

## Record of operational decision

<b>Decision title:</b>	Variation to Framework Partnership between the council and NHS Herefordshire and Worcestershire Integrated Care Board (HWICB) relating to the commissioning of health and social care services in connection with the Better Care Fund.
<b>Date of decision:</b>	08 February 2024
<b>Decision maker:</b>	Corporate Director for Community Wellbeing
<b>Authority for delegated decision:</b>	<a href="http://councillors.herefordshire.gov.uk/ieDecisionDetails.aspx?Id=5749">http://councillors.herefordshire.gov.uk/ieDecisionDetails.aspx?Id=5749</a> Herefordshire Council Constitution Part 3 Section 7.6 & Part 3 Section 7.12 Scheme of Delegation.
<b>Ward:</b>	Countywide
<b>Consultation:</b>	The council has worked closely with colleagues from the HWICB to agree the 2023/24 s75 pool contributions. The HWICB governing body have approved the agreement.
<b>Decision made:</b>	Approval of the Variation to Framework Partnership effective from 1 April 2023 to 31 March 2024.
<b>Reasons for decision:</b>	<p>County of Herefordshire District Council and NHS Herefordshire and Worcestershire Integrated Commissioning Board (HWICB) form part of a Framework Partnership Agreement relating to the commissioning of health and social care services 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>As part of the annual review of budgets and commissioning plans the partners have agreed a revised financial plan for the financial year 2023/24.</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"> <li>1) The Partnership Agreement shall be varied in accordance with Schedule 1 (Amendments to the Partnership Agreement).</li> <li>2) 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).</li> <li>3) The Partners have agreed to amend Schedule 3 (Scheme Template &amp; Schedules) to the Partnership Agreement to reflect the revised financial plan as set out in Schedule 4 (Other Amendments).</li> <li>4) 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).</li> </ol>

	<p>5) The Partners have reviewed the performance managements contained in the Partnership Agreement 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>6) The partners have reviewed the detailed financial plan and have agreed to Schedule 11 (Financial Plan) to reflect the revised schemes, services and contributions to each pooled fund.</p> <p>7) The Partnership Agreement shall be varied as set out in Schedule 4 (Other Amendments).</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 the ICB, 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>The s75 covers the current financial year 2023/24. The national deadline for approval of the s75 was 31 October 2023; at this point negotiations were still ongoing between partners, the Regional BCF Manager was kept apprised of negotiations and an agreement between partners for final approval was subsequently reached.</p>
<p><b>Highlight any associated risks/finance/legal/equality considerations:</b></p>	<p>Risk will be managed and controlled through the governance structure of both organisations and also through the Integrated Care Executive (ICE), with escalation to One Herefordshire Partnership (1HP) by exception 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 community wellbeing 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 2023/24, therefore posing no risks to jobs or services.
<b>Details of any alternative options considered and rejected:</b>	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.
<b>Details of any declarations of interest made:</b>	None.

Signed

( REDACTED )

Date: 13/02/2024