

<b>BRIEFING</b>	<b>TO:</b>	Health and Wellbeing Board
	<b>DATE:</b>	22 <sup>nd</sup> January, 2020
	<b>LEAD OFFICER</b>	Karen Smith, Strategic Commissioning Manager (RMBC/RCCG)
	<b>TITLE:</b>	Section 75 Framework Agreement and Better Care Fund (BCF) Call-Off Partnership/Work Order

## Background

1. The purpose of this report is to outline progress on the development of a new Section 75 Framework Agreement and Better Care Fund (BCF) Call-Off Partnership/Work Order for 2019/20.  
  
Department of Health and Social Care, Ministry of Housing, Communities and Local Government and NHS England have specifically requested within the BCF Planning Requirements (2019-20) that plans will be approved, subject to all funding agreed as part of the BCF plan, and that this must be transferred into one or more pooled funds, established under Section 75 of the NHS Act (2006).

## Key Issues

2. The Better Care Fund (BCF) will continue to provide a mechanism for personalised, integrated approaches to health and social care that support people to remain independent at home or to return to independence after an episode in hospital. The BCF was established by Government to provide funds to local areas to support the integration of health and social care.  
  
The BCF Plan for Rotherham has been developed to promote and implement integration, and these schemes are set out in the Rotherham BCF Planning Template for 2019/20 - a plan which has now been informally approved by the Yorkshire and Humber BCF Assurance Plan on 17<sup>th</sup> October, 2019. One of the key requirements of the BCF plan is for a Section 75 Framework Agreement to be in place and fully signed by both partner organisations by 15<sup>th</sup> December, 2019.  
  
The BCF Planning Requirements 2019/2020 shows that a formal agreement needs to be established in each local area to enable the Council and the CCG to work collaboratively in delivering the services set out in the BCF plan for 2019/20. The requirement is for an agreement using Section 75 of the National Health Service Act, 2006. This partnership framework agreement gives powers to local authorities and health bodies to establish and maintain pooled funds, out of which payment may be made towards expenditure incurred in the exercise of prescribed local authority functions and prescribed National Health Service (NHS) functions.  
  
A Section 75 framework agreement is used when there is some cross-over of functions between the two organisations; to allow them to act in partnership to pool budgets or create non-pooled funds, to agree that staff carrying out the inter-related functions can undertake work for both parties and to delegate functions to provide a more seamless service. A Section 75 framework agreement records a wider working relationship between health and social care organisations, with a view to arrangements being developed across a number of different services or it can be used for a single discrete service.  
  
Rotherham Clinical Commissioning Group (RCCG) and Rotherham Metropolitan Council (RMBC) in a series of meetings have jointly developed a new overarching Section 75 Framework Agreement and BCF Call-Off Partnership/Work Order, customising this document to reflect local need and priorities. This has now been approved and signed by both partner organisations in December 2019.

The Section 75 Framework Agreement has established two pooled budgets. With each authority hosting one fund, the proposal allows the local authority to maximise the benefits of hosting a pooled fund.

A performance management programme has been developed which will allow a close focus on each of the BCF schemes. The schemes have been mapped into two pooled budgets to allow similar services to explore opportunities for further integrated working, and to work together to collect and monitor data, ensuring duplication is avoided.

The BCF Operational Group gathers reviews and interprets performance data, and ensures targets are monitored and met. The BCF Executive Group is the body which has strategic oversight of the whole BCF plan. The officer groups will be held accountable across the system and have key representatives from both RCGG and RMBC. Terms of Reference for each of these groups are set out in BCF Call-Off Partnership/Work Order.

This partnership will ensure there is maximum focus on reducing the number of non-elective admissions and admissions to residential care, The CCG and Council have agreed a risk fund, spread across the two pooled budgets, which will be used to fund any shortfall due to targets being missed, or unexpected overspends.

The details of the two pooled funds are set out in the BCF Call Off Partnership/Work Order. In brief, there are two funds within the £40m BCF Plan for 2019/20. One fund, hosted by the CCG, is valued at £11.070m and the other fund, hosted by the Council, is valued at £29.3m. Both funds sit under the same Section 75 Framework Agreement which provides governance for the BCF plan.

A risk pool of £0.5 million for the fund has been set up to cover unintended pressures arising from workstreams in other parts of the system and the pay for performance element of the BCF for 2019/20.

Risk sharing agreements have been agreed to protect both parties from areas of overspend and financial risk.

The Council and CCG have finalised, agreed and signed the Section 75 Framework Agreement and BCF Call-Off Partnership/Work Order, and this has now been fully agreed by the BCF Executive Group.

**Background Papers**

- 3. Appendix 1 – Rotherham Section 75 Framework Agreement for the Commissioning of Services
- Appendix 2 – Rotherham BCF Call-Off Partnership/Work Order
- Appendix 3 – Rotherham BCF Planning Template 2019/20

**Recommendations**

- 4. **That the Health and Wellbeing Board:**
  - (i) **Receive the Section 75 Framework Agreement and the BCF Call-Off Partnership/Work Order for 2019/20 and note the contents**