

Birmingham City Council

Report to Cabinet

16th May 2023



Subject: ICB FURTHER SUPPORT FUNDING 2022/23 VIA SECTION 256

Report of: Professor Graeme Betts, CBE
Strategic Director for Adult Social Care

Relevant Cabinet Member: Cllr Mariam Khan - Health and Social Care
Cllr Yvonne Mosquito - Finance and Resource

Relevant O & S Chair(s): Cllr Mick Brown - Health and Social Care
Cllr Aikhlaq Ahmed - Resources

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Are specific wards affected?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No – All wards affected
If yes, name(s) of ward(s):		
Is this a key decision?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, add Forward Plan Reference: 011385/2023		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, state which appendix is exempt, and provide exempt information paragraph number or reason if confidential:		

1 Executive Summary

- 1.1 As a response to the financial pressures facing Birmingham City Council and the need for investment in areas of mutual benefit, the Birmingham and Solihull Integrated Care Board have identified further one-off funding of £0.500m to cover expenditure incurred in the financial year 2022/23 by the Adult Social Care

Directorate of Birmingham City Council. This is in addition to funding of £16.765m that was previously identified and accepted by the Cabinet at its meeting of 21st March 2023.

- 1.2 Accepting this funding will allow Birmingham City Council to meet in-year financial pressures, fund new areas of provision and enhance preventative services, to the benefit of the whole Health and Social Care system.

2 Recommendations

- 2.1 Cabinet is recommended to; -

- 2.1.1 Accept the funding to contribute towards the 2022/23 pressures as well as invest in new areas of mutual benefit in Adult Social Care and approves the s151 officer to enter into a S256 agreement to that effect.

3 Background

- 3.1 Birmingham City Council has an established record of working with NHS partners to align, and integrate where appropriate, delivery, commissioning, reporting, and funding of services, through pooled budgets, shared resources, and joint models of service delivery. The strength of this relationship and the existing joint working is recognised as fundamental to the success of the Birmingham system's response to the post pandemic market, as well as investing in preventative and transformative areas for the mutual benefit of the health and social care system.
- 3.2 At its meeting of 21st March Cabinet accepted recommendations to accept funding of £16.765m whereby both organisations agreed to put in place a S256 agreement to fund the services which we provide and commission, in order to recognise the value of these services, and their benefit to the whole system of Health and Social Care in Birmingham.
- 3.3 Subsequent to this decision, the ICB approached the Council on 30th March having identified further one-off funding of £0.500m for the 2022/23 financial year
- 3.4 As such the ICB has:
 - 3.4.1 Offered funding to help mitigate the significant cost pressures faced by the Council in social care budgets for learning disability package and placement costs, by covering expenditure already incurred in the financial year 2022/23.
 - 3.4.2 Offered funding to meet 22/23 adult social care costs that thereby enable the Council to invest in a new Fairer Futures (Learning Disabilities) Fund for a year. This fund will support a range of integrated activities to address health inequalities in the city.

4 Options considered and Recommended Proposal

- 4.1 The alternative option is to not accept the offer of funding from the ICB. This would represent the loss of an opportunity to mitigate existing in-year pressures and to enable greater investment into the delivery of ICS priorities via the Fairer

Futures (Learning Disabilities) Fund. **The only option considered is the recommended option of accepting the funding.**

5 Consultation

- 5.1 All joint initiatives in section 3.4 have been discussed with system partners including through the Better Care Fund Programme Board.

6 Risk Management

- 6.1 If funding was not accepted and received by 31st March 2023 the option for support funding would have been lost for 2022-2023 as it cannot be carried into next financial year. Cabinet approval is required immediately in order to remove this risk.
- 6.2 The S256 agreement governs the use of this funding to ensure that there is no future legal issue with the transfer

7 Compliance Issues:

7.1 How are the recommended decisions consistent with the City Council's priorities, plans and strategies?

- 7.1.1 This support funding is partnership working across the local Health and Social Care system to ensure core activity, prevention and future investment is maintained at a level which ensures the best outcomes for citizens in need of, or soon to be in need of social care support.

7.2 Legal Implications

- 7.2.1 The S256 agreement comes under the National Health Service Act 2006 (a) and gives the Secretary of State the power to enter into this agreement.
- 7.2.2 The Section 256 agreement has been drafted in consultation with Legal Services and does not commit the authority to further expenditure.
- 7.2.3 Other initiatives detailed as part of the partnership funding will be governed by separate legal agreements and brought to Cabinet in due course as set out in section 3.4.
- 7.2.4 Nothing in the S256 agreement for consideration in this report legally commits the Council to that future spending decision.
- 7.2.5 There is no personal data involved in the funding agreement.

7.3 Financial Implications

- 7.3.1 The impact of the General Fund resources freed up allows the Council to meet the pressures on the general fund reported in 2022-2023, continue the preventative work which will reduce longer term pressures on social care, and fund future Council investment in Social Care and systemwide initiatives, including contribution to the longer-term investment pool, without needing to

increase Adult Social Care budget beyond that already set in the Medium-Term Financial Plan.

- 7.3.2 Future initiatives funded by these investment pools will bring financial benefit to the local system as a whole – with agreements still to be drawn up around how much of this can be released to each organisation and how much should be reinvested.

7.4 Procurement Implications (if required)

- 7.4.1 None

7.5 Human Resources Implications (if required)

- 7.5.1 None

7.6 Public Sector Equality Duty

- 7.6.1 There are no equality implications from the acceptance of the support funding as this covers expenditure already incurred through arrangements in place for the discharge of the Council's social care responsibilities.

7.7 Environmental and Sustainability Implications

- 7.7.1 None. This is a financial report with no sustainability/environmental implications.

8 Appendices

- 8.1 Appendix 1 – Section 256 Partnership Arrangements 2022/23 LD

9 Background Documents

Cabinet Decision 21st March 2023 (Forward Plan Ref. No. 011116/2023) – ICB Support Funding 2022/23 Via Section 256