

Report title	Better Care Fund Section 75 Agreement (Pooled Budget 2018-2019)	
Decision designation	AMBER	
Cabinet member with lead responsibility	Councillor Sandra Samuels OBE Adults	
Corporate Plan priority	People - Stronger Communities	
Key decision	Yes	
In forward plan	Yes	
Wards affected	All Wards	
Accountable Director	Mark Taylor, Strategic Director, People	
Originating service	People Commissioning Team	
Accountable employee	Ann Riley Tel Email	Lead Commissioner 01902 551168 Ann.Riley@wolverhampton.gov.uk
Report to be/has been considered by	Strategic Executive Board	21 August 2018

Recommendations for decision:

The Cabinet is recommended to:

1. Approve that the Section 75 Agreement (Pooled Budget) with the NHS Wolverhampton Clinical Commissioning Group continue for 2018-2019.
2. Delegate authority to the Cabinet Members for Adults, Public Health and Wellbeing and Resources, in consultation with the Director of Adult Social Service, Director of Public Health and the Director of Finance, to approve the revised Section 75 Agreement (Pooled Budget) for 2018-2019.

1.0 Purpose

1.1 The purpose of the report is to:

- Seek Cabinet approval to continue the Section 75 Agreement (Pooled Budget) with NHS Wolverhampton Clinical Commissioning Group (WCCG) for 2018-2019.
- Seek delegated authority to the Cabinet Members for Adults, Public Health and Wellbeing and Resources, in consultation with the Director of Adults Social Service (DASS), Director of Public Health (DoPH) and Strategic Director of Finance, to approve the revised Section 75 Agreement (Pooled Budget) for 2018-2019.

2.0 Background

2.1 On 26 April 2017, Cabinet approved the report 'Better Care Fund Section 75 Agreement (Pooled Budget 2017-2018) and Additional Adult Social Care monies announced during the Spring 2017 Budget statement' which can be found [here](#). The information in the previous report applies to the current position.

3.0 Evaluation of alternative options

3.1 Section 75 of the National Health Service 2006 Act gives powers to local authorities and health bodies to establish and maintain pooled funds out of which payments may be made towards expenditure incurred in the exercise of prescribed Local Authority functions and prescribed National Health Service functions. In order to operate a pooled budget the partners are required to have in place a Section 75 Agreement. If the Section 75 Agreement with the NHS WCCG was not continued, the partners would fail to comply with the requirements of NHS England under the BCF Pooled Fund arrangements. If this were the case, relevant funding would not be received.

4.0 Reasons for decisions

4.1 A Section 75 Agreement is a fundamental requirement of the BCF and must be finalised and signed by both organisations in order for the pooled fund to be set up and the relevant funding to be received.

5.0 Financial implications

5.1 The 2018-2019 pooled revenue budget is £64.9 million of which £28.4 million is a contribution from Council resources and £36.5 million from the CCG. The Council's contribution includes the improved Better Care Fund and the additional Adults Social Care (iBCF) monies announced in the Spring Budget which totals £10.4 million. It should also be noted that the fund includes £6.637 million representing the NHS transfer of Social Care (Section 256). In addition to the revenue budget the fund includes a capital grant of £2.9 million (Disabled Facilities Grant).

5.2 The 2018-2019 Better Care Fund is broken down into the following workstreams:

Workstream	CWC Cap £000	CCG Cap £000
Adult Community Services	25,214	27,742
Dementia	283	2,644
Mental Health	2,800	5,433
CAMHS	125	673
Total Revenue Contribution	28,422	36,491
Capital - Ring Fenced Grant	2,917	

5.3 The Section 75 agreement makes provision for the Care Act monies of £713,000 to be transferred from the CCG to the Council to support the costs associated with the Care Act.

5.4 The Section 75 agreement details the risk sharing arrangements for any over / underspend with the pooled fund. A cap will be set by each partner on the exposure to the other partners overspend in the pooled fund. The new iBCF monies, care act monies and capital expenditure (Disabled Facilities Grant) is excluded from the cap. The caps are as follows:

Workstream	CWC Cap £000	CCG Cap £000
Cap on other Partners overspend	190	240

5.5 In the event that the overspend is below the total cap of £430,000, the overspend will be apportioned in accordance with each partner's total revenue contribution to the pooled fund as detailed in the table below:

Workstream	CWC % Risk Share	CCG % Risk Share
Revenue Contribution to Pooled Budget	44	56
Care Act		Capped*
New iBCF Monies	100	
Capital Ring Fenced Grant	100	

*the Care Act monies will be passed over to the Council from the CCG. Any overspend in relation to Care Act responsibilities will be picked up by the Council so risk sharing is not applicable.

- 5.6 If the overspend exceeds the cap of £430,000, then each partner will pick up the overspend in relation to their schemes. Each partner exposure to overspend in relation to the other partner's schemes will be capped at the amounts detailed above in section 5.5.
- 5.7 Each partner will contribute to the demographic growth (£2 million) of the Council. The split will be in line with the total revenue contribution and is detailed below:

Organisation	Percentage Split %	Contribution £000
CWC	44	880
CCG	56	1,120

[DD/14082018/D]

6.0 Legal implications

- 6.1 Under Section 75 of the National Health Service Act 2006, NHS bodies may enter into arrangements with local authorities in relation to NHS functions and the health functions of local authorities.
- 6.2 The Council may therefore enter into an agreement with WCCG under Section 75 of the NHS Act 2006 or renew an existing agreement.
- 6.3 Legal advice will be required in respect of the specific terms of the agreement.

[TS/14082018/Q]

7.0 Equalities implications

- 7.1 This report seeks approval for delegated authority to approve the final terms of the proposed Section 75 Agreement (Pooled Budget) for 2018-2019. Where required the detailed proposals will have individual equalities analysis undertaken.

8.0 Environmental implications

- 8.1 There are no specific environmental implications identified, however any detailed plans are considered in their own rights.

9.0 Human resources implications

- 9.1 There are no specific human resources implications identified, however any detailed plans are considered in their own rights.

10.0 Corporate landlord implications

- 10.1 There are no specific corporate implications identified, however any detailed plans are considered in their own rights.

11.0 Schedule of background papers

- 11.1 Cabinet, 26 April 2017 – '[Better Care Fund Section 75 Agreement \(Pooled Budget 2017-2018\)](#)'.