

Record of operational decision

Decision title:	Variation to Framework Partnership between the council and Herefordshire and Worcestershire Clinical Commissioning Group (CCG) relating to the commissioning of health and social care services in connection with the Better Care Fund.
Date of decision:	13 September 2021
Decision maker:	Interim Director for Adults and Communities
Authority for delegated decision:	http://councillors.herefordshire.gov.uk/ieDecisionDetails.aspx?Id=5749
Ward:	Countywide
Consultation:	The council has worked closely with colleagues from the CCG to agree the 2021/22 s75 pool contributions. The CCG governing body have approved the agreement.
Decision made:	Approval of the Variation to Framework Partnership effective from 1 April 2021 to 31 March 2022.
Reasons for decision:	<p>County of Herefordshire District Council and NHS Herefordshire CCG entered into a Framework Partnership Agreement relating to the commissioning of health and social care services on 1st April 2019 in exercise of the powers referred to in Section 75 of the 2006 Act and/or Section 13Z(2) and 14Z(3) of the 2006 Act as applicable (the "Partnership Agreement").</p> <p>NHS Herefordshire CCG has subsequently undergone a statutory reorganisation. The rights and obligations of NHS Herefordshire CCG under the Partnership Agreement were novated to NHS Herefordshire and Worcestershire CCG on 1st April 2020.</p> <p>As part of the annual review of budgets and commissioning plans the partners have agreed a revised financial plan for the financial year 2021/22.</p> <p>The Partners acknowledge agree and confirm that they waive the requirements of clause 33 (Variation) in respect of the variations set out in this Deed and further acknowledge, agree and confirm that the Partnership Agreement shall be amended as follows:</p> <ol style="list-style-type: none"> 1) The Partners have agreed to vary Schedule 1 (Financial Contributions and Financial Governance) to the Partnership Agreement as set out in Schedule 4 (Other Amendments). 2) The Partners have agreed to amend Schedule 3 (Scheme Template & Schedules) to the Partnership Agreement to reflect the revised financial plan as set out in Schedule 4 (Other Amendments). 3) The Partners have reviewed the financial arrangements contained in the Partnership Agreement and have agreed to revise Schedule 4 (Risk Share and Overspends) to the Partnership Agreement to reflect the revised financial plan as set out in Schedule 4 (Other Amendments);

	<p>4) The Partners have reviewed the performance management arrangements and have agreed to revise Schedule 6 (Performance Arrangements) to reflect the revised governance structures for joint commissioning as set out in Schedule 4 (Other Amendments);</p> <p>5) The partners have reviewed the detailed financial plan and have agreed to add to the Partnership Agreement Schedule 11 (Financial Plan)</p> <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 of the Better Care Fund, set by NHS England under the NHS Act 2006.</p>
<p>Highlight any associated risks/finance/legal/equality considerations:</p>	<p>Risk will be managed and controlled through the governance structure of both organisations and also through the Joint Strategic Commissioning Partnership Group, the Joint Strategic Commissioning Executive Group 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. 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>

	The budget for each of the pools described in the s75 agreement were finalised as part of the budget setting process and agreed by the partners. 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 2021/22, therefore posing no risks to jobs or services.
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: 16.09.2021