

*Appendix 1 is not for publication under Paragraph 3 of Schedule 12A of the Local Government Act 1972.

North Tyneside Council

Delegated Decision Report

Date: 28 September 2023

Title: Approval to enter into a section 75 Partnership Agreement for the Better Care Fund for 2023–24

Portfolio(s): Adult Services	Cabinet Member(s):	Councillor Janet Hunter
Report from Service		
Area:	Adult Services	
Responsible Officer:	Eleanor Binks, Director of Adult Services	Tel: (0191) 643 4063
Wards affected:	all	

PART 1

1.1 Executive Summary:

On 22 May 2023 Cabinet agreed that the draft Better Care Fund Plan for 2023–2025 be submitted to the Health and Wellbeing Board for further approval prior to the Plan’s submission to NHS England. At the same meeting, Cabinet gave the Director of Adult Services, in consultation with the Director of Resources, Director of Commissioning and Asset Management, and Head of Law, authorisation to enter into an Agreement under section 75 of the National Health Service Act 2006 (section 75 Agreement) and to implement the financial and administrative arrangements for the Better Care Fund.

This report seeks the Director of Adult Services agreement to enter into the section 75 Agreement appended to this report.

1.2 Recommendation(s):

It is recommended that the Director of Adult Services following consultation with the Director of Resources, Director of Commissioning and Asset Management, and Head of Law enter into the section 75 Agreement with the Integrated Care Board in relation to the Better Care Fund for 2023-24 appended to this report.

1.3 Forward Plan:

Twenty-eight days' notice of this report has been given with the item first appearing on the Forward Plan dated 2 June 2023.

1.4 Council Plan and Policy Framework

This item relates specifically to the following theme and priorities of the Our North Tyneside Plan 2021-2025:

A caring North Tyneside

- We will provide great care to all who need it, with extra support available all the way through to the end of the pandemic.
- We will work with the care provision sector to improve the working conditions of care workers.
- People will be cared for, protected and supported if they become vulnerable, including if they become homeless.

1.5 Information:

1.5.1 Background

The Better Care Fund (BCF) has been in operation since 2015/16 and is a government initiative to improve the integration of health and care services, with an emphasis on keeping people well outside of hospital and facilitating discharge from hospital.

The BCF creates a pooled fund, managed jointly by the Authority and the Integrated care Board (ICB). The value of contributions to the fund in 2023/24 is £35,331,742.

ICBs are required to contribute a defined amount to the fund to support adult social care. The resulting income from the NHS for 2023/24 is £13,007,385. Together with the "Improved Better Care Fund" grant, which is paid direct by

Government to the Authority, the BCF supports 22% of adult social care revenue expenditure within the Borough.

This section.75 Agreement will cover a 1-year span despite the planning guidance covering 2023-25 as only the funding amounts for 2023/24 are fully known at this time. A further process will be required to agree scheme funding values for 2024/25 once the overall funding levels are confirmed by the Department of Health and Social Care. A section 75 Agreement for 2024/25 will be required to be entered into for that period.

BCF income helps to fund community based social care services, such as reablement, immediate response home care, Care Call, and loan equipment/adaptations. It also contributes towards the Authority's services offered to support carers, the Community Falls First Responder Service, and to independent living support for people with learning disabilities.

1.6 Decision options:

The following decision options are available for consideration by Director of Adult Services:

Option 1

The Director of Adult Services may enter into the section 75 Agreement with the ICB; or

Option 2

The Director of Adult Services may decide not to enter into the section 75 Agreement with the ICB

Option 1 is the recommended option.

1.7 Reasons for recommended option:

Option 1 is recommended for the following reasons:

The continuation of the Better Care Fund presents an opportunity to take forward the principles of the Health and Wellbeing Strategy. If the requirement to enter into a Section 75 Agreement is not met by 31 October 2023 the release of funds by NHS England will be delayed.

1.8 Appendices:

*Appendix 1: Better Care Fund Agreement 2023–24.

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1.9 Contact officers:

Sue Graham, Health, and Social Care Integration Manager Tel 0191 643 4063
Scott Woodhouse Head of Commissioning – Adults Tel 0191 643 7082

1.10 Background information:

The following background papers have been used in the compilation of this report:

1. 2023–25 Better Care Fund Policy Framework. Department of Health and Social Care and the Department for Levelling Up, Housing & Communities. [2023 to 2025 Better Care Fund policy framework – GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/policies/better-care-fund-policy-framework)
2. Better Care Fund Planning Requirements for 2023 to 2025. Department of Health and Social Care and the Department for Levelling Up, Housing & Communities. [NHS England » Better Care Fund planning requirements 2023–25](https://www.nhs.uk/consult/condocs/better-care-fund/better-care-fund-planning-requirements-2023-25)
3. Cabinet report authorising the entering into a section 75 Agreement <https://democracy.northtyneside.gov.uk/documents/g1053/Public%20reports%20pack%2022nd-May-2023%2017.00%20Cabinet.pdf?T=10>

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

The plan does not of itself create additional demands on the Authority's services above those which are created by the growth of the population in the Borough and in particular the number of elderly and vulnerable people the Authority serves.

As in previous years, the Authority in conjunction with the ICB, has created a section 75 pooled budget to operationalise the BCF.

2.2 Legal

The National Health Service Act 2006 gives NHS England the powers to attach conditions to the payment of the Better Care Fund Plan. Amongst other things, the Better Care Fund planning requirements for 2023–25 published by NHS England have set a requirement that the Health and Wellbeing Board agrees the BCF plan as well as the ICB. The Health and Wellbeing Board approved the BCF Plan on 12 June 2023. The 2023–25 Requirements also require the Authority and the ICB to enter into an Agreement under section 75 of the National Health Service Act 2006 to obtain funding through BCF. This report seeks authority for the Director of Adult Social Care to enter into such an Agreement on behalf of the Authority in accordance with delegated authority given to her.

2.3 Consultation/community engagement

2.3.1 Internal Consultation

2.3.2 External Consultation/Engagement

The Health and Wellbeing Board considered the BCF Plan on 12 June 2023.

Any relevant service developments would have been considered by the Future Care Programme Board, now replaced by the Care and Wellbeing Executive which includes representation from the ICB, the Authority, NHS providers, and representatives of primary care. Healthwatch, the Patient Reference Group, and the community and voluntary sector are involved with the Health and Wellbeing Board and/or relevant sub groups of the Executive. The BCF plan is a continuation of previously planned schemes with the exception of the strengthened discharge arrangements funded under the new Discharge Support fund element of the Better Care Fund. Arrangements are in hand to obtain internal ICB approval of the agreement.

2.4 Human rights

There are no human rights implications arising directly from this report.

2.5 Equalities and diversity

There are no new equality and diversity implications arising directly from this report. BCF services are particularly used by older and disabled persons, in accordance with their needs.

2.6 Risk management

The Better Care Fund Partnership Board maintains a risk assessment for the BCF.

2.7 Crime and disorder

There are no crime and disorder implications directly arising from this report.

2.8 Environment and sustainability

There are no environment and sustainability implications arising from this report.

PART 3 – SIGN OFF

- Chief Executive X
- Director(s) of Service X
- Mayor/Cabinet Member(s) X
- Chief Finance Officer X
- Monitoring Officer X
- Assistant Chief Executive X