

SANDWELL BETTER CARE FUND JOINT PARTNERSHIP BOARD	
COVER SHEET FOR NEW COMMISSIONING BUSINESS CASES AND REQUESTS FOR INVESTMENT	
Report title: Sandwell BCF S75 Agreement for 2019/20	Report author and title: Paul Moseley, BCF Programme Manager
Date of meeting: 16/12/2019	Contact details: paul_moseley@staffordshire.gov.uk
Agenda enclosure no:	
<p>Summary of purpose and scope of the report: To seek Board approval of the draft S75 Pooled Budget Agreement between Sandwell Metropolitan Borough Council and Sandwell and West Birmingham CCG in respect of the Sandwell Better Care Fund Programme. The Agreement will cover the period from final sign-off (31/01/2020) to 31st March 2020.</p>	
<p>Supporting documents/further Reading: <i>(Highlight any documents or further reading for members which supports this report)</i></p> <ul style="list-style-type: none"> • Draft Sandwell BCF S75 Agreement. • Sandwell BCF Plan (circulated separately to members for information), which has been provisionally approved by NHSE. Confirmation letters are expected shortly. • Better Care Fund Policy Framework 2017-2019, accessible at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/821676/Better_Care_Fund_2019-20_Policy_Framework.pdf; 	
<p>Previous decision <i>(Inform the Joint Partnership Board if the paper has been reviewed or monitored by another committee and their recommendation or decision)</i></p>	
<p>Recommendations:</p> <ul style="list-style-type: none"> • That the Board endorses the proposed Section 75 Agreement in respect of the Sandwell Better Care Fund. 	
The Joint Partnership Board is requested to (mark with X):	
Action	
Approve	X
Assure	
Decide	
Conflicts of interests (mark with X):	
No conflict identified	X
Conflict noted, conflicted party can participate in clinical discussion but not decision	

Conflict noted, conflicted party can remain in the Board but not participate in discussion	
Conflicted party is excluded from discussion	
Please state rationale for above decision:	
Implications of report recommendations (mark with X):	
Financial	X
Assurance Framework	
Risks and Legal Obligations	
Equality and Diversity	
Statutory and External Influences	
Further implications not stated	
Description of further implications not stated	
Impact Assessment required? No	
Date Impact Assessment completed (attach to report):	
Date Impact Assessment planned for completion:	
Reason Impact Assessment not required: Not Applicable	
Consultation undertaken (mark with X):	
Patients / Service Users	
Staff	
Committees	
Public	
Partners	X
Date Report submitted to Programme Manager for circulation to the Joint Partnership Board	

SANDWELL BETTER CARE FUND S75 AGREEMENT 2019/20

1.0 PURPOSE OF REPORT

- 1.1 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 in 2019/20 under powers conferred by Section 75 of the NHS Act 2006.
- 1.2 To request Board endorsement of the proposed S75 Agreement.

1.3 INTRODUCTION

- 1.5 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.
- 1.6 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.
- 1.7 The DFG and iBCF Grants (including the Winter Pressures Grant from 2019/20) 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.
- 1.8 The NHS Act 2006 also gives NHS England powers to attach additional conditions to the payment of the CCG minimum contribution to the Better Care Fund to ensure that the policy framework is delivered through local plans. These powers do not apply to the DFG and iBCF.

1.9 LOCAL CONTEXT

- 1.10 Since April 2015 and in line with national guidance, NHS Sandwell and West Birmingham CCG (SWBCCG) and Sandwell Metropolitan Borough Council (SMBC) have entered into annual Section 75 Agreements to jointly operate the Sandwell Better Care Fund (BCF).

- 1.11 The Agreement establishes a pooled budget and formal governance arrangements to create flexibility between health and social care budgets with a view to making the best use of the pooled resources available to the Sandwell Health and Wellbeing Board.
- 1.12 The Sandwell Better Care Fund Plan covering the period 1st April 2019 to 31st March 2020 has been provisionally approved by the regional NHSE Better Care Support team, with confirmation letters from the national team to the Health and Wellbeing Boards expected by mid-December 2019.
- 1.13 In anticipation that the Sandwell BCF Programme will shortly be formally approved, a S75 Agreement must now be agreed and signed by the CCG and SMBC to enable the pooled budget to be accessed and deployed by the partners.
- 1.14 The Section 75 Agreement for 2019/20 remains materially unchanged since the previous Agreement for 2018/19, except for the financial quantum set out in Schedule 2 of the Agreement, which changes annually. However, there are two additional changes proposed in this report that the Board is asked to endorse.
- 1.15 **PROPOSED CHANGES**
- 1.16 The Pooled Fund Manager is to be re-designated from the Business Partner for Finance (SMBC) to the Service Manager for Commissioning and Integration (SMBC). The responsibilities of this role with regards to accounting and reporting will continue to be discharged via the finance team from SMBC.
- 1.17 The redundancy liability for the pooled budget has increased from £113,350 to £250,000 due to the recruitment of the BCF Programme Team hosted by SMBC (see para. 4.16 of the draft Agreement).
- 1.18 The proposed S75 Agreement was supported by the Strategic Commissioning and Redesign Committee on 12th December 2019. The Committee also delegated authority to the Interim Chief Operating Officer to sign the Agreement on behalf of the CCG.
- 1.19 **RECOMMENDATIONS**
- 1.20 The Board is asked to:
- 1.21 Approve the proposed Section 75 Agreement in respect of the Sandwell Better Care Fund.

Paul Moseley
Sandwell Better Care Fund Programme Manager
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