

Record of operational decision

Decision title:	Agreement of section 75 (s75) between the council and Herefordshire clinical commissioning group (CCG)
Date of decision:	21 May 2020
Decision maker:	Director for Adults and Communities
Authority for delegated decision:	http://councillors.herefordshire.gov.uk/mgIssueHistoryHome.aspx?IId=50029417
Ward:	Countywide
Consultation:	<p>The council has worked closely with colleagues from the CCG to agree the 2019/20 s75 pool contributions. The CCG governing body have approved the agreement.</p> <p>Consultation with political groups has been completed.</p>
Decision made:	Approval of the section 75 (s75) agreement between the council and Herefordshire Clinical Commissioning Group (CCG), effective from 1 April 2019 to 31 March 2020.
Reasons for decision:	<p>A partnership arrangement under section 75 (s75) of the NHS Act 2006 enables partners to commission integrated health and social care services to better meet the needs of service users than if the partners were operating independently. Section 75 agreements provide a contractual framework for the use of pooled funds between the council and CCG, to enable services to be delivered and commissioned co-dependently.</p> <p>The s75 agreement is a national requirement, set by NHS England under the NHS Act 2006.</p> <p>All of the schemes within the Integration and BCF plan are included within the s75 agreement including better care fund spending on social care services (PASC), NHS Commissioned Out of Hospital Care and care home market management. All schemes funded through the improved better care fund are included, along with the integrated community equipment store.</p> <p>Scheme level information has been finalised, following the publication of the national BCF policy framework and planning guidance. National approval of Herefordshire's Integration and BCF plan was received during January 2020.</p>
Highlight any associated risks/finance/legal/equality considerations:	<p>Risk will be managed and controlled through the governance structure of both organisations and also through the better care fund partnership group, the joint commissioning board and the health and wellbeing board.</p> <p>A risk register, specific to the BCF schemes in the s75 agreement, has been developed and is monitored on a regular basis by the better care fund partnership group. Risks are also identified within the council's adults and communities directorate risk register and will be escalated as appropriate.</p> <p>Section 75 of the NHS Act 2006 contains the 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.</p>

	<p>The budget for each of the pools described in the s75 agreement were finalised as part of the budget setting process and following publication of the national BCF policy framework and planning guidance.</p> <p>There is no impact on existing resources, including people, IT or property resources. There are no significant changes to existing arrangements and BCF and iBCF funding is confirmed for 2019/20, therefore posing no risks to jobs or services.</p>
Details of any alternative options considered and rejected:	It is a national requirement, set by NHS England, that the better care fund (BCF) is transferred into one or more pooled funds established under section 75 of the NHS Act 2006. There is no alternative as such an agreement must be in place.
Details of any declarations of interest made:	None.

Signed..... Date: