

COUNCILLOR Baroness Scott of Bybrook OBE

Leader of the Council

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REFERENCE: L – 01 - 18

Signing of s75 agreement for the Better Care Fund 2017-19

1. Purpose of Report

To recommend the signing of the s75 agreement, underpinning the Better Care Fund 2017-19, which outlines how funding pooled between Wiltshire Council and Wiltshire Clinical Commissioning Group should continue to be managed.

2. Relevance to the Council's Business Plan

'Protecting the vulnerable' is one of three priorities for the council and 'joined up health and care (integration)' is one of three goals for delivering this. One of the actions for delivering this goal is to '*Pool and align budgets with the NHS so that an increasing number of services are planned and bought together; as per the Joint Health and Wellbeing Strategy and Better Care Plan (and related new joint strategies such as End of Life Care)*'. An updated s75 agreement will enable joint delivery of schemes in the Better Care Plan to continue from a pooled budget.

3. Main Considerations for the Council

Approximately £800m is spent in Wiltshire on health and social care. The £43m of Better Care funding is a driver for stimulating the integration of health and social care services. The Wiltshire Better Care Plan is built upon the overriding vision of care as close to home as possible, with home always as the first option. The Better Care Fund aims to help deliver on the national conditions and local priority; such as:

- Protecting social care services – through increased investment in social care services to meet the requirements of demography and of the Care Bill
- 7-day services to support discharge from hospital – through increased investment across the whole system
- Data Sharing – through working together on new systems and developing our ability to share information not just between health and social care, but more widely with other public sector services
- Joint assessments and accountable lead professional – through local joint working and the development of patient/service user-held records
- Ensuring services support people to remain at home or in their community.

The success of the plan is measured against five national performance areas:

- Admissions to residential and nursing care
- Success of reablement and rehabilitation
- Delayed transfers of care
- Avoidable emergency admissions
- Patient and service user experience

A s75 agreement is a requirement of NHS England for the use of Better Care Funding to deliver joint schemes.

4. **Background**

Outline commissioning intentions for the Better Care Fund have been considered and approved by Cabinet in March 2016. These have been continued and the latest intentions approved by the Health and Wellbeing Board in May 2017. Following publication of the Better Care Fund planning guidance in July 2017, Wiltshire submitted its final Better Care Plan to NHS England in September 2017.

On 20 December 2017, NHS England wrote to the council and CCG to provide notification that the Better Care Fund 2017-19 for Wiltshire has passed the assurance process and funds approved for release. A copy of the letter is at **Appendix 1**. The s75 agreement needs to be refreshed to enable this.

5. **Overview & Scrutiny Engagement**

The work of the Better Care Plan task group and its recommendations have informed the development of the commissioning intentions.

6. **Safeguarding Implications**

The Better Care Plan supports the delivery of safeguarding and quality measures.

7. **Public Health Implications**

The Better Care Plan includes an emphasis on prevention.

8. **Procurement Implications**

None. Procurement of individual schemes will come to Cabinet and CCG Governing Body when appropriate.

9. **Equalities Impact of the Proposal**

None.

10. **Environmental and Climate Change Considerations**

None.

11. **Risk Assessment**

The s75 provides clear risk-share arrangements and agreements for dealing with financial pressures and disputes. The framework offered by the s75 ensures that all risks are documented, managed and mitigated appropriately for the scheme.

12. Financial Implications

In the absence of a s75 agreement, expenditure on schemes is at the risk of the individual organisations. The agreement provides a mechanism for sharing risks. The full budget for the Better Care Plan was set out in papers to the Health and Wellbeing Board in May 2017.

<http://cms.wiltshire.gov.uk/documents/s131112/Paper%209%20-%20BCP.pdf>

13. Legal Implications

The proposed s75 agreement continues the existing arrangements with minor amendments to reflect the agreed practical and financial requirements of the parties which have developed since signature of the existing arrangements. These minor amendments are mainly set out in schedules 2 and 8 (as per attached Appendix 2). The Health and Wellbeing Board agreed in May:

- To approve the priorities outlined in the BCP strategy for 2017/18;
- To approve the commissioning intentions for 2017/18;
- To approve the themes and priorities outlined for the use of the additional £5.8 million into adult social care during 2017/18;
- To approve the BCP budget for 2017/18 including the alignment of the community equipment budget;
- To approve the governance process outlined in the document and continuation of the section 75 agreement; and
- To agree that any further changes to the BCP plan for 2017/18 due to pending national policy guidance will be subject to Chair and Vice Chairs action and sign off.

s75 of the NHS Act 2006 enables the pooling of budgets to deliver joint schemes.

14. Options Considered

- a) Sign the s75 agreement
- b) Not sign the s75 agreement
- c) Sign the s75 agreement with amendments

15. Reason for Proposal

The s75 agreement underpins the delivery of schemes in the Better Care Fund. It provides ongoing financial certainty to Wiltshire Council and CCG now that the Better Care Plan 2017-19 has been approved by NHS England (December 2017). Any material changes to the extant s75 agreement would have been brought before full cabinet. However, since changes are insignificant a delegated member decision ensures rapid implementation of the agreement (and delegating any subsequent technical updates to schedules that may be required to the Leader in consultation with the DASS).

16. Proposal

To sign the s75 agreement as appended on behalf of Wiltshire Council (and delegate any further consequential amendments to schedules that may be required to the Leader in consultation with the Director of Adult Social Services).

The following unpublished documents have been relied on in the preparation of this report: *None*