

Decision maker:	Cabinet
Decision date:	Wednesday 27 November 2019
Title of report:	Herefordshire's Better Care Fund (BCF) and Integration plan 2019-20 and section 75 agreement
Report by:	Cabinet member health and adult wellbeing

Classification

Open

Decision type

Key

This is a key decision because it is likely to result in the council incurring expenditure which is, or the making of savings which are, significant having regard to the council's budget for the service or function concerned. A threshold of £500,000 is regarded as significant.

Notice has been served in accordance with Part 3, Section 9 (Publicity in Connection with Key Decisions) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

Wards affected

(All Wards);

Purpose and summary

To approve the council's contribution to the Herefordshire better care fund (BCF) and Integration plan 2019-20 and the section 75 agreement from 1 April 2020 to 31 March 2025. In summary, the report identifies the following key points:

- The better care fund (BCF) provides a mechanism for joint health, housing and social care planning and commissioning. It brings together ring-fenced budgets from Clinical Commissioning Group (CCG) allocations, and funding paid directly to local government, including the Disabled Facilities Grant (DFG), the improved Better Care Fund (iBCF) and the Winter Pressures grant;
- The council's contribution to the better care fund is £31.5m revenue and £2m capital for 2019/20;

- It is a national requirement, set by NHS England, that the better care fund is transferred into one or more pooled funds established under section 75 of the NHS Act 2006; the four key national conditions and national metrics for the BCF remain consistent from 2018-19;
- Herefordshire partners remain committed to working together to deliver a local system 'where strong communities encourage individual citizens to live healthy lives and offer support when this is required for them to maintain their independence, with sustainable, aligned health and care services for local people';
- The council and CCG continue to work together to deliver on the key priorities within the plan to achieve service redesign and improve the delivery of service in order to achieve the priorities of the health and wellbeing strategy in the most cost effective way;
- Herefordshire's BCF and Integration plan 2019-20 details the local approach to integration, plans to achieve metrics and plans for ongoing implementation of the HICM for managing transfers of care. The plan maintains the key schemes identified in the 2017-18 submission; and
- the plans are intended to move our health and social care system to a new service model in which patients get more options, better support and properly joined up care at the right time in the optimal care setting will support communities to remain within their own homes and reduce the need for hospitalisation and long-term care.

Recommendation(s)

That:

- (a) the council's contribution to the better care fund of £31.5m revenue and £2m capital for 2019/20 be approved;**
- (b) approval be given for the council to enter into a section 75 agreement with Herefordshire clinical commissioning group (CCG) for up to 5 years, (1 April 2020 to 31 March 2025); and**
- (c) the director for adults and communities and the director for childrens and families be authorised, following consultation with the solicitor to the council and s151 officer, to take all operational decisions necessary to approve the scheme level detail within the budget approved by Cabinet in the s75 agreement on an annual basis to 31 March 2025.**

Alternative options

1. Cabinet could decline to approve the council's contribution. As per the national requirements, the plan was submitted to the national better care support team in line with the 27 September 2019 deadline. The health and wellbeing board approved the content of the better care fund and integration plan on 14 October 2019. If Cabinet were not to approve the council's contribution then the national BCF escalation process, as detailed within appendix two, would be implemented to support and ensure compliance. If a lesser contribution were to be approved the impact of this would be the same.
2. Cabinet could decline to approve the section 75 agreement for the period 1 April 2020 to 31 March 2025. It is a national requirement, set by NHS England, that the better care fund is transferred into one or more pooled funds established under section 75 of the NHS Act 2006. The existing section 75 agreement (as agreed by Cabinet on 28 February 2019) is due to end 31 March 2020.

3. Cabinet could approve the section 75 for a shorter period, however the benefit of entering into a 5-year agreement is that it will provide stability and ensure that a suitable section 75 agreement is consistently in place. Scheme level details would be updated on an annual basis.

Key considerations

4. Partners throughout the Health and Social Care system in Herefordshire continue to be committed to working together to deliver a local system “where strong communities encourage individual citizens to live healthy lives and offer support when this is required for them to maintain their independence, with sustainable, aligned health and care services for local people”.
5. The better care fund (BCF) provides a mechanism for joint health, housing and social care planning and commissioning. It brings together ring-fenced budgets from Clinical Commissioning Group (CCG) allocations, and funding paid directly to local government, including the Disabled Facilities Grant (DFG), the improved Better Care Fund (iBCF) and the Winter Pressures grant.
6. The BCF in 2019-20 will continue to provide a mechanism for personalised, integrated approaches to health and care that support people to remain independent at home or to return to independence after an episode in hospital.
7. The BCF and Integration plan is the health and social care strategic and delivery plan for Herefordshire and is therefore fully aligned with the joint local vision for the county. The BCF plan is also aligned to a number of other key operations plans including the Herefordshire Public Health plan, Adults and Communities plan, Health and Wellbeing Strategy, Talk Community Plan, Herefordshire Children and Young People’s plan and the CCG Operational plan.
8. The BCF guidance (appendix two), issued during July 2019, sets out national conditions which are the key requirements for the better care fund plan 2019-20, these are:
 - a) That a **jointly agreed BCF plan**, must be signed off by the Health and Wellbeing Board (HWB), and by the constituent council and clinical commissioning group (CCG);
 - b) A demonstration of how the area will **maintain the level of spending on social care services** from the CCG minimum contribution in line with the uplift to the CCG’s minimum contribution;
 - c) That a specific proportion of the area’s allocation is invested in **NHS commissioned out of hospital services**, which may include seven day services and adult social care; and
 - d) That a clear plan on **managing transfers of care**, including the implementation of the high impact change model (HICM) managing transfers of care is in place. As part of this, all HWBs must adopt the centrally-set expectations for reducing or maintaining rates of delayed transfers of care (DToc) during 2019-20 into their plans.
9. The BCF policy framework sets out the four national metrics for the BCF 2019-20, as follows:
 - non-elective admissions (specific acute);
 - admissions to residential and care homes;

- effectiveness of reablement; and
 - delays transfers of care (DToC)
10. Throughout the last twelve months, Herefordshire health and social care partners have made significant improvements in achieving the DToC ambitions. The table below illustrates the progression achieved:

Delayed Transfers of Care- Change July 2018 to July 2019				
Total DToC- All Settings	All Providers	All Providers	Difference	% Change
	Jul-18	Jul-19		
NHS	336	166	-170	-51%
Social Care	341	192	-149	-44%
Joint	21	32	11	52%
Total	698	390	-308	-44%

11. The continuation of the national conditions and requirements of the BCF from 2017-19 to 2019-20 provides opportunities for health and care partners to build on their plans from 2017 to embed joint working and integrated care further.
12. At a strategic level, the BCF and Integration plan intends to support the One Herefordshire alliance (organisations across the health and social care system in Herefordshire) to achieve the following aims:
- to improve the health and wellbeing of everyone in Herefordshire by enabling people to take greater control of their own health and the health of their families & helping people to remain independency within their own homes & communities;
 - to reduce inequalities in health (both physical and mental) across and within communities in Herefordshire, resulting in additional years of life for citizens with treatable mental and physical health conditions;
 - to improve the quality and safety of health and care services, thereby improving their positive contribution to improved wellbeing and enhancing the experience of service users; and
 - to achieve greater efficiency, making better use of resources.
13. Our One Herefordshire Integrated Care model is based on the practice of 'helping you to help yourself'. Partners are committed to developing primary and locality (community health mental health and social care services) networks and making best use of the resources to support people to live well as close to home as possible, on the principle that 'your own bed is best' and for children to be supported to be with families.
14. Herefordshire's approach to integrating care around the person includes the Talk Community programme. This is a partnership approach, led by the council, that links three

fundamental elements to promote and maximise independence and wellbeing within Herefordshire's communities. Talk Community focuses on:

- the people that make up our communities;
- the place and space, which those communities occupy; and
- the economy in which those communities work.

At the heart of Talk Community is an ambition for innovation to make independence and wellbeing for Herefordshire citizens inevitable.

15. In addition to the prevention and areas identified above, the Herefordshire health and care system are committed to delivering and embedding key integrated areas that have been described in previous plans. These include:
 - a. Urgent care investment
 - b. Trusted assessor model for care homes
 - c. Investment and delivery of a D2A model for pathway two and three
 - d. Increasing and aligning community health and care capacity that supports early discharge and prevents (where possible) admissions to hospital, further investment from 2019/20 BCF will be invested in this part of the system to increase capacity further.
16. The existing governance arrangements for the BCF will remain in place for 2019-20, where the HWB is responsible for agreeing the BCF plan and for overseeing delivery through quarterly reports from the Joint Commissioning Board. The BCF plan and the programmes of integration work that are within the BCF and Integration plan are reported to a number of council, system and CCG boards. The Integrated Care Alliance Board (ICAB) is overseeing the development of integrated community services across all providers in Herefordshire and includes representatives from Herefordshire council, Wye Valley Trust, 2gether NHS Foundation Trust, St Michaels Hospice and Taurus GP federation.
17. Measures of outcomes and performance are in place for each scheme within the BCF and Integration. These are monitored on a monthly basis and reviewed by the better care partnership group. Schemes which are included in the s75 agreement but do not form part of the BCF plan are monitored through existing performance monitoring mechanisms.
18. At the end of 2018/19 Herefordshire was on track to meet the ambition rate for the national metric for non-elective admissions. Achievement of the ambition rates for the proportion of older people who were still at home 91 days after discharge from the reablement service and delays transfers of care both continued to pose challenges to partners. Overall, the delivery of the BCF and Integration plan in Herefordshire during 2018/19 had a positive impact on integration. A number of key areas of integrated workforce were introduced during 2018/19 including the integrated hospital discharge function, developing community therapy services and the integrated improved quality in care homes team.
19. The content of the BCF and Integration plan 2019-20 was approved by the Health and Wellbeing Board on 14 October 2019 and was submitted for the national deadline. A regional assurance process is currently being undertaken.
20. It is a national requirement, set by NHS England, that the better care fund is transferred into one or more pooled funds established under section 75 of the NHS Act 2006. The existing section 75 agreement is due to end 31 March 2020. It is recommended that a refreshed section 75 agreement for a period of up to 5 years (1 April 2020 to 31 March 2025) between the council and Herefordshire clinical commissioning group (CCG) is

approved. A 5 year agreement would provide stability and ensure that a suitable section 75 agreement is consistently in place. Scheme level details, including budget and performance targets, would be updated on an annual basis.

21. All of the schemes within the BCF plan are included within the section 75 agreement. In addition, a number of other schemes are included, for example the children's commissioning unit, Children's complex needs solutions, the Safeguarding Adults Board and the Safeguarding Children and Young People in Herefordshire Board.

Community impact

22. The BCF and Integration plan is set within the context of the national programme of transformation and integration of health and social care. The council and CCG continue to work together to deliver on the key priorities within the plan to achieve savings and improve the delivery of service in order to achieve the priorities of the health and wellbeing strategy, and the Herefordshire Children and Young People's plan, in the most cost effective way.
23. The BCF and Integration plan is aligned and integral to delivering the NHS Long Term Plan by providing services at a locality level and supporting the council's corporate objective to 'enable residents to live safe, healthy and independent lives.'
24. The plans are intended to move our health and social care system to a new service model in which patients get more options, better support and properly joined up care at the right time in the optimal care setting will support communities to remain within their own homes and reduce the need for hospitalisation and long-term care. This will support our objectives of building community resilience and tackling health inequalities.
25. The BCF plan is a critical component of One Herefordshire, and financially supports many of the integration services and redesign. One Herefordshire is our place based partnership; a five-year "integration" plan is currently being developed and the vision is for Herefordshire to be a county of healthy individuals living within healthy communities.
26. It will support One Herefordshire partners in improving wider wellbeing and population outcomes, as well as addressing their statutory duties around health inequalities. Citizens have the right to expect their NHS to assess the health requirements of their community and to commission and put in place the services to meet those needs as considered necessary, and in the case of public health services commissioned by councils, to take steps to improve the health of the local community. There are no specific implications to our role as corporate parent.

Equality duty

27. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and

- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
28. The council and CCG are committed to equality and diversity using the public sector equality duty (Equality Act 2010) to eliminate unlawful discrimination, advance equality of opportunity and foster good relations. All equality considerations are taken into account. It is not envisaged that the recommendations in this report will negatively disadvantage the following nine groups with protected characteristics: age, disability, gender, reassignment, marriage and civil partnerships, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
29. The BCF programme aims to deliver better outcomes for older and disabled people and supports the council in proactively delivering its equality duty under the act. This is through improving the health and wellbeing of people in Herefordshire by enabling them to take greater control over their own homes and communities. There are no negative impacts for looked after children or with respect to the council's corporate parenting role.
30. Where appropriate, an Equality Impact Assessment (EIA) is undertaken for separate schemes and services that are within the BCF. Where large changes are planned via the BCF, an EIA will be completed.

Resource implications

31. Herefordshire's minimum fund contributions and additional contributions from each partner for 2019-20 are summarised below. All other resources required to deliver the BCF and Integration plan are in place, e.g. human resources, IT, property. This table also includes schemes included within the s75, which do not form part of the BCF and Integration plan :

Herefordshire s75 Financial Summary	
Pool 1- Minimum Mandatory Contributions	2019/20 £
Planned Social Care Expenditure	5,564,774
NHS Commissioned Out of Hospital Care	7,378,088
Total Minimum Mandatory Contribution from CCG	12,942,862
Disabled Facilities Grant (Capital)	1,999,424
Total Pool 1	14,942,286
Pool 2– Additional Voluntary Contributions	2019/20 £

Herefordshire CCG Care Home Package Costs	9,610,521
Herefordshire Council Care Home Package Costs	24,941,863
Total Pool 2	34,552,384
Pool 3- Improved Better Care Fund	2019/20
	£
IBCF Grant	5,702,807
Total Pool 3	5,702,807
Pool 4- Winter Pressures Funding	2019/20
	£
Winter Pressures Grant	880,614
Total Pool 4	880,614
Total Better Care Fund	56,078,091
Pool 5- Children's Services	2019/20
	£
Children's Commissioning Unit- CCG Contribution	40,000
Children's Commissioning Unit- Council Contribution	40,000
Children's Complex Needs Solutions- CCG Contribution	499,000
Children's Complex Needs Solutions- Council Contribution	2,994,000
Safeguarding Children and Young People Board- CCG Contribution	80,190
Safeguarding Children and Young People Board- Council Contribution	133,600
Total Pool 5	3,786,790

Pool 6- Integrated Community Equipment Store	2019/20
	£
ICES- CCG Contribution	845,000
ICES- Council Contribution	455,000
Total Pool 6	1,300,000
Total Section 75 Agreement	61,164,881

32. The council's contribution to the better care fund is £31.5m revenue and £2m capital for 2019/20.
33. The Herefordshire BCF and Integration plan 2019-20 maintains the key schemes identified in the 2017-18 submission. These include the integrated community equipment store, falls first response service, Home First service, Hospital at Home, brokerage, support for carers and discharge to assess.
34. The Disabled Facilities Grant (DFG) is a mandatory grant provided under the Housing Grants, Construction and Regeneration Act 1996. A clear DFG spending plan is in place, as instructed by BCF requirements.
35. The grant determination for Winter Pressures funding was issued in April 2019. In 2019-20, the grant determination sets a condition that this funding must be pooled into BCF plans. The grant conditions also require that the grant be used to support the local health and care system to manage demand pressures on the NHS with particular reference to seasonal winter pressures.
36. Grant conditions for iBCF also require that the council pool the grant funding into the local BCF and report as required. Sufficient non financial resources are also in place to deliver the proposed plan.
37. Pool 5, as detailed in the table above, consists of a number of Children's services, including the commissioning unit, children's complex needs solutions and the Safeguarding Children and Young People board. Children's services operation a positive approach to the most complex cases and have this pooled complex needs solutions budget to meet care, education and health needs. This pool is also supported by contributions from schools.

Legal implications

38. The Care Act 2014 amended the NHS Act 2006 to provide the legislative basis for the Better Care Fund, which brings together health and social care funding. It allows for the Mandate to NHS England to include specific requirements to instruct NHS England over the BCF, and NHS England to direct Clinical Commissioning Groups to pool the necessary funding. The council is legally obliged to comply with grant conditions, which have been complied with.

39. Section 75 of the National Health Service Act 2006 contains powers enabling NHS bodies (as defined in section 275 and 276 of the NHS Act 2006) to exercise certain local authority functions and for local authorities to exercise various NHS functions. The parties entered into a section 75 agreement in exercise of those powers under and pursuant of the NHS Regulations 2000.
40. The agreed budget will be managed through a section 75 agreement between the council and the CCG, which is currently in place until 31 March 2020. The spring budget 2017 provided that the improved Better Care Fund (iBCF) funding for adult social care in 2017-9 must be pooled into the local Better Care Fund. Cabinet are requested to approve for the council to enter into a section 75 agreement for up to a 5 year period, to 31 March 2025.
41. The iBCF is paid directly to the council via a Section 31 grant from the DCLG. The Government has attached a set of conditions to the Section 31 grant to ensure it is included in the BCF at local level and will be spent on adult social care. The council are legally obliged to comply with the grant conditions set.

Risk management

42. A risk register, specific to the BCF and Integration plan 2019-20, has been developed. Risks are also identified and managed through the adults and communities directorate risk register. Key risks are detailed below:

Risk / opportunity	Mitigation
Failure to agree a joint plan and meet the national conditions	Plan has been developed in partnership. Delivery and progress to be monitored on an ongoing basis.
Fail regional assurance process	The council and CCG have worked through the national guidance and requirements to ensure a robust response and that a comprehensive and detailed plan is submitted.
Schemes that have investment do not achieve the desired outcomes and impact planned	Implementation milestones and clear outcomes have been agreed for each scheme, the delivery of which will be monitored on a regular basis by a dedicated project manager and reported to the better care partnership group. Existing schemes are monitored on a quarterly basis to ensure key performance ambitions are achieved. Evaluations of iBCF schemes are currently being collated.
Increasing demand due to the demography of expected older age population could outstrip the improvements made.	A number of the schemes support both prevention and the urgent care parts of the system to spread the risk. In addition, the local authority is leading development with communities and implemented strengths

	based assessments to reduce demand where possible.
Failure to achieve national metric ambitions	A robust process for monitoring activity on a quarterly basis is in place and will be monitored through the better care partnership group and escalated to the joint commissioning board when required. Escalation would be used to assist with unblocking issues, agreeing changes, authorising additional investment, agreeing priorities etc.
Due to the merger of the Herefordshire and Worcestershire CCG's it may be possible that in the future the CCG wish to align their s75 approaches across the two counties.	The financial and scheme level information will be updated on an annual basis. Council officers will continue to work in partnership with the CCG and ensure that any changes in approach are identified immediately. The successful delivery of the BCF and Integration plan will assist in mitigating a number of risks that partners across the system experience.

Consultees

43. The Health and Wellbeing Board, as per the requirements of the national BCF programme, approved the content of the BCF and Integration Plan 2019-20 on 14 October 2019.
44. Political groups have been consulted and no comments have been received.

Appendices

Appendix 1 – Herefordshire's BCF and Integration plan 2019-20 submission

Appendix 2 – better care fund planning requirements 2019-20

Appendix 3 – section 75 agreement (existing agreement)

Background papers

None.