

Birmingham City Council

Report to Cabinet

16 March 2021



Subject: CONTRIBUTION TO THE SECTION 75 AGREEMENT
FOR THE BETTER CARE FUND 2020/21

Report of: Louise Collett
Acting Director for Adult Social Care

Relevant Cabinet Member: Councillor Paulette Hamilton - Health and Social Care
Councillor Tristan Chatfield - Finance and Resources

Relevant O &S Chair(s): Councillor Rob Pocock - Health and Social Care
Councillor Sir Albert Bore - 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: 008593/2021		
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, provide exempt information paragraph number or reason if confidential:		

1 Executive Summary

- 1.1 The purpose of this report is to seek approval from Cabinet for the Council to make a specified contribution for the financial year 2020/21 through a Section 75 (S75) agreement with Birmingham and Solihull Clinical Commissioning Group (CCG) and Sandwell and West Birmingham CCG for the Birmingham Better Care Fund.

2 Recommendations

2.1 That Cabinet

- 2.1.1 Approves the £86,969,480 financial contribution for 2020/21 to the Section 75 Agreement.
- 2.1.2 Authorises the Director for Adult Social Care to conclude negotiations with Birmingham and Solihull CCG and Sandwell and West Birmingham CCG in respect of the funding approved under paragraph 2.1.1.
- 2.1.3 Authorises the City Solicitor (or their delegate) to conclude and enter into all legal documents to give effect to the above.

3 Background

- 3.1 Section 75 agreements are a mechanism designed to enable integrated commissioning for health and social care. A S75 agreement provides a legal framework that allows the CCGs and Local Authorities to align or pool financial resources. The benefits of these arrangements are that CCGs and Local Authorities can then act as a single commissioner, reducing potential duplication and delivering a better co-ordinated response to supporting the health and wellbeing of citizens.
- 3.2 The Better Care Fund is a mandatory, national programme with specified minimum contributions from CCGs and the Local Authority. For 2020/21, the Council is required to contribute funding allocated from the Government including the Improved Better Care Fund (IBCF), Disabled Facilities Grant (DFG) and the Winter Pressures funding into the Better Care Fund Section 75 agreement. This equates to £86,969,480 of a total minimum combined budget of £196,531,429.
- 3.3 The Council entered into a S75 agreement for the Better Care Fund in 2019/20 as approved by Cabinet in November 2019.
- 3.4 During 2020/21, the guidelines for the Better Care Fund were delayed due to COVID-19: finally being published in December 2020. The guidelines confirmed the minimum funding contributions and expectations for the BCF for the financial year 2020/21. In 2020, as part of the COVID response, national guidance was issued to bring in a new Hospital Discharge Service Model to streamline the process for moving medically fit citizens out of hospital. This included bringing together services and re-focusing capacity to frontline provision. The guidance included provisions for managing the financial implications of this new process through the Better Care Fund Section 75 agreement. Additional Health funding has been provided and drawn down through the CCG on a monthly basis to support care packages arising from hospital discharge/prevention:
 - **For people discharged 19 March to 31 August 2020 with a care package –** funding until reassessment of ongoing care needs or to 31st March 2021 at the latest if reassessment has not been completed,
 - **For people discharged in the period 1st Sept 2020 to 31 March 2021 –** funding for a maximum of 6 weeks.

- 3.5 The new Hospital Discharge Service Model has been delivered through the joint Early Intervention arrangements implemented early in 2020/21. The cost of Early Intervention Services has been met from the respective partners base budgets with additional funding sought for external packages where required. In line with guidance, the Council is required to pool its base budget alongside additional health funding claimed and this is now reflected in the table set out in paragraph 7.3.

4 Options considered and Recommended Proposal

- 4.1 The Better Care Fund is a mandatory national policy for the integration of health and social care. The Council is required to pool a prescribed minimum amount of funding into the S75 agreement.

5 Consultation

- 5.1 The contents of this report were discussed at the Birmingham Better Care Fund Programme Board on the 18th November 2020 and the Board are supportive of the recommendations.
- 5.2 The contents of this report were discussed at the Birmingham Better Care Fund Commissioning Executive on the 2nd December 2020 and the Board are supportive of the recommendations.
- 5.3 Senior Officers from Birmingham and Solihull CCG and Sandwell and West Birmingham CCG have been consulted on the preparation of this report and will also be seeking approval in their relevant organisations for their respective annual contributions to the Better Care Fund.

6 Risk Management

- 6.1 Managing and sharing risk are a key element of the S75 agreement that are currently in place between the CCGs and the Council. An agreed governance framework continues to ensure compliance with the national BCF programme and also wider programme governance. With a prescribed reporting and compliance structure with the BCF Commissioning Executive and BCF Programme Board overseen by the Birmingham Health & Wellbeing Board.

7 Compliance Issues:

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

- 7.1.1 The decision is consistent with the City Council's priorities. The recommendations within this report will contribute to the priorities by enabling citizens to continue to live independently and contribute to their community for as long as possible, and if citizens need care and support, we will ensure it is of high quality and that their experiences of the health and social care system are good.

7.2 Legal Implications

- 7.2.1 The BCF represents a unique collaboration between NHS England, the Ministry of Housing, Communities and Local Governments, Department of Health and Social Care and the Local Government Association. The legal framework for the BCF derives from the amended NHS Act 2006 (s.223GA), which requires the Council and CCG transfer a minimum allocation (as set out in the Mandate) into one or more pooled budgets established under Section 75 of the Act.
- 7.2.2 The DFG and IBCF Grants are subject to grant conditions set out in the grant determinations made under Section 31 of the Local Government Act 2003.
- 7.2.3 Section 75 of the 2006 National Health Service Act gives powers to the Council and the CCG's to establish and maintain pooled funds.
- 7.2.4 Integration and Better Care Fund Policy Framework sets out the integration of health, social care and other public services, it provides an overview of related policy initiatives and legislation, including the implementation of the statutory Better Care Fund.

7.3 Financial Implications

- 7.3.1 Section 75 agreements enable payment to be made towards expenditure incurred in the exercise of prescribed local authority and NHS functions.
- 7.3.2 The framework for the Better Care Fund derives from the Government's mandate to the NHS, issued under Section 13A of the NHS Act 2006. Planning requirements for the BCF set out the prescribed value of minimum contributions expected from the CCGs and Local Authority.
- 7.3.3 For the financial year 2020/21 the contribution from the Local Authority will include funding to cover the provision of the Hospital Discharge Service Requirements including the provision of the discharge to access model.
- 7.3.4 The Council contribution to the Better Care Fund for 2020/21 is £86,969,480 made up as follows:

Funding	20/21 Value £
Disabled Facilities Grant	12,943,092
Winter Pressures	5,600,295
Improved Better Care Fund	60,321,014
BCC Base Budget	8,065,079
Shared Outcomes Fund	40,000
	86,969,480

Notes re source and use of funding:

- **Disabled Facilities Grant** - annual capital grant allocation to deliver home adaptations for people with disabilities who qualify for a disabled facilities grant.
- **Winter Pressures Grant** - annual grant funding to support local health and care system to address seasonal demand/Winter Pressures.
- **Improved Better Care Fund Grant** - additional grant income to meet adult social care needs, reduce pressure on NHS including supporting timely discharges from hospital and support to local social care market.
- **Shared Outcomes Fund** - Grant support for out of hospital care models for people experiencing homelessness/at risk of rough sleeping,
- **BCC Base Budget** - Council base budget supporting hospital discharge and Early Intervention.

7.3.5 The previous Council contributions to the Better Care Fund for the financial years 2017 – 2020 are detailed below:

Scheme	2017/18	2018/19	2019/20
Disabled Facilities Grant	9,687,346	10,571,321	11,407,088
Community Equipment	1,351,350	1,050,000	1,338,795
Dementia Strategy	95,598	95,694	98,230
Enhanced Assessment Beds	0	0	0
Early Intervention Teams	0	0	0
Out of Hospital support	0	0	0
iBCF 1 - Demo graphed into placements	6,728,000	31,268,000	52,389,014
iBCF 2 - Annual Grant (3 years)	27,064,000	16,060,000	7,932,000
Winter Pressures *	0	0	5,600,295
Total BCC Contributions	44,926,294	59,045,015	78,765,422

* Winter Pressures included within BCF for 2019/20 onwards, the 18/19 allocation was not included.

7.4 Public Sector Equality Duty

7.4.1 The purpose of the Section 75 agreements is to enable funding to be pooled and/or aligned between NHS bodies and the Council, this report seeks to continue the current arrangements. The process of commissioning will ensure that equality impacts are actively considered and acted on by commissioners throughout the implementation of the services within this agreement.

7.4.2 See **Appendix 1** - Equality Impact Assessment (EQUA641)

8 Appendices

8.1 Equality Impact Assessment (EQUA641)

9 Background Documents

9.1 Cabinet Report 26th November 2019: Annual Approval of Section 75 Agreements for Adult Social Care & Health - Integrated Commissioning 2019/20