

BETTER CARE FUND 2022/23 SUBMISSION

Report of the Executive Director of Health, Housing and Communities and Director for Place (Sunderland)

1.0 Purpose of the Report

1.1 The purpose of this report is to:

- i. seek the Health and Wellbeing Board's agreement for the Council and Integrated Care Board (ICB) to enter into a Section 75 agreement to enable improved health and care integration and to meet national conditions of the 2022/23 'Better Care Fund' (BCF) programme; and
- ii. gain Board views on possible areas for future integration that would support delivery of the Healthy City Plan and Integrated Care Strategy.

1.2 To provide a high-level update on how the £500 million national funding to support discharge into social care, will be worked into the 2022/23 BCF arrangements.

2.0 Background

2.1 The Better Care Fund (BCF) programme is a key enabler of health and care integration, supporting the joint delivery of person-centred and sustainable health and care provision that delivers better outcomes for people, place and population. The BCF enables the Council and Integrated Care Board (ICB) to establish a joint budget arrangement that supports effective collaboration in delivering on the NHS Long-Term Plan, alongside local strategies to improve population health and reduce inequalities.

2.2 The BCF process is underpinned by a nationally determined policy and planning framework, alongside funding contributions from:

- A minimum allocation of NHS funding
- Disabled facilities grant (DFG)
- Improved BCF (iBCF) social care funding grant
- Winter pressures grant funding to local authorities
- Additional voluntary contributions from the Council and/or ICB to further ambitions for improved integration of health and care

2.3 These arrangements must be pooled into a Section 75 agreement between the ICB and Council in order to support robust governance and accountability of the BCF. There is a national requirement for Section 75 Agreements to be in place by 31 December 2022. Failure to agree plans and/or associated s75 arrangements, may result in the withholding of grant funding to deliver critical health and care services

- 2.4 The Health and Wellbeing Board (HWB) provided assurance of Sunderland's proposed BCF documentation on 30 September 2022. Between October and November 2022, the submitted documentation underwent a national and regional moderation exercise. At the point of writing this report, the outcome of this process was not yet known, however a verbal update will be provided as part of the presentation of this report.
- 2.5 Subsequent to the submission of 2022/23 BCF plans, additional funding to support discharge into social care was announced by the government in September 2022. This funding formed part of the government's 'Plan for Patients' and must be used to support timely and safe discharge from hospital into the community by reducing the number of people delayed in hospital awaiting social care. This includes patients residing within a mental health inpatient setting.
- 2.6 There is a national expectation that this funding will be pooled into BCF arrangements by the end of January 2023. The funding will be distributed to place in two separate ways. 40% of the funding will be distributed as a section 31 ring-fenced grant to Local Authorities. Sunderland's, 2022/23 allocation of this element of the funding is £1,306,481. The remaining 60% will be distributed to ICBs, of which, the North-East and North Cumbria ICB is expected to receive £13,453,000, which will be further distributed to HWB areas.
- 2.7 The new funding provisions come with significant reporting and monitoring arrangements, alongside the below funding conditions which must be met in order for the full funding to be received:
- Local authorities and ICBs must agree a plan for spending the funding, which will be in addition to current BCF plans. This is due to be submitted on 16 December 2022 and must outline how the local authority plans to increase expenditure on discharge in relation to the existing BCF.
 - Submission of fortnightly activity reports, setting out what activities have been identified in line with commitments in the spending plan. The first activity report is expected on 30 December 2022.
 - Local authorities, ICBs and trusts to engage in a review in January 2023. Where areas face significant challenges, a package of support will be offered on conclusion of the review to support improvement.
 - Submission of a final spending report, alongside the wider end of year BCF report by 2 May 2023.
- 2.8 The agreed section 75, will need to include details on the relevant governance arrangements required to oversee the BCF conditions above, alongside reporting on the below monitoring arrangements:
- Number of care packages purchased for care homes, domiciliary care and intermediate care
 - Number of people discharged to their usual place of residence (already within the existing BCF)
 - Absolute number of people 'not meeting criteria to reside' (and who have not been discharged)
 - Number of 'bed days lost' to delayed discharge by trust

- Proportion (%) of bed base occupied by patients who do not meet the criteria to reside, by trust.

2.9 Statutory NHS guidance relating to arrangements for the delegations and joint exercising of statutory functions between the ICB and relevant partners was published in September 2022. Within the guidance it was acknowledged that Section 75 partnership agreements continue to be the only legal mechanism to support reciprocal pooled budget and joint commissioning arrangements between the ICB, NHS trusts and Local Authority. As such, the development of the Section 75 for the BCF has the potential to support wider schemes of health and care integration as part of the emerging place-based joint governance arrangements. This also creates an opportunity to develop a unified s75 agreement that encompasses all aspects of integrated commissioning activity for improving health and wellbeing outcomes across the life course (including health, social care, public health and elements of housing that support health and care outcomes).

3.0 Current Position and Proposed Approach

3.1 At the time of compiling this report, local authorities and ICBs were awaiting feedback from the national and regional moderation of submitted BCF plans.

3.2 In order to ensure that timescales for establishing a Section 75 arrangement were met by 31 December 2022, Sunderland City Council (SCC) and the ICB have procured external legal support from Hill Dickinson. This advice was sought on the basis that the Section 75 arrangement would include additional pooled budget arrangements between SCC and ICB that sat outside the BCF, thus bringing together wider schemes of health and care integration that would support place-based joint governance arrangements. This Section 75 arrangement will:

- be based on the national framework
- include relevant reporting, monitoring and review schedules that will ensure compliance with national BCF conditions.
- Include a locally determined governance and accountability arrangement that will align to the respective organisational governance and oversight arrangements of the ICB and SCC.

3.3 The additional discharge funding provisions outlined in section 2.5 to 2.8, will form part of this agreement, ensuring the funding conditions and monitoring arrangements identified, will be supported by robust governance. At the time of writing the report, SCC and the ICB are undertaking a joint exercise to:

- Establish the current position against the metric identified in section 2.8.
- Identify current action currently being undertaken to free-up hospital beds, reduce bed says and prevent avoidable admission.
- Assess the impact of wider provisions within the Autumn Statement and SCC medium-term financial plan on current discharge-related activity.

- Identify areas of the High Impact Change Model for Managing the Transfer of Care, that require additional action, with a specific focus on discharge to assess and home first provision.
- 3.4 The above exercise will support the identification of key investment areas to align the new discharge funding ahead of the required submission on 16 December 2022.
- 3.5 By 31st December 2022, it is proposed that the Council will enter into a Section 75 agreement with the ICB, on terms agreed by the respective parties in-line with place-based governance arrangements. It is proposed that the structure of this agreement will support the inclusion of wider schemes of health and care integration in the future, in order to support collaborative delivery of the Healthy City Plan and emerging Integrated Care Strategy for North East and North Cumbria. Wider schemes could include public health and housing-related provisions that have a direct impact on health and care outcomes. This approach would support collaborative and efficient governance and decision-making through the creation of a unified Section 75 agreement.

4.0 Recommendations

- 4.1 The Health and Wellbeing Board is asked to:
- Agree to support the decision for the Council and ICB to enter into an agreement in accordance with Section 75 of the National Health Act 2006 (a Section 75 agreement).
 - Consider areas of future integration that would support delivery of the Healthy City Plan and Integrated Care Strategy.