



Although a formal committee of Brighton & Hove City Council, the Health & Wellbeing Board has a remit which includes matters relating to the Clinical Commissioning Group (CCG), the Local Safeguarding Board for Children and Adults and Healthwatch.

Note: The special circumstances for non-compliance with Council Procedure Rule 3, Access to Information Procedure Rule 5 and Section 100B(4) of the Local Government Act 1972 (as amended), (items not considered unless the agenda is open to inspection at least five days in advance of the meeting) was that the report had to be circulated to partners prior to publication.

Title:	Brighton & Hove Better Care Fund – Section 75 Agreement
Date of Meeting:	19th March 2019
Report of:	<p>Elizabeth Culbert Head of Legal Services, Brighton & Hove City Council elizabeth.culbert@brighton-hove.gov.uk</p> <p>Ashley Scarff Director of Partnerships and Commissioning Integration BHCCG ashley.scarff@nhs.net</p> <p>Andy Witham Head of Adult Social Care Commissioning andy.witham@brighton-hove.gov.uk</p>
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Wards Affected:	ALL
FOR GENERAL RELEASE	
Executive Summary	
This report seeks approval to delegate authority to the Executive Director, Health	



and Social Care and Director of Partnerships and Commissioning Integration to extend the current s75 Agreement to govern the 2019-2020 Better Care pooled fund.

Glossary of Terms

BHCCG – Brighton & Hove Clinical Commissioning Group

BCF – Better Care Fund

IBCF – Improved Better Care Fund

HWB – Health & Wellbeing Board

NHSE – National Health Service England

1. Decisions, recommendations and any options

- 1.1.1 That the Board notes the update in relation to Better Care Fund Proposals for 2019/2020 as set out in paragraph 2.6 of the report;
- 1.1.2 That the Board authorises the Executive Director Health and Adult Social Care and the Director of Partnership and Commissioning Integration to finalise and enter into a variation to the Section 75 Partnership Agreement for the commissioning of health and social care services from the Brighton & Hove Better Care Fund to cover the period 2019-2020.

2. Relevant information

- 2.1 The Health and Wellbeing Board on 14 November 2017 authorised the Council and the then CCG Chief Operating Officer to enter into a new s75 Agreement for the commissioning of health and social care services from the Brighton & Hove Better Care Fund to cover the period 2017-2019. A copy of the Agreement is attached at Appendix 1.
- 2.2 Since the Agreement was signed, the Board has received update reports on a regular basis, subject to reporting dates to NHS E. The last reports were 11th September 2018 and 29th January 2019. These reports highlighted both the successes achieved and challenges still faced. The successes include the reduction in delayed transfer of care, reduction in admissions to hospital as well as providing more aids and adaptations to maximise independence and enable residents to remain at home. The challenges include the financial

pressure and adequate step down beds. The next progress report is due to be reported to the Board in June 2019.

2.3 The council and CCG wish to continue with the current programme of work for 2019/2020. The reasons for this are both national and local.

2.4 Nationally there is a lack of clarity over what may happen with the BCF and IBCF after 2020. Locally work has been done to integrate services, as required by national policy, where it makes sense to better meet residents needs. The Board has had recent reports updating them on the Health & Wellbeing HUBS and the Integrated Care Partnership. Work also needs to be done to review the BCF programme locally to ensure we are ready for either a continued BCF or new funding regime. Given this having stability in 2019/2020:

- would enable this review to take place to ensure we reflect local need
- provide a framework to provide the necessary flexibility to adapt the programme to reflect potential changes in national policy and strategy.

2.5 The Section 75 Agreement provides a governance framework for the commissioning and delivery of the Better Care Fund and the management of budget and expenditure.

Overview of funding contributions

2.6 The seven projects that are the focus of the 2017-2019 Better Care Fund Plan are set out below with a summary of their funding contributions for 2019/20, The Section 75 Agreement describes how any potential overspend or underspend will be identified, and any action required to bring expenditure back into line with budget.

Draft Budget 2019-2020

Programme Areas	2019/20 Budget			
	CCG	BHCC	iBCF	Total
Increasing System Capacity	325,125	0	0	325,125
Integrated Discharge Planning	8,083,884	0	1,733,000	9,816,884
Protecting Social Care	5,353,890	1,889,097	0	7,242,987
Supporting Recovery & Independence	3,169,953	458,720	0	3,628,673
Person Centred Integrated Care	924,681	0	0	924,681
Dementia Planning	164,394	0	0	164,394

Homelessness	601,773	20,000	0	621,773
Total	18,623,700	2,367,817	1,733,000	22,724,517

3. Important considerations and implications

Legal:

- 3.1.1 As set out in the report, it is a requirement that the Better Care Fund is managed locally though a pooled budget. The power to pool budgets between the Council and the CCG is set out in the NHS Act 2006 and requires a formal Section 75 Agreement. Regulations prescribe the format and minimum requirements for a Section 75 Agreement and a template Better Care Fund Section 75 Agreement has been made available by the Department of Health and will be used for this purpose. An extension to the Section 75 Agreement is required as the existing Agreement expires in March 2020. The new agreement will reflect the new funding arrangements and priorities as set out in the Better Care Fund Plan 2019-2020.

Lawyer consulted: Elizabeth Culbert

Date: 11 March 2019

3.2 Finance:

The Better Care fund is a section 75 pooled budget which totals £24.692m for 2018/19, including £3.483m Improved Better Care funding (iBCF). The CCG contributes £18.624m to the pooled budget and the Council contributes £6.068m including the iBCF. Any spend variance at outturn is to be presented to the Finance & Performance Board who will then make recommendations to the Better Care Steering Group on the appropriate risk share. We are in the process of setting the 2019/20 budget which will be completed in line with the NHS England timetable. The draft budget is within paragraph 2.6.

The financial performance of the Better Care fund will be regularly reported to the Health & Wellbeing Board.

Finance Officer consulted: Sophie Warburton

Date: 15/03/2019

Equalities:

- 3.3 Equality Impact Assessments will be developed in relation to individual commissioning processes carried out under the projects.

4. Supporting documents and information



Appendix 1: Copy BCF s75 2017 - 2019 Agreement

Appendix 2: Programme schedules

