

<h1>BRIEFING</h1>	<b>TO:</b>	Health and Wellbeing Board
	<b>DATE:</b>	26 <sup>th</sup> January 2022
	<b>LEAD OFFICER</b>	Karen Smith, Strategic Commissioning Manager, Adults Joint Commissioning (RMBC/RCCG) Karen-nas.smith@rotherham.gov.uk Tel. No. 01709 254870
	<b>TITLE:</b>	Section 75 Framework Agreement and Better Care Fund Call-Off Partnership / Work Order 2021/22

## Background

- 1.1** The purpose of this report is to confirm that Rotherham Clinical Commissioning Group (RCCG) and Rotherham Metropolitan Council (RMBC) have jointly developed a new overarching Section 75 Framework Agreement and BCF Call-Off Partnership/Work Order in 2021-22, which reflects local need and priorities.
- The Department of Health and Social Care (DHSC) and the Department for Levelling Up, Housing and Communities (DLUHC) have published a Policy Framework for the implementation of the Better Care Fund (BCF) in 2021-22. The Framework forms part of the NHS mandate for 2021-22.
- As set out in the BCF Policy Framework, the requirements of the planning process have focused on continuity in 2021-22, while enabling areas to agree plans for integrated care that support recovery from the pandemic and build on the closer working relationships that many systems have developed to respond to this.
- The use of BCF mandatory funding streams (including CCG minimum contribution, improved Better Care Fund (iBCF) grant and Disabled Facilities Grant (DFG) must be jointly agreed by CCGs and Local Authorities to reflect local health and care priorities, with plans signed off by Health and Wellbeing Boards (HWBs). Local areas are required to agree use of the mandatory funding streams locally, to pool these into a joint agreement under Section 75 of the NHS Act 2006 and to provide an end of year report.

## Key Issues

- 2.1** The Better Care Fund 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 Section 75 Agreement for 2021/22.
- A BCF planning template and optional narrative template was required by the national team for 2021-22 which has been submitted to NHS England on 16<sup>th</sup> November 2021. Approval letters will be issued by the national team giving formal permission to spend (CCG minimum) from 11<sup>th</sup> January 2022.
- One of the key requirements of the BCF planning guidance is for a Section 75 Framework Agreement to be fully signed by both partner organisations and in place by 31<sup>st</sup> January 2022.
- The BCF Planning Requirements 2021-22 illustrates 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. 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.

The Section 75 Framework Agreement has established two pooled budgets. With each organisation hosting one fund, the proposal allows both the Council and CCG to maximise the benefits of hosting a pooled budget.

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 RCCG and RMBC. Terms of Reference for each of these groups are set out in BCF Call-Off Partnership / Work Order.

This partnership will work across all Partners to ensure effective delivery of the ambitions set out in the BCF metric plans. 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 £45.486m BCF Plan for 2021/22. One fund, hosted by the CCG, is valued at £11.336m and the other fund, hosted by the Council, is valued at £34.150m. Both funds sit under the same Section 75 Framework Agreement which provides governance for the BCF plan.

In line with previous years the BCF Risk Pool will be utilised to contribute to the increase in demand for reablement, to support hospital discharges and brokerage support

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

### Key Actions and Relevant Timelines

**3.1** The BCF planning and narrative templates for 2021-22 are going through various stages of the approval process as follows:

- BCF planning submission from local HWB areas - 16<sup>th</sup> November 2021.
- Approval letters issued giving formal permission to spend - 11<sup>th</sup> January 2022.
- The Section 75 Framework Agreement (Appendix 1) and Better Care Fund Call-Off Partnership / Work Order 2021/22 (Appendix 2) has now been signed by both partner organisations – 31<sup>st</sup> January 2022

## Implications for Health Inequalities

- 4.1** There is a recognition at SYB and Place that Health Inequalities (HI) is integral to everything. Rotherham is working across Place and ICS partners to share knowledge and develop our capabilities in understanding Health Inequalities and Population Health Management (PHM).
- BCF funded schemes that aim to tackle health inequalities includes the Social Prescribing programme which provides interventions on tobacco, weight, alcohol, physical activity, obesity reduction, smoking cessation, and diabetes prevention programmes. Breathing Space is also delivering respiratory services within the Right Care pathway.

## Recommendations

- 5.1** **That the Health and Wellbeing Board note the content of the:**
- (I) Section 75 Framework Agreement and Better Care Fund (BCF) Call-Off Partnership / Work Order for 2021/22.**