

CITY OF WOLVERHAMPTON COUNCIL	Cabinet 16 June 2021
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Report title	Better Care Fund Section 75 Agreement (Pooled Budget 2020-2021 and 2021-2022)	
Decision designation	AMBER	
Cabinet member with lead responsibility	Councillor Linda Leach Adults	
Key decision	Yes	
In forward plan	Yes	
Wards affected	All Wards	
Accountable Director	Emma Bennett, Director of Children's and Adult Services	
Originating service	People Commissioning Team	
Accountable employee	Jessica Timmins Tel Email	Commissioning Officer 01902 558267 Jessica.Timmins@wolverhampton.gov.uk
Report to be/has been considered by	Adult Social Care Leadership Team	27 May 2021

Recommendations for decision:

The Cabinet is recommended to:

1. Approve that the Section 75 Agreement (Pooled Budget) with the NHS Wolverhampton Clinical Commissioning Group (WCCG) continue for 2020-2021 and 2021-2022.
2. Approve the Council entering into the Better Care Fund Section 75 Agreement along with any necessary ancillary agreements arising from the main agreement.
3. Delegate authority to agree any amendments to the Section 75 Agreement (Pooled Budget) for 2020-2021 and 2021-2022 to the Cabinet Members for Adults, Public Health and Well Being and the Leader of the Council in consultation with the Director of Children's and Adult Services and Director of Finance.

1.0 Purpose

- 1.1 To seek Cabinet approval to continue the Section 75 Agreement (Pooled Budget) with NHS WCCG for 2020-2021 and 2021-2022.
- 1.2 To seek delegated authority to approve any amendments to the Section 75 Agreement (Pooled Budget) to the Cabinet Members for Adults, Public Health and Well Being and the Leader of the Council in consultation with the Director of Children's and Adult Services and Director of Finance.

2.0 Background

- 2.1 On 22 January 2020, Cabinet received the report ['Better Care Fund Section 75 Agreement \(Pooled Budget 2019-2020\)'](#). This report remains valid.

3.0 Evaluation of alternative options

- 3.1 There are no alternative options to consider.
- 3.2 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.

4.0 Reasons for decision(s)

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

5.0 Financial implications

- 5.1 The emergence of the Covid-19 pandemic at the start of the 2020-2021 financial year necessitated a pause to regular meetings around the financial aspect of the Better Care Fund, as partner organisations concentrated on reacting to the crisis. A formal agreement is required to confirm 2020-2021 arrangements and if approved a deed of variation to the 2019-2020 section 75 agreement will be prepared. If delegation is granted this Deed of variation and any amendments will be approved via Individual Executive Decision Notice (IEDN), as will the section 75 agreement for 2021-2022.
- 5.2 The proposed Better Care Pooled Fund 2020-2021 is broken down into the following workstreams:

Workstream	WCCG Contribution (£000)	Council Contribution (£000)
Adults Community Services	31,285	25,894
Dementia	3,581	224
Mental Health	10,449	4,141
CAMHS	201	125
Care Act	713	
Total Revenue Contribution	46,229	30,384
Capital – Ring Fenced Grant	-	3,571
Total Contribution to Pooled Fund	46,229	33,955

- 5.3 The Section 75 Agreement makes provision for the Care Act monies of £713,000 to be transferred from WCCG 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. It is proposed to pause any previous risk share arrangements for 2020-2021 and continue in 2021-2022, meaning that there will be no payment between organisations related to over or under spends in 2020-2021.
- 5.5 Each Partner will contribute to the demographic growth (£1.5 million) of the Council. The contributions are set out below:

Organisation	Contribution £000
Council	880
WCCG	628

- 5.6 The budget proposals contained within this report are reflected in the Budget Outturn 2020-2021 report which will also be received by Cabinet on 16 June 2021.
[JB/26052021/B]
- 6.0 Legal implications**
- 6.1 Under Section 75 of the National Health Service Act 2006, NHS bodies may enter 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. This includes any ancillary agreements arising from an existing agreement.

- 6.3 Legal advice will be required in respect of the specific terms of the agreement itself.
[AS/20052021/A]

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 2020-2021 and 2021-2022. Where required the detailed proposals will have individual equalities analysis undertaken.

8.0 All other implications

- 8.1 There are no specific climate change and environmental implications identified, however any detailed plans are considered in their own rights.
- 8.2 There are no specific human resources implications identified, however any detailed plans are considered in their own rights.
- 8.3 There are no specific corporate implications identified, however any detailed plans are considered in their own rights.
- 8.4 The Better Care Fund requires the NHS and local government to create a local single pooled budget to incentivise closer working around people, placing their wellbeing as the focus of health and care services, and shifting resources into social care and community services for the benefit of the people, communities and health and care systems. As such, City of Wolverhampton's Better Care Fund arrangements aim to have a positive impact on the health and well-being of people living in the City.

9.0 Schedule of background papers

- 9.1 Cabinet, 22 January 2020 – '[Better Care Fund Section 75 Agreement \(Pooled Budget 2019-2020\)](#)'.