

WRITTEN STATEMENT OF A KEY DECISION CABINET

ITEM:	AGREEMENT OF SECTION 75 (S75) BETWEEN THE COUNCIL AND HEREFORDSHIRE CLINICAL COMMISSIONING GROUP
Members Present:	Councillors: AW Johnson (Leader), H Bramer, D Harlow, J Lester, PM Morgan (Deputy Leader), P Rone.
Date of Decision:	15 September 2016
Exempt:	No -
Confidential	No
This is a key decision because it is likely to be significant in terms of its effect on communities living or working in an area comprising one or more wards in the county.	
A notice was 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.	
Urgency/Special Urgency: (As defined in Constitution)	No
Purpose:	To agree variations to the Better Care Fund section 75 agreement from 1 October 2016.
Decision:	<p>THAT:</p> <p>(a) the variations to the BCF s75 set out at appendix one, be agreed effective from 1 October 2016; and</p> <p>(b) authority is delegated to the director for adults and wellbeing to complete the varied section 75 agreement following legal review of the document.</p>
Reasons for the Decision:	<p>1 A partnership arrangement under section 75 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. The 'original' section 75 arrangement, which was entered into by the council and the CCG in 2013 for a period of three years, will end on 30 September 2016. The principle of developing and implementing a single legally binding agreement has already been agreed by cabinet and the recommendations implement that decision.</p> <p>2 Variations to the BCF s75 will provide a single arrangement for the remaining 18 month period of the BCF s75 (from 1 October 2016 to 31 March 2018). The variation will also include an option for the BCF s75 to be</p>

	<p>extended for a further 18 months after 31 March 2018, up to 30 September 2019; any exercise of that option would be subject to a further decision.</p> <p>3 It is a national requirement of the BCF to have a s75 agreement to manage the pooled budget arrangements. By consolidating the historical s75 arrangement with the better care fund arrangements, a single agreement on health and social care covering both adults and children will be in place. The implementation of a single arrangement will enable partners to achieve efficiencies, reduce duplication and will also facilitate the further development of joint commissioning between the council and the CCG.</p>
Options Considered:	<p>1 To extend the original s75 agreement to run alongside the BCF s75. This is not recommended due to the duplication of contractual arrangements and inefficiencies in monitoring and delivering the two s75 agreements in parallel. The principle of developing a single s75 agreement was approved by cabinet on 17 March 2016.</p> <p>2 Both of the s75 agreements to be terminated and services to be commissioned individually by partners. This is not recommended due to the benefits gained through joint commissioning. It is also a national requirement of the Better Care Fund that a minimum level of resources be held between the council and the CCG under a S75 agreement.</p> <p>3 For the extension period to be removed from the varied BCF s75. If this extension option is not included, the BCF s75 will automatically end on 31 March 2018. It is recommended that the option to extend is included in the BCF s75 to enable it to be extended should both parties agree this is appropriate. Current national guidance suggests that the BCF will continue, at least in some form, beyond March 2018.</p>
Conflict of Interest ■ (See below):	
Date the key decision is due to take effect:	21 September 2016

COUNCILLOR AW JOHNSON.....Date: 15 September 2016
LEADER OF THE COUNCIL

■ a record of any conflict of interest declared by any executive member who is consulted by the member which relates to the decision;

And

- in respect of any declared conflict of interest, a note of dispensation granted by the relevant local authority's head of paid service.