sub-total	3,546,480
Protecting Social Care	2,000,000
Total	5,546,480

3.2 In addition to the revenue expenditure outlined in the table in section 3.1 the Council directly received a total of £1,441,000 capital grant funding in 2015-16. £914,000 for Disabled Facility grants and a further £527,000 capital grant to support Adult Social Care activity. This funding is part of the overall funding incorporated into the Better Care Fund agreement and reported on through the governance arrangements described in Section 5.

4.0 Risk

4.1 The main risk around the Better Care Fund and the s75 agreement arises in relation to the savings assumed in the Better Care Fund, which are expected to arise from the targeted 3.5% reduction in non-elective admissions. If this reduction is not achieved the funding relating to this (£1.319m) needs to be paid to the Acute Sector, rather than being used for BCF purposes. Under the risk share agreement the Council will be responsible for 30% of this risk i.e. circa £400,000. As a prudent step the Council has set aside £400,000 in an earmarked reserve to cover this risk in this first year of operation.

5.0 Governance Arrangements

5.1 The governance arrangements are set out in detail in schedule 1 of the agreement and the main governance will be through the Better Care Fund Steering Group, which is accountable to the Health and Wellbeing Board.

5.2 In addition there is a requirement for CCGs to report quarterly and annually to NHS England on the use of the fund.

Other Options

6.1 It is a requirement of the Better Care Fund national guidance to enter into a Section 75 agreement between the Council and the CCG. The guidance sets out the expectations of the required agreement and a national template provided on which the Trafford agreement is based. Therefore no other options were considered.

Consultation

7.0 This is a legal agreement between the Council and Trafford CCG and does not require wider consultation.

Reasons for Recommendation

8.0 The reasons for the recommendations are set out in this report and included on the cover sheet.

Key Decision (as defined in the Constitution): Yes

If Key Decision, has 28-day notice been given? Yes

Finance Officer Clearance PS
Legal Officer Clearance HK

A handwritten signature in black ink, appearing to read 'J.M. Lane', positioned above the signature line.

[CORPORATE] DIRECTOR'S SIGNATURE *(electronic)*...
To confirm that the Financial and Legal Implications have been considered and the Executive Member has cleared the report.