

<b>BRIEFING</b>	<b>TO:</b>	Health and Wellbeing Board
	<b>DATE:</b>	23 <sup>rd</sup> November 2022
	<b>LEAD OFFICER</b>	Claire Smith Deputy Place Director, (Rotherham Place) claire.smith138@nhs.net Tel. No. 01709 428721
	<b>TITLE:</b>	Section 75 Framework Agreement and Better Care Fund (BCF) Call-Off Partnership / Work Order 2022/23

**Background**

- 1.1 The purpose of this report is to confirm that South Yorkshire Integrated Care Board (SYICB) and Rotherham Metropolitan Council (RMBC) have jointly developed a new overarching Section 75 Framework Agreement and BCF Call-Off Partnership/Work Order in 2022-23, which reflects local need and priorities.
- 1.2 The Department of Health and Social Care (DHSC) and the Department for Levelling Up, Housing and Communities (DLUHC) and NHS England have published a Policy Framework for the implementation of the Better Care Fund (BCF) in 2022-23. The Framework forms part of the NHS mandate for 2022-23.
- 1.3 As set out in the BCF Policy Framework, the requirements of the planning process have focused on providing person-centred integrated care, with health, social care, housing and other services working together to provide better joined up care in 2022/23. The BCF supports services to work more closely together so that people can stay well, safe and independent at home, live healthy, fulfilled, independent and longer lives, get the care they need at the right place at the right time, so that they continue to remain independent at home or to return to independence after an episode in hospital. The response to the Covid-19 pandemic has accelerated the pace of collaboration at Place level and the aim is to maintain momentum and build upon these positive changes.
- 1.4 The use of BCF mandatory funding streams (including NHS minimum contribution, improved Better Care Fund (iBCF) grant and Disabled Facilities Grant (DFG) must be jointly agreed by Integrated Care Boards (ICBs) and Local Authorities to reflect local health and care priorities, with plans signed off by Health and Wellbeing Boards (HWBs). BCF plans include stretching ambitions for improving outcomes against the national metrics. 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.
- 2.2 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 2022/23.
- 2.3 A BCF planning template, narrative template and capacity and demand template was required by the national team for 2022-23 which has been submitted to NHS England on 26<sup>th</sup> September 2022. Approval letters will be issued by the national team giving formal permission to spend (SYICB minimum) by 30<sup>th</sup> November 2022.
- 2.4 The BCF Planning Requirements 2022-23 illustrates that a formal agreement needs to be established in each local area to enable the Council and the SYICB to work collaboratively in

	<p>delivering the services. The requirement is for an agreement using Section 75 of the National Health Service Act, 2006. The Section 75 Agreement needs to be fully signed by both partner organisations and in place by 31<sup>st</sup> December 2022.</p>
<b>2.5</b>	<p>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.</p>
<b>2.6</b>	<p>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.</p>
<b>2.7</b>	<p>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.</p>
<b>2.8</b>	<p>The Section 75 Framework Agreement has established two Better Care fund pooled budgets. With each organisation hosting one fund, the proposal allows both the Council and SYICB (Rotherham Place) to maximise the benefits of hosting a pooled budget.</p>
<b>2.9</b>	<p>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.</p>
<b>2.10</b>	<p>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 SYICB and RMBC. Terms of Reference for each of these groups are set out in BCF Call-Off Partnership / Work Order.</p>
<b>2.11</b>	<p>This partnership will work across all Partners to ensure effective delivery of the ambitions set out in the BCF metric plans. The SY ICB 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.</p>
<b>2.12</b>	<p>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 £46.483m BCF Plan for 2022/23. One fund, hosted by the SYICB (Rotherham Place), is valued at £11.500m and the other fund, hosted by the Council, is valued at £34.983m. Both funds sit under the same Section 75 Framework Agreement which provides governance for the BCF plan.</p>
<b>2.13</b>	<p>The BCF mandatory funding includes the minimum NHS contribution of £22.892m, Improved Better Care Fund (IBCF) £14.481m and DFG £3.064m for 2022/23 which amounts to a total of £40.437 million.</p>
<b>2.14</b>	<p>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</p>
<b>2.15</b>	<p>Risk sharing agreements have been agreed to protect both parties from areas of overspend and financial risk.</p>
<b>2.16</b>	<p>The governance arrangements are currently under review and existing arrangements outlined from 2021-22 will be maintained until these have been fully agreed by all parties. The new governance arrangements will be made available at the Health and Wellbeing Board on 25<sup>th</sup> January 2022.</p>
<p><b>Key Actions and Relevant Timelines</b></p>	

3.1	<p>The BCF planning and narrative templates for 2022/23 will go through various stages of the approval process as follows:</p> <ul style="list-style-type: none"> <li>• Health and Wellbeing Board approval – 21<sup>st</sup> September 2022</li> <li>• BCF planning submission from local HWB areas – 26<sup>th</sup> September 2022.</li> <li>• Regionally moderated assurance outcomes sent to BCF team – 24<sup>th</sup> October 2022</li> <li>• Cross-regional calibration – 1<sup>st</sup> November 2022</li> <li>• Approval letters issued giving formal permission to spend (NHS minimum) – 30<sup>th</sup> November 2022.</li> <li>• The Section 75 Framework Agreement (Appendix 1) and Better Care Fund Call-Off Partnership / Work Order 2021/22 (Appendix 2) will need to be signed by both partner organisations and in place by 31<sup>st</sup> December 2022</li> </ul>
-----	---

**Informal Feedback from Better Care Team**

4.1	<p>The Better Care Team have provided informal feedback on 20<sup>th</sup> September 2022, that the BCF Assurance Panel has put forward Rotherham’s BCF Plan for 2022/23 for approval.</p> <p>The next stage in the process will be cross-regional calibration by 1<sup>st</sup> November 2022 and approval letters will be issued to local areas giving formal permission to spend (NHS minimum) by 30<sup>th</sup> November 2022.</p>
-----	---

**Implications for Health Inequalities**

5.1	<p>There is a recognition by the South Yorkshire ICB that tackling Health Inequalities (HI) is integral to everything the system needs to do to keep people healthy and independent and reduce statutory service demand.</p> <p>Rotherham’s Prevention and Health Inequalities Strategy and Action Plan: 2022-25 focuses on supporting people in Rotherham to live well for longer through driving prevention-led approaches across health and social care. The strategy sets out the local approach to delivering the NHS Core20Plus5 framework. This means that as part of the programme, partners have committed to addressing inequalities for those living in the 20% most deprived communities according to the Indices of Multiple Deprivation. In Rotherham this accounts for 36% of the population.</p> <p>A number of inclusion groups include ethnic minority communities, gypsy, Roma and Traveller communities, people with severe mental illnesses, learning disabilities and neurodiverse people, carers, asylum seekers and refugees and those in contact with the criminal justice system.</p> <p>BCF funded schemes which reduce health inequalities includes:</p> <ul style="list-style-type: none"> <li>• Social Prescribing programme which provides interventions on tobacco, weight, alcohol, physical activity, obesity reduction, smoking cessation and diabetes prevention programmes.</li> <li>• Breathing Space is also delivering respiratory services within the Right Care pathway.</li> <li>• Project support for the implementation of Population Health Management (PHM) priorities</li> </ul>
-----	--

**Recommendations**

6.1	<p><b>That the Health and Wellbeing Board approves the:</b></p> <p><b>(I) Section 75 Framework Agreement and Better Care Fund (BCF) Call-Off Partnership / Work Order for 2022/23.</b></p>
-----	--