

Wiltshire Council

Cabinet

17 March 2015

Subject: Better Care Fund - Section 75 Agreement

Cabinet member: Councillor Jane Scott, Leader of the Council

Key Decision: Yes

Executive Summary

The Better Care Fund (BCF) has been developed by the Health and Wellbeing Board (HWB) and it is the responsibility of the HWB to sign off the Better Care Plan (BCP). The new guidance from the Government has a requirement for the Better Care Fund to be signed off by the Health and Wellbeing Board and be established as a joint fund.

In order to deliver the Better Care Fund it is a requirement of the scheme that a pooled fund is established under a formal agreement on or before 1 April 2015. The agreement must be made under Section 75 of the National Health Service Act 2006 between Wiltshire Council and the Clinical Commissioning group (CCG). This needs to be approved by both parties.

Proposals

1. To request that Cabinet:
 - a. Subject to sign off by the Health and Wellbeing Board approves the establishment of the Better Care Fund Pooled Fund on and from 1 April 2015 largely on the terms set out in the draft Section 75 Agreement attached to this report at Appendix 1;
 - b. Subject to sign off by the Health and Wellbeing Board delegates authority to Maggie Rae, Corporate Director in consultation with the Associate Director (Legal and Governance) to finalise and enter into the Section 75 Agreement on behalf of Wiltshire Council. The Councils 151 Officer will ensure the financial monitoring of this fund;
 - c. Subject to sign off by the Health and Wellbeing delegated on decisions on expenditure from the Better Care Fund Pooled Budget to Maggie Rae and Deborah Fielding (Chief Accountable officer CCG) following recommendations of the Joint Commissioning Board for Adults.

Reasons for Proposal

1. The Health and Wellbeing Board gives strategic oversight on the Better Care Fund and the Section 75 agreement.
2. The Section 75 agreement needs to be in place by 1 April 2015. Due to scheduling of meetings it will be required to be signed off by both Wiltshire Council and Wilshire CCG during March 2015. This is prior to the next Health and Wellbeing Board on 26 March, hence the request for the delegation arrangements in this report.
3. Whilst the draft Section 75 agreement has been mainly completed there remains further work to be completed on specific issues; along with legal advice relating to the outstanding issues.

Maggie Rae
Corporate Director

Wiltshire Council

Cabinet

17 March 2015

Subject: Better Care Fund, Section 75 Agreement

Cabinet member: Councillor Jane Scott, Leader of the Council

Key Decision: Yes

Purpose of Report

1. To inform the Cabinet that there is this new requirement for the Better Care Fund which is governed by the Health and Wellbeing Board:
 - a. Draft Section 75 Agreement attached to this report at Appendix 1;
 - b. Subject to sign off by the Health and Wellbeing Board delegated authority is granted to Maggie Rae, Corporate Director in consultation with the Associate Director (Legal and Governance) to finalise and enter into the Section 75 Agreement on behalf of Wiltshire Council. The Councils 151 Officer will ensure the financial monitoring of this fund;
 - c. Subject to sign off by the Health and Wellbeing delegated authority on decisions on expenditure from the Better Care Fund Pooled Budget is granted to Maggie Rae and Deborah Fielding (Chief Accountable officer CCG) following recommendations of the Joint Commissioning Board for Adults.

Relevance to the Council's Business Plan

2. The Better Care Plan supports the Council's goal to protect those who are most vulnerable in our communities. By ensuring that sufficient, safe and well-coordinated services are available to support health and care needs, it also supports two of the 6 outcomes set out in the business plan, namely:
 - People in Wiltshire have healthy, active and high-quality lives
 - People are protected from harm, as much as possible, and feel safe

Main Considerations for the Council

3. The Better Care Fund is a mandatory pooled budget intended to support and deliver integrated health and social care services. As one of the best plans submitted, Wiltshire has been one of the 5 fast tracked plans.

4. The draft Section 75 Agreement envisages that Wiltshire Council will host the pooled budget. Wiltshire Council's VAT regime will apply.
5. The arrangements to monitor the delivery, outcomes and financial position of all services included in the BCF follow the Better Care Plan.
6. The draft Section 75 agreement is included in Appendix A.
7. Discussions are currently being finalised on all of the details, however further consideration is still needed to finalise the agreement.

Background

8. As reported to cabinet on 18 March 2014 and 16 September 2014, the Central Government spending review in June 2013 included the announcement that a sum totalling £3.8 billion nationally would be allocated to a single pooled budget for health and social care services to work more closely together in local areas based on an agreed plan between the NHS and the Local Authorities. This money is now referred to as the Better Care Fund. The Better Care Fund is not new funding for the health and care system but is made up of elements of existing clinical commissioning group (CCG) and local authority budgets.

Safeguarding Implications

9. The report puts in place a framework for delivering health services, so there are no direct implications in the report.

Public Health Implications

10. The report puts in place a framework for delivering health services, so there are no direct implications in the report.

Corporate Procurement Implications

11. The report establishes the framework through which the Better Care Fund will be delivered. All procurements arising from establishing the Section 75 Agreement will be done in accordance with the relevant procurement regulations.

Equalities Impact of the Proposal

12. Individual schemes and initiatives funded by the Better Care Fund through the Section 75 Agreement will be subject to robust Equality Analysis. This is to ensure that both Wiltshire Council and Wiltshire CCG comply with the Equality Act 2010 and to pay due regard to the Public Sector Equality Duty.

Environmental and Climate Change Considerations

13. There is no environmental impact regarding the proposals in this report.

Risk Assessment

14. Risk assessment and risk management are included in the Section 75 agreement.

Financial Implications

15. The financial envelope for the Better Care Fund has been agreed in the Better Care Plan. The financial implications will be in relation to the risk share agreement, which is included in the draft Section 75 agreement and reflects the agreement reached in the Better Care Plan.

Legal Implications

16. Legal Services have assisted with drafting the Section 75 Agreement.

Conclusions

17. Cabinet is asked to consider this report and the proposals contained therein.

Michael Hudson
Associate Director - Finance

Report Author:

Matthew Tiller, Chief Accountant

13 March 2015

Background Papers

The following documents have been relied on in the preparation of this report:

None

Appendix 1 Draft Section 75 Agreement