



## Notice of Non-key Executive Decision

<b>Subject Heading:</b>	Better Care Fund 2017-19 Plan and Section 75 Agreement
<b>Cabinet Member:</b>	Councillor Wendy Brice-Thompson
<b>CMT Lead:</b>	Barbara Nicholls, Director Adult Social Care
<b>Report Author and contact details:</b>	Caroline May, Head of Business Management Caroline.May@Havering.gov.uk Tel: 01708 433671
<b>Policy context:</b>	Health & Social Care Act 2012 Care Act 2014 Cabinet Reports – January 2014, February 2014, July 2014 and Jan 2015. Integrated Care in Barking and Dagenham, Havering and Redbridge, 2012 (Integrated Care Coalition) Havering Health & Wellbeing Strategy 2012-2014 & 2015-2018 Health & Wellbeing reports March & July 2017. Havering Market Position Statement (ASC) 2016
<b>Financial summary:</b>	Nationally, the Better Care Fund is a ring-fenced fund worth a total of £5.128 billion for 2017-18 rising to £5.617 billion in 2018-19. This includes the Disabled Facilities Grant and a new grant allocation to local authorities to fund adult social care, first announced in the 2015 Spending Review: the Improved Better Care Fund (IBCF). Further, the Spring Budget 2017 included a significant increase in IBCF allocations. All the funding is required to be spent on Health and Social Care.  Havering's required minimum fund size is £21,959,000 in 2017/18, rising to £23,462,641 in 2018/19. The detailed breakdown is provided in the report below.  The actual fund size is £22,660,358 in 2017/18, rising to £24,164,641, reflecting the additional Local Authority contribution of £702,000 in both years for reablement

<b>Relevant OSC:</b>	Individuals
<b>Is this decision exempt from being called-in?</b>	No

**The subject matter of this report deals with the following Council Objectives**

Having will be clean and its environment will be cared for  
People will be safe, in their homes and in the community  
Residents will be proud to live in Havering

## Part A – Report seeking decision

### DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

#### Decision Requested

The Lead Member for Adult Services and Health in consultation with the Leader of the Council and the Director for Adult Social Care is asked to approve the Better Care Fund Plan for 2017-2019 for submission to NHS England.

### AUTHORITY UNDER WHICH DECISION IS MADE

Minute 33 of the Cabinet meeting of 21 January 2015.

Point 4- Cabinet agreed to delegate authority for all necessary decisions with respect to the implementation and operation of all matters relating to the Better Care Fund and section 75 agreement, involving the Council and NHS bodies, to the Group Director, Children, Adults and Housing.

### STATEMENT OF THE REASONS FOR THE DECISION

#### Reasons for the decision:

From 1 April 2015 Local Authorities and Clinical Commissioning Groups were required to establish a pooled fund under section 75 of the NHS Act 2006 for health and social care services.

The Council entered into a section 75 agreement with NHS Havering Clinical Commissioning Group (CCG), on the terms and conditions outlined in the section 75 agreement dated 31 March 2015, as amended by the Deed of Variation dated 28 February 2017 to govern the delivery of the approved Better Care Fund Plan ("BCF") for Havering for the period 2015 onwards.

#### Summary of Better Care Fund Plan 2017/2019

It should be noted that for the first time areas are requested to submit a two year plan for financial years 2017/18 and 2018/19. Havering is also entering into a tri BCF plan with Barking and Dagenham and Redbridge. For the first year the respective section 75 agreements will remain separate and this will be reviewed with regard to approach from April 2018.

- A refresh of the BCF Plan; this plan is the first to be written as a joint plan with the boroughs of Barking & Dagenham and Redbridge
- Changes to the funding arrangements and reporting requirements
- Changes to governance arrangements to reflect changes across the Barking, Havering and Redbridge Integrated Care Partnership

#### Plan Approach

The BCF plan is a joint one; it has been collaboratively prepared by the three London Boroughs of Barking & Dagenham, Havering and Redbridge (BHR). This reflects the

increasing desire of the BHR partners to join together services and commissioning intent towards the creation of an Accountable Care System. This BCF plan therefore represents a step towards more formal joint commissioning arrangements between the boroughs and the CCG. At this stage, the finance and metrics template will be submitted separately due to the complication of the template and the late publication of the guidance to support the planning process.

### Funding

Nationally Better Care Fund is a ring-fenced fund worth a total of £5.128 billion for 2017-18 rising to £5.617 billion in 2018-19. This includes the Disabled Facilities Grant and a new grant allocation to local authorities to fund adult social care, first announced in the 2015 Spending Review: the IBCF. Further, the Spring Budget 2017 included a significant increase in IBCF allocations. All the funding is required to be spent on Health and Social Care.

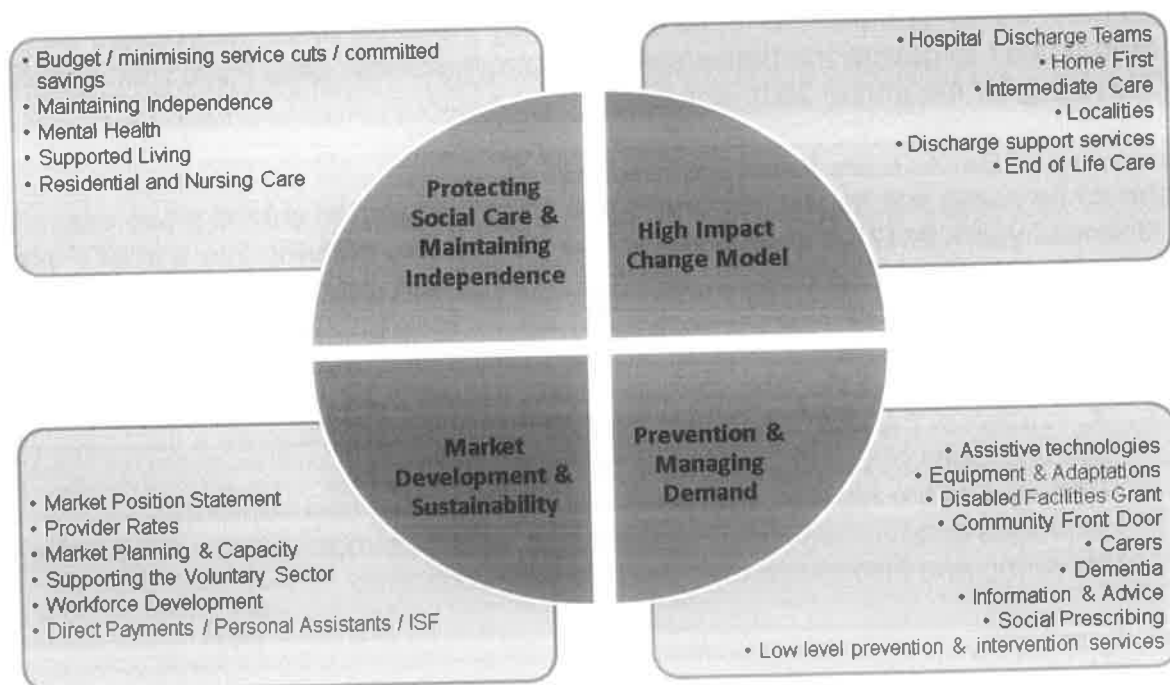
Havering's required minimum fund size is £21,959,000 in 2017/18, rising to £23,462,641 in 2018/19. The detailed breakdown is provided below.

The actual fund size is £22,660,358 in 2017/18, rising to £24,164,641, reflecting the additional Local Authority contribution of £702,000 in both years for reablement.

	Disabled Facilities Grant	CCG Revenue Contribution	iBCF	iBCF Total	Additional Budget Allocation	Minimum Fund Total	Additional contributions		Total Fund Total
							LA	CCG	
<b>2017/18</b>	1,553	16,561	-	<b>18,198</b>	3,761	<b>21,959</b>	702	0	<b>22,661</b>
<b>2018/19</b>	1,680	16,786	1,978	<b>20,619</b>	2,844	<b>23,463</b>	702	0	<b>24,165</b>

### Planned activity

Planned activity falls largely into four main themes as illustrated below, with activity from all three boroughs aligned in this way.



## Planned Spend

### Havering Scheme Funding - 2017/18 and 2018/19

	2017/18 Expenditure (£'000)	2018/19 Expenditure (£'000)
High Impact Change Model	13,043	12,983
Prevention & Managing Demand	4,462	3,483
Market Development & Sustainability	1,731	1,792
Protecting Social Care & Maintaining Independence	3,424	5,907
<b>Grand Total</b>	<b>22,660</b>	<b>24,165</b>

### Governance

At Cabinet on 21 January 2015 the Cabinet delegated the monitoring of the section 75 agreement and Better Care Fund to the Joint Management & Commissioning Forum ("JMCF"), upon the agreed governance schedule set out at Schedule 2 of the section 75 agreement.

A joint section 75 working group (BCF Delivery Group) meets monthly prior to each JMCF, to review progress and the performance pack to inform the JMCF and make recommendations prior to decisions being made, in accordance with the governance arrangements of the JMCF.

This information is also presented in summarised form to the Health and Wellbeing Board and the Corporate Management Team on a regular basis.

### Performance Fund and Risk Share

In line with 2016/17 guidance changes and confirmed in the guidance for 2017/19, as there is no target set within the plan for additional reductions in Non-Elective Admissions to hospital over and above the CCG Operating Plan for 2017-19, there is no requirement to create a performance fund or risk share arrangement for this plan, and none is planned.

### Financial Risk

It is noted that both partners are facing great financial pressures over the coming two years and are therefore developing transformative approaches to addressing ongoing sustainability. Work is developing on the Accountable Care System (ACS) plans and it is recognised that the ACS represents the main mechanism through which rising activity/acuity risks may ultimately be mitigated.

Although the partners will not have a risk share arrangement for 2017-19, it is proposed that the following measures are in place to meet shared targets, particularly around admissions and Delayed Transfers Of Care, and to manage risks:

- Partners to continue to be responsible for overspends on their respective budgets within the BCF.
- Partners to consider using underspends/uncommitted funds for 2017/18 and 18/19 within the BCF against key risks against meeting shared BCF targets – in particular around mental health and DTOCs and non-elective admissions.

- Partner's ongoing commitment to impacting non-elective admissions in line with reductions set out in the CCG operating Plan.

The CCGs holds the 0.5% contingency as per NHS 'business rules' which is greater than the BCF risk.

Since the last BCF Plan submission, the Integrated Care Partnership Board, which is the Barking, Havering and Redbridge clinical and democratic leadership group overseeing the health and care system in this area, has driven the agenda for change further; through the development of a Strategic Outline Case setting out the merits of creating an ACS.

This direction of travel is set out in the strategic plan for the NHS - the Five Year Forward View – and is endorsed by the practical realisation that only by working together will we resolve the pressing challenges for the whole health and care system set out within that document.

#### **OTHER OPTIONS CONSIDERED AND REJECTED**

Options are limited due to the requirements of the national guidance and statute. It would not be appropriate to leave the 2016/17 Better Care Fund Plan unchanged. Local Authorities and CCGs were required to continue the pooled fund for the minimum contributions from 1 April 2017. A Deed of Variation will be required because the Better Care Fund Plan is periodically refreshed, previously annually, now bi-annually and the section 75 agreement needs to be similarly updated to align with the Better Care Fund Plan.

A single, three borough section 75 agreement covering all three boroughs has been considered, but in light of the late emerging guidance (published July 2017 not Autumn 2016 as expected), it was determined that there was insufficient time available to create that agreement in time. It remains an option for this single agreement approach to be adopted for the second year of the plan should all partners agree.

#### **PRE-DECISION CONSULTATION**

Consultation related to the various schemes is documented in our 2017/19 BCF plan.

#### **NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER**

Name: Caroline May

Designation: Head of Business Management

Signature:

Date:

## Part B - Assessment of implications and risks

### LEGAL IMPLICATIONS AND RISKS

The Better Care Fund is a mandatory policy. All areas are required to apply the fund according to the grant conditions set out in the policy framework. The Government published a policy framework for the 2017/19 Better Care Fund programme in January 2017 which sets out the requirements for the Better Care Fund Plan to demonstrate how the area will meet certain national conditions.

The regime requires local authorities to work jointly with CCGs to integrate local services.

In order to receive the Better Care Funding, the Government requires the Council and the CCG to set out its plans for the application of those monies. The Government's policy framework for the 2017/19 Better Care Fund programme sets out a requirement that Health and Wellbeing Boards jointly agree plans for how the money will be spent, with plans signed-off by the relevant local authority and CCG. This is consistent with the general policy, reflected in the Health and Social Care Act 2012, of giving Health Wellbeing Boards responsibility for joint health and wellbeing strategies and the joint strategic needs assessment.

It is a requirement that the Better Care Fund is transferred into one or more pooled funds established under section 75 of the NHS Act 2006.

A section 75 agreement has been in place for the Better Care Fund in Havering since 2015. This will be updated in line with the revised Better Care Fund Plan once approved by NHS England.

Minute 33 of the Cabinet Meeting on 21 January 2015 also delegated authority for all necessary decisions with respect to the implementation and operation of all matters relating to the Better Care Fund and section 75 agreement, involving the Council and NHS bodies, to the Group Director, Children, Adults and Housing.

Since the Cabinet Report dated 21 January 2015 the role of Group Director, Children, Adults and Housing has been deleted from the Council's Corporate Management Structure and all matters relating to Adult Social Services are now dealt with the involvement of the Director of Adult Social Services. It therefore is appropriate for the Director of Adults Social Services to be involved with the approval of the Better Care Fund Plan 2017/2019

### FINANCIAL IMPLICATIONS AND RISKS

The funding agreements between the two bodies has been identified and agreed as per the table below:

Gross Pool Contributions	2016/17	2017/18	2018/19
	£000	£000	£000

Havering DFG	1,426	1,553	1,680
Havering Additional Contribution	842	702	702
NHS Havering CCG Minimum Contribution	16,352	16,645	16,961
IBCF Funding	-	0	1,978
Additional Adult Social Care Funding	-	3,761	2,844
<b>Total Pooled Fund</b>	<b>18,620</b>	<b>22,661</b>	<b>24,165</b>

Funding contributions for this year are set at the minimum.

In total £6.270m has been allocated within the fund to protect ASC services in 2017/18 and £6.389m in 2018/19. Within this figure, £632k has been included in 2017/18 and £644k for 2018/19 for the Care Act Implementation (as a proportion of the national allocation of £138m).

Havering Council has contributed £702k to the pool over and above the minimum contribution for reablement, funded from the Adult Social Care budget. The CCG passports a £865k and £882k for the two years towards the Council's reablement contract, as a contribution towards this preventative service and in recognition of the need to preserve social care services.

It should be noted that Adult Social Care capital funding has ceased. Disabled Facilities Grant funding has increased. We intend to maximise the opportunities presented by the extended DFG funding.

The administration of the pooled fund shall continue as established in 2015/16.

**Falil Onikoyi, Strategic Finance Business Partner**

#### **HUMAN RESOURCES IMPLICATIONS AND RISKS (AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)**

There are no direct HR implications or risks affecting the Council, or its workforce, that can be identified from the recommendations made in this report.

**Cheryl Graham, Strategic HR Business Partner**

#### **EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS**

This decision is to ensure that the Council has a section 75 in place to cover the management of the Better Care Fund. Individual schemes and initiatives funded by the Better Care Fund will be subject to robust Equality Impact Assessments. This is to ensure compliance with the Equality Act 2010 and pay due regard to the Public Sector Equality Duty. In addition to this, the BCF Delivery Group should identify any negative equality implications and attempt to mitigate them.

All identified opportunities for integrated delivery of care and effective integrated commissioning in Havering will be informed by the local population needs identified in the Joint Strategic Needs Assessment and the priorities for health improvement and wellbeing set out in the Health and Well-Being Strategy.



The programme of integration initiatives should enable partner organisations to identify more effective ways of meeting future demographic challenges in the delivery of health and social care services across Havering, such as the significant and growing proportion of older people in the borough and an increasingly ethnic diverse population. There will also be implications for disabled people and individuals with caring responsibilities.

**Corporate Policy & Diversity Advisor**

#### **BACKGROUND PAPERS**

- Section 75 agreement between the London Borough of Havering and Havering Clinical Commissioning Group.
- 2016/17 Deed of Variation
- Barking, Havering and Redbridge Better Care Fund Plan for 2017-19
- Better Care Fund 2017-19 Planning Template
- Better Care Fund Planning Requirements for 2017/19
- Health & Wellbeing reports March & July 2017

**Part C – Record of decision**

I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

**Decision**

Proposal agreed

*Delete as applicable*

Proposal NOT agreed because

**Details of decision makers**

Signed

Name: Councillor Wendy Brice-Thompson

Cabinet Portfolio held: Cabinet Member for Adult Services and Health

Date: 18/9/17

Signed *Wendy Brice-Thompson*

**Lodging this notice**

The signed decision notice must be delivered to the proper officer, Andrew Beesley,, Committee Administration Manager, in the Town Hall.

**For use by Committee Administration**

This notice was lodged with me on 21/09/17

Signed 