

Sandwell Health and Wellbeing Board
31 March 2021

Report Topic:	Sandwell Better Care Fund (BCF) S75 Agreement and NHS Covid Discharge Requirements (Variation) 2020-21
Contact Officer:	Christine Guest, ASC Service Manager Paul Moseley, BCF Programme Manager
Link to board priorities	2030 Vision The BCF supports Ambition 2: Sandwell is a place where we live healthy lives and live them for longer, and where those of us who are vulnerable feel respected and cared for. We will help keep people safe and support communities The BCF supports Ambition 10: Sandwell now has a national reputation for getting things done, where all local partners are focused on what really matters in people's lives and communities.
Purpose of Report:	<ul style="list-style-type: none"> ● To advise the Board of the requirement to establish a formal agreement between Sandwell and West Birmingham Clinical Commissioning Group and Sandwell Metropolitan Borough Council to create a pooled budget for the purposes of delivering the Better Care Fund and Covid-19-related hospital discharge services in 2020/21 under powers conferred by Section 75 of the NHS Act 2006. ● To request the Board's support for the S75 Agreement for the Sandwell Better Care Fund for 2020-21. ● To request the Board's support to vary the BCF S75 Agreement for the purposes of implementing the NHS Covid-19 Discharge Requirements.
Recommendations	<ul style="list-style-type: none"> ● That the Board notes the content of the report. ● That the Board approves the proposed S75 Agreement for the Sandwell Better Care Fund for 2020-21. ● That the Board acknowledges and supports the proposed Variation to the BCF S75 Agreement for the purposes of implementing the NHS Covid-19 Discharge Requirements.

<p>Key Discussion points:</p>	<ul style="list-style-type: none"> • The national Better Care Fund implements mandatory government policy for health and social care integration and offers a genuine opportunity for health and social care partners to develop effective and sustainable services capable of meeting the unique needs of our local people and communities. This contributes directly to Ambition 2. • The Sandwell BCF programme provides funding and protection for vital Adult Social Care services, enabling us to support our vulnerable individuals and communities when resources are scarce. This contributes directly to Ambition 2. • A S75 Partnership Agreement must be in place for Better Care Fund commissioning partners (the Council and CCG) to access the available funding. • A Pooled Budget must be created for the Better Care Fund Programme under the provisions of s75 of the NHS Act 2006. • Funding to support the delivery of the NHS Covid-19 Discharge Arrangements must be pooled between the Council and CCG using a new or existing S75 Agreement. The approach agreed by the Joint Partnership Board to achieve this is to establish a variation to the BCF S75 Agreement. This is in line with central and regional advice and most areas are expected to adopt this approach.
<p>Implications (e.g. Financial, Statutory etc)</p>	
<ul style="list-style-type: none"> • The total Sandwell BCF resource for 2020/21 is £64 million. • Local authority expenditure against the NHS Covid-19 discharge arrangements will be fully reimbursed from central government via the CCG. • Potential financial risks may arise if NHS Covid-19 discharge arrangements are terminated at short notice or without clear transitional funding arrangements in place. The Joint Partnership Board will meet within seven days of the notice being issued to discuss the financial implications and risks. 	
<p>What engagement has or will take place with people, partners and providers?</p>	<p>The proposed S75 Agreements have been approved by the Joint Partnership Board and will also be presented to the council's Cabinet and an appropriate committee of the CCG for endorsement.</p>

1. BACKGROUND

- 1.1. The Better Care Fund (BCF) is a national programme spanning both the NHS and local government which seeks to join-up health and care services, so that people can manage their own health and wellbeing and live independently in their communities for as long as possible.
- 1.2. The legal framework for the BCF derives from the amended NHS Act 2006 (s. 223GA), which requires that in each area CCG(s) transfer minimum allocations (set by national bodies) into one or more pooled budgets, established under Section 75 of that Act, and that approval of plans for the use of that funding may be subject to conditions set by NHS England. NHS England will approve plans for spend from the CCG minimum in consultation with DH and DCLG as part of overall plan approval.
- 1.3. The DFG and iBCF Grants form part of the pooled budget and are subject to grant conditions set out in grant determinations made under Section 31 of the Local Government Act 2003.
- 1.4. On 19 March 2020 the Government published, as part of its response to the Covid-19 pandemic, the Hospital Discharge Service Requirements for immediate implementation across all NHS trusts, community interest companies and private care providers of acute, community beds and community health services and social care in England. The Requirements also set out actions for commissioners to enhance discharge arrangements and the provision of community support throughout the pandemic.
- 1.5. The enhanced discharge arrangements required acute and community hospitals to discharge all patients as soon as it was clinically safe to do so. Transfer from the ward was expected to happen within one hour of that decision being made to a designated discharge area and discharge from hospital was expected as soon after that as possible, normally within 2 hours.
- 1.6. To support these arrangements the Government agreed that the NHS, via NHS England and NHS Improvement (NHSE&I), would fully fund the cost of new or extended out-of-hospital health and social care support packages for people being discharged from hospital or who would otherwise be admitted into it, for a limited time, to enable quick and safe discharge and more generally reduce pressure on acute services.
- 1.7. The NHSE&I funding support commenced on Thursday 19 March 2020 for the purposes of reimbursing, via CCGs, the costs of out-of-hospital care and support outlined in the Requirements (both new packages and enhancements to existing packages), where provided to patients on or later than that date. Any patients already receiving out of hospital care and support that started before 19 March 2020 were expected to be funded through usual pre-existing mechanisms and sources of funding.

1.8. CCGs and local authority partners were notified by NHSE&I or DHSC that these arrangements were replaced by the Hospital Discharge Service Policy and Operating Model effective from 1 September 2020. No expectations were issued to local areas to pool the NHS funding for the implementation of the Hospital Discharge Service Policy and Operating Model into S75 arrangements.

2. FINANCIAL ARRANGEMENTS

2.1. The Requirements state that the additional financial support provided to CCGs and local authorities should be pooled locally using existing statutory mechanisms. The mechanism recommended by the Requirements is an agreement made under S75 of the NHS Act 2006 which enables CCGs and local authorities to enter into partnership agreements that allow for local government to perform health related functions where this will likely lead to an improvement in the way these functions are discharged.

2.2. The Requirements clarify that where systems decide that an enhanced supply of out of hospital care and support services will be commissioned via the local authority, the existing section 75 agreements can be extended or amended to include these services and functions.

2.3. NHSE&I reimbursed CCGs monthly for the costs they claimed pursuant to the Requirements. CCGs were required to maintain a record of the costs and activity associated with the enhanced discharge process to support the claims.

3. S75 PARTNERSHIP AGREEMENTS

3.1. To comply with both the Requirements and the need to establish a S75 Agreement in respect of the BCF Pooled Budget for the 2020/21 financial year, the BCF Programme Manager drafted:

- i. A S75 Agreement in respect of the Sandwell BCF programme for 2020/21; and
- ii. A Variation to this agreement to incorporate the NHS Covid-19 Discharge arrangements.

3.2. As neither the BCF Policy Framework nor the associated planning guidance or reporting templates have yet been issued for 2020-21, the BCF S75 Agreement simply updates the previous S75 Agreement established for 2019/20, including the nationally mandated financial quantum and CCG minimum contribution, and will be updated in due course to incorporate any national requirements published in the Policy Framework and Planning Requirements for 2020/21, or local requirements agreed through this Board.

3.3. The Sandwell Joint Partnership Board and the CCG's Sandwell Commissioning Committee have approved the current drafts of both S75 documents and these are submitted alongside this report for the endorsement of the HWBB. Some minor amendments were made to the BCF S75 Agreement following feedback from the

Sandwell Commissioning Committee and the latest version is provided alongside this report.

4. RECOMMENDATION

- 4.1. That the Board notes the content of the report and associated S75 documents.
- 4.2. That the Board endorses the S75 Agreement for the Sandwell Better Care Fund for 2020-21.
- 4.3. That the Board acknowledges and supports the Variation to the BCF S75 Agreement for the purposes of implementing the NHS Covid-19 Discharge Requirements published on 19 March 2020.

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