

Report to Health and Wellbeing Board

Subject:	Section 75 agreement for the Better Care Fund
Meeting Date:	Tuesday 24th March 2015
Presented by:	Sav Della Rocca
Paper for:	Note

Context, including links to strategic objectives and/or strategic plans:

This report provides the Health and Wellbeing Board with assurance that there will be a pooled budget arrangement in place for the delivery of the Better Care Fund (BCF) from 1st April 2015; it also provides an opportunity to report expenditure against the BCF for 2014-15.

Background:

A S.75 agreement is an agreement made under S.75 of the National Health Services Act 2006 between a local authority and an NHS body in England (in this case ELRCCG). S.75 agreement can include arrangements for pooling resources and delegating certain NHS and local authority health-related function to the other partner(s) if it would lead to an improvement in the way those functions are exercised.

The S.75 agreement is an enabling agreement for the delivery of the BCF plan and therefore must be in place before the beginning of the financial year 2015/16.

The BCF arrangements require a pooled fund, and the Care Act 2014, Section 121 provides for this. RCC will act as the Host Partner for the purposes of NHS Bodies and Local Authorities Partnership Regulations 2000 no 617 (NHSBLAP) 7(4) and 7(5) and shall provide the financial administrative systems for the Pooled Fund. RCC's Section 151 officer shall act as the Pooled Fund Manager for the purposes of Regulation 7(4) of the NHSBLAP Regulations.

Appendix 1 sets out the final agreement going to both RCC Cabinet and ELRCCG Board for formal sign off on 17th March 2015. This agreement is being presented to Health and Wellbeing Board members for assurance.

Developing the section 75:

Rutland received full approval for its BCF plan in December 2014. As part of the wider support package for implementing the BCF, Bevan Brittan has prepared a template S.75 agreement with an explanatory note on behalf of NHS England. The majority of local areas have used this template as a starting point. Rutland has used this template and made a number of adjustments to reflect the local situation.

Roles and responsibilities:

There are three separate functions which play a role within the governance of the S.75 agreement, the approach is summarised as follows:

	Governance Role	Body Responsible
1	To lead and direct work to improve the health and wellbeing of the population of Rutland through the development of improved and integrated health and	Health and Wellbeing Board

	social care services including the Better Care Fund.	
2	To ensure that the Better Care Fund Plan achieves its aims and outcomes within the Financial Contributions agreed by the Partners and operating in accordance with its Terms of Reference.	Partnership Board
3	To provide advice and support to the Health and Wellbeing Board and Partnership Board on the operation of individual schemes and any new proposals.	Integration Executive
4	The financial and operational management of the Individual Schemes.	Lead Partners
5	Overall financial management of and reporting on the Pooled Fund.	Pooled Fund Manager

Schedule 2 of the S.75 provides in detail the full governance arrangements including the role and responsibilities of the Health and Wellbeing Board, Integration Executive and Partnership Board.

Financial implications:

The S.75 agreement between RCC and ELRCCG is specifically for the Better Care Fund. At present there is only a national commitment to the BCF for 1 year (2015/16), it is not clear whether there will be funding for future years. The term of the S.75 will be in line with the length of the BCF.

The total funding allocation for 2015/16 is £2.226m

Schedule 3 of the S.75 outlines the proposed financial and risk sharing agreement between the two partners.

The below table outlines the current forecast for BCF expenditure for 2014/15; the Integration Executive will receive monthly forecasts throughout 2015/16 to ensure that spend is managed and to prevent any underspends or overspends arising at year end:

Scheme Name	2014/15 approved BCF plan allocation	Forecast for 2014/15	Comment
Community Agents	-	-	No budget for 2014/15
Adaptations (DFG)	-	£120k	Not included in the BCF for 2014/15; this forecast demonstrates the actual cost incurred to RCC during this year.
Assistive Technology	-	£10k	No budget in the BCF for 2014/15

Integrated Care Model	£39k	£19.1k	Vacant post. The proposal is to carry underspend of £19.9k forward into next year
Integrated Crisis Response	-	-	No budget in the BCF for 2014/15
Integrated Health and Social Care Pathways	-	-	No budget in the BCF for 2014/15
Hospital Discharge	-	-	Alternative health funding streams have funded hospital discharge support activity
Falls Prevention	-	-	No budget in the BCF for 2014/15
Reablement	£586k	£565k	
Dementia	£50k	£50k	
Care Act Enabler	-	-	No budget in the BCF for 2014/15
IT and Data Sharing	£63k	£63k	This has funded: <ul style="list-style-type: none"> Data inputter to cleanse case management system so that NHS numbers can be matched to Social Care Records Web based Directory of Services
Programme Support	£50k	£128k	Includes all Local Authority staffing costs contributing to BCF project management
Total	£788k	£955.1k	

The forecast for 2014/15 demonstrates that the full allocation of £788k has been spent to implement the Better Care Fund, with Rutland County Council covering any area of overspend to ensure that certain projects such as Assistive Technology could commence earlier than anticipated. Due to problems recruiting to the Integrated Care Coordinator this post has remained vacant leaving a substantial underspend, the Integration Executive suggests that the Health and Wellbeing Board recommends to Council Cabinet that this underspend is carried forward into the next financial year. (As the BCF pooled fund is not officially in place until 1 April 2015/16, the underspend can be carried forward by the Council and an additional contribution made to the BCF in 2015/16 should this be required).

Recommendations:

That the Health and Wellbeing Board:

1. Notes the requirement for a Section 75 agreement between Rutland County Council (RCC) and East Leicestershire and Rutland Clinical Commissioning Group (ELRCGG)
2. Notes the contents of the agreement attached at Appendix 1, in particular the governance arrangements set out in Schedule 2 of the agreement.
3. Approve the proposal to carry forward underspend in the Integrated Care Model scheme into 2015/16

Strategic Lead:

Sav Della Rocca

Risk assessment:

Time	H	The S.75 agreement must be in place for 1 st April 2015.
Viability	M	The S.75 agreement has been drafted and scheduled for approval

		on 17 th March 2015.
Finance	H	There will be financial liabilities for both ELRCCG and RCC as a result of the BCF, particularly as funding is only secured for 2015/16; there are a number of staffing and contractual commitments which extend beyond 2015/16 which both organisations will be expected to manage.
Profile	M	The delivery of the Better Care Fund is of national profile; the S.75 must be in place to ensure there is a mechanism for funding the schemes.
Equality & Diversity	L	The S.75 will have no adverse impact on any of the protected characteristics.