

North Tyneside Council

Report to Director of Adult Services

Date: 27 January 2023

Title: Approval to enter into an A Partnership Agreement for the Better Care Fund for 2022/23 under Section 75 of the National Health Service Act 2006

Portfolio(s): Adult Services		Cabinet Member(s): Councillor Anthony McMullen
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:

The Authority is obliged by the “Better Care Fund planning requirements 2022-23” published by NHS England as part of the Better Care Fund planning process to enter into an agreement under section 75 of the National Health Service Act 2006, often referred to as a “section 75 Agreement”. All such Agreements nationally must be signed and in place by 31 January 2023.

On 21 September 2022 Cabinet approved the Better Care Fund Plan (BCF Plan) for submission to the Health and Wellbeing Board for further approval prior to submission to NHS England and authorised the Director of Children and Adults Services (now Director of Adult Services) in consultation with the Director of Resources, the Director of Commissioning and Asset Management, to enter into a section 75 Agreement and to implement the financial and administrative arrangements for the Better Care Fund.

The Authority submitted its BCF Plan to NHS England on 22 September 2022. The BCF Plan requires spending on all funding elements of the Plan to be jointly agreed by the Authority and the Integrated Care Board (the ICB), (formerly known as the Clinical Commissioning Group) and for such funding to be a “pooled fund” and for the fund to be governed by a section 75 Agreement.

The terms of the section 75 Agreement have now been agreed by the parties.

1.2 Recommendation(s):

It is recommended that the Director of Adult Services (previously Director of Children & Adult Services) following consultation with the Director of Commissioning and Asset Management, Director of Resources and the Assistant Chief Executive:

- (1) Enter into an agreement under section 75 of the National Health Service Act 2006 with the North East and North Cumbria Integrated Care Board in relation to the Better Care Fund for 2022/23.

1.3 Forward Plan:

It has not been practicable to give twenty eight days notice of this report. However, it is required to be considered without the twenty eight days notice being given in order to meet the national deadline of 31 January 2023 for the sign off of Better Care Fund s75 agreements.

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 North East and North Cumbria Integrated Care Board (the ICB). The value of contributions to the fund in 2022/23 is £30,774,007 excluding the Discharge Support element.

ICBs are required to contribute a defined amount to the fund to support adult social care. The resulting income from the NHS is £12,310,605. Together with the "Improved Better Care Fund" grant, which is paid direct by the Government to the Authority, the BCF supports 20.5% of adult social care revenue expenditure within the Borough.

BCF income helps to fund community based social care services, such as reablement, immediate response home care, CareCall, 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 approve the entering of the s75 Partnership Agreement with the ICB.

Option 2

The Director of Adult Services may not approve the entering of the s75 Partnership 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. The BCF funding that the Authority will receive is dependent on the Authority having entered into a Section 75 Agreement. If the requirement to enter into a Section 75 Agreement is not met by 31 January 2023 the release of funds by NHS England will be delayed.

1.8 Appendices:

Appendix: Better Care Fund Agreement 2022/23.

1.9 Contact officers:

Sue Graham, Health and Social Care Integration Manager Tel 0191 643 4036
Scott Woodhouse Strategic Commissioning Manager Adults Tel 0191 643 7082
Jane Cross, Senior Finance Business Partner Tel 0191 643 3166

1.10 Background information:

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

1. 2022/23 Better Care Fund Policy Framework. Department of Health and Social Care and the Department for Levelling Up, Housing & Communities.
<https://www.gov.uk/government/publications/better-care-fund-policy-framework-2022-to-2023>
2. Better Care Fund Planning Requirements for 2022 to 2023. Department of Health and Social Care and the Department for Levelling Up, Housing & Communities.
<https://www.england.nhs.uk/publication/better-care-fund-planning-requirements-2022-23/>
3. Cabinet report of 21 September 2022 and Minutes

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

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

As in previous years, the Authority is in discussion with the ICB (formerly the CCG) to create 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 2022/23 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 considered the BCF Plan on 22 September 2022. The 2022/23 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.

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 22 September 2022.

Any relevant service developments would be considered by the Future Care Programme Board, which includes representation from the ICB, the Authority, NHS providers, the GP federation, Healthwatch, the Patient Reference Group, and the community and voluntary sector. The BCF plan includes no new service developments but is a continuation of previously planned schemes. Arrangements are in hand to obtain internal ICB approval of the Plan.

2.4 Human rights

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

2.5 Equalities and diversity

BCF services are particularly used by older and disabled persons, in accordance with their needs and other service users who may have protected characteristics under the Equality Act 2010 and equality and diversity data is reviewed by the Better Care Fund Board to ensure that services appropriately support individuals with protected characteristics.

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