

OFFICER DECISION RECORD 1 FORM

This form should be used to record Officer Decisions in Excess of £100k (but below the key decision threshold), or where required by Financial, Contract or other Procedure Rules or following formal delegation from Cabinet or a Cabinet Member or a Council Committee.

Decision Reference No: AHWB.017.2021 BCF S75 Framework Agreement for 2021 2022

BOX 1

DIRECTORATE: Adults Health and Wellbeing **DATE:** 09/04/2021

Contact Name: Stacey Chaplin **Tel. No:** 01302 735447

Subject Matter: Variation and extension of existing Better Care Fund and Improved Better Care Fund Framework Partnership Agreement between Doncaster Council and Doncaster Clinical Commissioning Group ("DCCG") ("the Agreement") to cover financial year 2021/22.

BOX 2**DECISION TAKEN**

To vary the Agreement as follows:

- a) To vary clause 2.3 to allow the extension of the Agreement for one further period of 12 months for the period 1st April 2021 – 31st March 2022;
- b) To update the terms of reference in schedule 2 of the Agreement;
- c) To update Schedule 5 of the Agreement to reflect post COVID 19 systems of working;
- d) To update the policies attached at schedule 7 to include the Council's Work, Experience, Internship and Volunteer Worker policy;
- e) To allow the option of further variations to schedule 5 and schedule 6 to reflect future published governmental guidance regarding the operation of the Better Care Fund.

To extend for a period of 12 months the existing 2020/2021 Section 75 Better Care Fund and Improved Better Care Fund Framework Partnership Agreement relating to the pooling of funds between DCCG and Doncaster Council for 2021/2022 in accordance with the proposed varied clause 2.3 of the Agreement and ODR Decision - Reference **AHWB.056.2019_S75_Council_CCG_2019-20 2020_21**

BOX 3

REASON FOR THE DECISION

The Better Care Fund (“BCF”) is a programme spanning both the NHS and local government to improve the lives of some of the most vulnerable people in our society, placing them at the centre of their care and support, and providing them with ‘wraparound’ fully integrated health and social care, resulting in an improved experience and better quality of life. The Improved Better Care Fund (“IBCF”), and Disabled Facilities Grant are additional elements to the Better Care Fund, which are paid as direct grants to Councils, but must be pooled into the local BCF plan and regulated by a Section 75 Agreement pursuant to partnership arrangements permitted under the NHS Act 2006.

The varied Clause 2.3 of the Agreement allows the existing fund transfer arrangement and the related budget and governance arrangement of various schemes to be extended for a further 12 month period by the agreement of Doncaster Council and DCCG through the Better Care Fund Partnership Board.

This ODR concerns the BCF, IBCF and Disabled Facilities Grant pooled budgets between DCCG and Doncaster Council for the financial year 2021/22.

It is proposed that the Section 75 Agreement be extended for a further 12 months. It is anticipated that the pooled budget will amount to circa £43M with an uplift to be confirmed of which a minimum of £23.9M is the Doncaster Council element as outlined in the 2021/22 to 2023/24 Revenue Budget paper approved by full Council on 1 March 2021 (iBCF page 27, para’s 20-22 and BCF page 32, para 36). Disabled Facilities Grant circa £3.282M is outlined in the Capital Strategy and Capital Programme report approved by full Council on 1 March 2021 (page 24, appendix 1b).

NHS England is still yet to confirm the final Better Care Planning Requirements for 21/22, however, the existing policy for 20/21 specifies that a national condition of the funding for the grants identified is that Plans covering all mandatory funding contributions are to be agreed by Health and Wellbeing areas and minimum contributions for CCG and iBCF pooled in a section 75 agreement (an agreement made under section 75 of the NHS Act 2006). The Health and Wellbeing Board approved the 20/21 plan in January 2021. It is therefore necessary to vary and extend the 20/21 Agreement in advance of the final Better Care Planning Requirements being known in order to maintain eligibility to receive the funding. The varied and extended agreement will contain provisions allowing for the further variation of the Agreement once the final Better Care Planning Requirements for 21/22 are known.

BOX 4

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

Option 1 – Do nothing. This is not an option as joint working to meet the requirements for transforming Doncaster's health and social care needs is a key priority for both the Doncaster Council and the DCCG and the receipt of the funding is dependent upon a signed section 75 Agreement between both DCCG and Doncaster Council.

Option 2 (recommended) – Provide approval to extending the Agreement for 20/21 and where necessary varying it to update the appropriate references for the 21/22 financial year and allow further variation when the Better Care Planning Requirements are known.

BOX 5

LEGAL IMPLICATIONS

Section 1 of the Care Act 2014 places a duty on the Council to promote an individual's physical and mental health and emotional well-being.

Section 1 of the Localism Act 2011 provides the Council with a power to do anything that an individual generally may do.

Under Section 75 of the NHS Act 2006 (as amended), the Secretary of State can make provision for local authorities and National Health Service (NHS) bodies to enter into partnership arrangements in relation to certain functions, where these arrangements are likely to lead to an improvement in the way in which those functions are exercised.

The powers and joint arrangements possible under Section 75 of the NHS Act 2006 are used extensively by health bodies and local government to support and underpin more effective joint working, and to help drive integration across health and social care.

The Better Care Fund and Improved Better Care Fund are being implemented at local level through local pooled funding arrangements ('Section 75 Agreements'), making use of the powers available through Section 75 of the NHS Act 2006.

Legal Services to assist with putting in place the 21/22 variation and extension.

Name: Phil Crawley Signature of Assistant Director of Legal and Democratic Services (or representative) date 14th April 2021

BOX 6

FINANCIAL IMPLICATIONS:

It is anticipated that the pooled budget for 2021/22 will amount to circa £43M with an uplift still to be confirmed, of which a minimum of £23.9M is the Doncaster Council element as outlined in the 2021/22 to 2023/24 Revenue Budget paper approved by full Council on 1 March 2021 (iBCF page 27, para's 20-22 and BCF page 32, para 36). Disabled Facilities Grant circa £3.282M is

outlined in the Capital Strategy and Capital Programme report approved by full Council on 1 March 2021 (page 24, appendix 1b). The funding elements are broken down as follows:

Doncaster CCG BCF	Doncaster Council BCF	Doncaster Council iBCF	Doncaster Council DFG
£000's	£000's	£000's	£000's
£16,633	£8,098	£15,831	£3,282

There is an agreed Better Care Plan to demonstrate how the Transformational Better Care Fund will support projects under this Section 75 Agreement which is also shown in the 2021/22 to 2023/24 Revenue Budget paper (page 32, para 36). The budget report also includes the use of iBCF Grant to meet adult social care needs and reduce pressures on the NHS.

Name: Helen Rowlands Signature: _by email_ Date: 16/04/21

Signature of Chief Financial Officer and Assistant Director of Finance (or representative)

BOX 7

OTHER RELEVANT IMPLICATIONS

N/A

Name: _____ Signature: _____ Date: _____

Signature of Assistant Director (or representative)

ANY IMPLICATIONS SENT TO DEPARTMENTS SHOULD GENERALLY BE SUBMITTED AT LEAST 5 WORKING DAYS IN ADVANCE TO ENSURE THESE CAN BE GIVEN THE RELEVANT CONSIDERATION.

BOX 8

EQUALITY IMPLICATIONS:

Decision makers must consider the Council's duties under the Public Sector Equality Duty of S149 of the Equality Act (2010). The duty requires the public sector such as the Council and NHS, when exercising its functions, to have 'due regard' to the need to eliminate conduct prohibited under the act, and to advance the equality of opportunity and foster good relations between those who share a 'protected characteristic' and those who do not share it. The Better Care Funds will be used to meet a wide range of health and social care needs within the Doncaster borough, and in many cases, they are used to support those most vulnerable. To not approve the formalising of the contract between Doncaster CCG and Doncaster Council will mean that the Council does not receive those funds and therefore this very much limits our ability to meet these needs.

BOX 9**RISK IMPLICATIONS:**

To not approve the formalising of the contract between Doncaster CCG and Doncaster Council will mean that the Council is not able to receive Better Care Fund and Improved Better Care Fund monies which will have a negative and in certain areas, significantly impacting upon the transformation and delivery of health and social care services for the borough of Doncaster.

BOX 10**CONSULTATION**

This is an on-going fund. Other than the joint officer groups (CCG/Doncaster Council) which includes the Director of Public Health, no consultation has been undertaken.

BOX 11**INFORMATION NOT FOR PUBLICATION**

According to the Freedom of Information Act 2000, it is in the Public's interests for this decision to be published in full, redacting only the signatures.

Name: _Gillian Parker_ Signature _by email_ Date: 20/04/2021

Signature of FOI Lead Officer for service area where ODR originates

BOX 12**BACKGROUND PAPERS**

Please confirm if any Background Papers are included with this ODR **YES/NO**

(If YES please list and submit these with this form)

**BOX 13
AUTHORISATION**

Name: Phil Holmes_ Signature:

Date: 21/04/2021

Director of Adults Health and Wellb

Does this decision require authorisation by the Chief Financial Officer or other Officer

YES/NO

If yes please authorise below:

Name: Faye Tyas Signature:

Date: 22.04.21

Assistant Director of Finance and Section 151 Officer

Consultation with Relevant Member(s)

Name: _____ Signature: _____ Date: _____

Designation _____

(e.g. Mayor, Cabinet Member or Committee Chair/Vice-Chair)

Declaration of Interest YES/NO

If YES please give details below:

**PLEASE NOTE THIS FORM WILL BE PUBLISHED ON THE COUNCIL'S WEBSITE IN FULL
UNLESS IT CONTAINS EXEMPT OR CONFIDENTIAL INFORMATION.**

**Once completed a PDF copy of this form and any relevant background papers
should be forwarded to Governance Services at
Democratic.Services@doncaster.gov.uk who will arrange publication.**

**It is the responsibility of the decision taker to clearly identify any information that is
confidential or exempt and should be redacted before publication.**