

**DUDLEY HEALTH AND WELLBEING BOARD**

**REPORT SUMMARY SHEET**

**Agenda Item No. 5**

<b>DATE</b>	<b>25<sup>th</sup> March 2015</b>
<b>TITLE OF REPORT</b>	<b>Better Care Fund – Section 75 Agreement and Section 256 Transfer of Resources From NHS England to Dudley MBC</b>
<b>Organisation and Author</b>	<b>Dudley CCG – Neill Bucktin, Head of Commissioning Dudley MBC – Matt Bowsher, Chief Officer, Adult Social Care</b>
<b>Purpose of the report</b>	<ol style="list-style-type: none"> <li>1. To approve the heads of terms for the Better Care Fund (BCF) Section 75 Agreement, made under Section 75 of the NHS Act 2006.</li> <li>2. To approve the transfer of resources from NHS England to Dudley MBC under Section 256 of the NHS Act 2006.</li> </ol>
<b>Key points to note</b>	<ol style="list-style-type: none"> <li>1. Dudley's BCF Plan has now been fully approved by NHS England.</li> <li>2. This will involve the establishment of a pooled budget between the CCG and the Council, the indicative value of which is £69.0m.</li> <li>3. An element of the pool will be resources transferred from the CCG to the Council totalling £4.625m, part of which (£1.625m) is performance related.</li> <li>4. In order to create and manage the pooled budget, both parties must enter into an agreement made under Section 75 of the NHS Act 2006.</li> <li>5. This Section 75 Agreement covers the arrangements for managing performance of the pooled budget, including risk sharing arrangements for under/overspends. The agreement is overseen by the "Integrated Commissioning Executive" – a joint group responsible to the Health and Wellbeing Board. The Board are required to approve the Agreement.</li> <li>6. For 2014/15, there is a separate transfer of resources to the Council from NHS England and the Board is required to formally approve this.</li> </ol>

<b>Recommendations for the Board</b>	<ol style="list-style-type: none"> <li>1. That the heads of terms for the BCF Section 75 Agreement be approved.</li> <li>2. That the transfer of resources from NHS England to the Council be formally approved.</li> </ol>
<b>Item type</b>	<b>Discussion and approval</b>
<b>H&amp;WB strategy priority area</b>	<b>Service integration</b>

## **DUDLEY HEALTH AND WELLBEING BOARD**

**DATE: 25<sup>th</sup> March 2015**

### **REPORT OF:**

Head of Commissioning, Dudley CCG and Chief Officer, Adult Social Care, Dudley MBC

### **TITLE OF REPORT**

Better Care Fund – Section 75 Agreement and Section 256 Transfer of Resources from NHS England to Dudley MBC

### **HEALTH AND WELLBEING STRATEGY PRIORITY**

This report supports the Joint Health and Wellbeing Strategy's priority of integrating services.

### **PURPOSE OF REPORT**

1. To approve the heads of terms for the Better Care Fund (BCF) Section 75 Agreement, made under Section 75 of the NHS Act 2006.
2. To approve the transfer of resources from NHS England to Dudley MBC under Section 256 of the NHS Act 2006.

### **BACKGROUND**

1. The Board will recall that at its meeting in December 2014, it received a report on progress with the BCF Plan and the associated Section 75 Agreement for the BCF pooled fund.
2. This report updates the Board on progress with the BCF Plan, sets out the heads of terms to be approved for the Section 75 Agreement and seeks approval to the use of monies transferred from NHS England to the Council in 2014/15

### **BETTER CARE FUND PLAN**

3. The Board will recall that the original BCF Plan was approved by NHS England "with conditions". The main condition related to the rate at which emergency hospital admissions were expected to reduce.
4. The resubmitted plan amended the profile of the reduction in activity over a longer time period. This plan has now been fully approved.

## **SECTION 75 AGREEMENT**

5. The Council and the CCG are required to enter into such an agreement in order to create a pooled budget.
6. It is proposed that the pooled budget is a virtual pool whereby each partner retains its' budget but we commit to shared decision making through the Integrated Commissioning Executive. A working draft is attached at Appendix 1, The Agreement sets out the technical accounting arrangements for managing the pool. In addition, it sets out how under and overspends and other financial arrangements will be managed between the partners. In particular:-
  - where any overspends are identified, these will need to be offset, in the first instance, by underspends that can be achieved elsewhere in the pool;
  - at the year end, any over/underspends will be apportioned between the partners in proportion to their relative contributions to the pool;

any excess bed day charges placed up the CCG as a result of delayed transfers of care from hospital where the delay is the responsibility of the Council will be reimbursed to the CCG subject to resolution of the following issues:

- a) Sign off of the SITREP report with disputes having been resolved
  - b) Shared access to the DISCO database; including clear reflection of the above
  - c) Correct and legal application of S.2 and S.5 notices
  - d) Adherence to a collectively approved discharge protocol covering all of the above.
7. The Agreement will be overseen by a joint group – the Integrated Commissioning Executive, made up of 4 senior representatives of the partners, chaired by a representative of the CCG and reporting to this Board with equal voting rights for the Council and CCG
  8. This body will:-
    - provide strategic direction on the individual BCF schemes;
    - receive financial and performance reports;
    - review the operation of the Agreement and the operation of individual schemes;
    - agree any variations to the Agreement;
    - ensure that no changes to the budget for, or operation of, any schemes are made without the Executive's consent;
    - ensure appropriate reports are made to this Board.
  9. A performance framework is being developed jointly and this will be overseen by the Integrated Commissioning Executive. A separate Finance and Performance Sub-

Group will review performance and report to the Integrated Commissioning Executive.

### **TRANSFER OF RESOURCES FROM NHS ENGLAND TO COUNCIL UNDER SECTION 256 OF THE NHS ACT 2006 - 2014/15**

10. The Board has, on previous occasions noted the transfer of £ 7,155,000 from NHS England to the Council for the purposes of providing social care to contribute to the prevention of admission to hospital and promote timely discharge from hospital. The use of these monies is as set out in Appendix 2.
11. From 2015/16, these monies will form part of the pooled budget. The Board is required to formally accept this transfer and recognise its responsibilities for discharging the duties associated with the use of this funding.

### **FINANCE**

12. The schedule at Appendix 1 shows the total resources that will be included in the pool, This includes £4.625m from the CCG's baseline budget, and element of which (£1.625m) is performance related.
13. There are risks associated with this. If emergency admissions do not reduce the CCG will not have the resources to put into the pool and the performance related element will not be available to the Council.
14. The schedule at Appendix 2 shows the resources to be transferred from NHS England to the Council in 2014/15 and its use, totalling £7,155,000.

### **LAW**

15. Sections 75 and 256 of the NHS ACT 2006, provide the necessary statutory powers to pool and transfer resources between NHS bodies and local authorities respectively.

### **EQUALITY IMPACT**

16. The key feature of the approach to service integration set out in the BCF Plan is to facilitate a differential response at practice level to identified need as a means of reducing health and social inequalities.

### **RECOMMENDATIONS**

1. That the heads of terms for the BCF Section 75 Agreement be approved.
2. That the transfer of resources from NHS England to the Council be formally approved.

Neill Bucktin

**Neill Bucktin**  
**Head of Commissioning Dudley CCG**

M. Bowsher

**Matt Bowsher**  
**Chief Officer, Adult Social Care, Dudley MBC**

**Draft s. 75 Pooled Budget**

Scheme	Cost	Owner	team	PI	Area of Spend	Intervention	Stream2
Community rapid response team (CRRT) - Health	£ 1,321,848.00	CCG	CRRT	Avoidable Admissions	Community Health	CRRT	Crisis/Emergency
Community rapid response team (CRRT) - Social	£ 461,000.00	CCG	CRRT	Avoidable Admissions	Social Care	CRRT	Crisis/Emergency
VW – 8 wards	£ 1,582,099.00	DGoH	Virtual Ward	Avoidable Admissions	Community Health	MDTs	Crisis/Emergency
Care Home Nurse Practitioners	£ 159,005.00	DGoH	Care Home Nurse Practitioners	Avoidable Admissions	Community Health	CRRT	Crisis/Emergency
Diabetes and Hypo rapid response service	£ 458,027.00	DGoH	Diabetes and Hypo rapid response service	Avoidable Admissions	Community Health	MDTs	Crisis/Emergency
Heart failure	£ 589,533.88	DGoH	Heart failure	Avoidable Admissions	Community Health	MDTs	Crisis/Emergency
Emergency Response Team	£ 507,020.00	DMBC	CRRT	Avoidable Admissions	Social Care	CRRT	Crisis/Emergency
Falls Service	£ 197,330.00	DMBC	Falls Service	Avoidable Admissions	Social Care	CRRT	Crisis/Emergency
Out of Hours	£ 281,310.00	DMBC	CRRT	Avoidable Admissions	Social Care	CRRT	Crisis/Emergency
Virtual Ward	£ 37,000.00	DMBC	Virtual Ward	Avoidable Admissions	Social Care	MDTs	Crisis/Emergency
Crisis Resolution/Home Treatment Team (CR/HT)	£ 3,049,647.00	DWMHT	Crisis Resolution/Home Treatment Team (CR/HT)	Avoidable Admissions	Mental Health	MDTs	Crisis/Emergency
Early Access Service – adults	£ 656,159.00	DWMHT	Early Access Service – adults	Avoidable Admissions	Mental Health	MDTs	Crisis/Emergency
Early Intervention in Psychosis	£ 567,178.00	DWMHT	Early Intervention in Psychosis	Avoidable Admissions	Mental Health	MDTs	Crisis/Emergency
Tiled House	£ 1,846,000.00	DMBC	Residential Intermediate Care	Delayed Days	Social Care	IC	Promoting Independence
Palliative Care - transition care	£ 69,790.00	DMBC	Palliative Care - transition care	Delayed Days	Social Care	IC	Promoting Independence
Transition Team	£ 912,860.00	DMBC	Transition Team	Delayed Days	Social Care	IC	Promoting Independence
Intermediate Care Support - Dr Plant	£ 61,934.00	Other	Intermediate Care Support - Dr Plant	Delayed Days	Other	IC	Promoting Independence
Intermediate Care Team - Nursing	£ 114,086.00	Other	Intermediate Care Team - Nursing	Delayed Days	Other	IC	Promoting Independence
Intermediate/Stepdown Care - Physiotherapists	£ 122,400.00	Other	Intermediate/Stepdown Care - Physiotherapists	Delayed Days	Other	IC	Promoting Independence
Intermediate/Stepdown Care - Private Care Home (Bed days)	£ 2,703,000.00	Other	Residential Intermediate Care	Delayed Days	Other	IC	Promoting Independence
Stepdown Cover - DGFT	£ 58,091.00	Other		Delayed Days	Other	IC	Promoting Independence
Access - single point of contact	£ 1,174,310.00	DMBC	Adult Social Care Assessment	Reablement	Social Care	Access	Promoting Independence
Locality Based prevention hubs (including grants to vol orgs )	£ 1,245,020.00	DMBC	Community Voluntary Sector	Reablement	Social Care	Localities	Promoting Independence
Locality Based prevention hubs (including grants to vol orgs )	£ 746,010.00	DMBC	Community Voluntary Sector	Reablement	Social Care	Localities	Promoting Independence
Locality social work teams	£ 2,720,790.00	DMBC	Adult Social Care Assessment	Reablement	Social Care	Localities	Promoting Independence
Acute Rehabilitation - Other	£ 1,262,890.00	DGoH	Acute Rehabilitation	Reablement	Acute	Reablement	Promoting Independence
Acute Rehabilitation - Stroke	£ 822,368.00	DGoH	Acute Rehabilitation	Reablement	Acute	Reablement	Promoting Independence
Acute Rehabilitation - T&O	£ 1,205,702.00	DGoH	Acute Rehabilitation	Reablement	Acute	Reablement	Promoting Independence
Physiotherapy - MSK	£ 873,345.55	DGoH	Physiotherapy - MSK	Reablement	Community Health	Reablement	Promoting Independence
Rehab Single Point of Access - Community Stroke Rehabilitation	£ 537,906.72	DGoH	Rehab Single Point of Access	Reablement	Community Health	Reablement	Promoting Independence
Rehab Single Point of Access - OT Primary Care	£ 397,962.79	DGoH	Rehab Single Point of Access	Reablement	Community Health	Reablement	Promoting Independence
Rehab Single Point of Access - Primary Care Neurology Team	£ 364,718.39	DGoH	Rehab Single Point of Access	Reablement	Community Health	Reablement	Promoting Independence
Rehab Single Point of Access - Speech Therapy Adults	£ 202,817.29	DGoH	Rehab Single Point of Access	Reablement	Community Health	Reablement	Promoting Independence
Step down - Occupational Therapy	£ 429,780.37	DGoH	Residential Intermediate Care	Reablement	Community Health	Reablement	Promoting Independence
Step down - Physiotherapy	£ 200,273.66	DGoH	Residential Intermediate Care	Reablement	Community Health	Reablement	Promoting Independence
Community Equipment Stores	£ 863,000.00	DMBC	CES/OT	Reablement	Other	Reablement	Promoting Independence
LIT - Community Reablement	£ 438,800.00	DMBC	START	Reablement	Social Care	Reablement	Promoting Independence

OT's	£ 1,164,630.00	DMBC	CES/OT	Reablement	Social Care	Reablement	Promoting Independence
Russell Court - Residential Reablement	£ 1,467,370.00	DMBC	START	Reablement	Social Care	Reablement	Promoting Independence
START - Community Reablement	£ 1,525,000.00	DMBC	START	Reablement	Social Care	Reablement	Promoting Independence
Substance misuse	£ 192,000.00	DMBC	Substance misuse	Reablement	Social Care	Reablement	Promoting Independence
Adults team – Community Recovery Service	£ 3,217,677.00	DWMHT	Adults team – Community Recovery Service	Reablement	Mental Health	Reablement	Promoting Independence
Community Equipment Stores	£ 523,090.00	Other	CES/OT	Reablement	Other	Reablement	Promoting Independence
GP over 75's	£ 1,571,000.00	CCG	GP over 75's	Avoidable Admissions	Primary Care	MDTs	Crisis/Emergency
Joint Palliative care support team	£ 440,811.00	DGoH	Joint Palliative care support team	Avoidable Admissions	Community Health	MDTs	Crisis/Emergency
Community OPAT and oncology	£ 548,080.00	DGoH	Community OPAT and oncology	Avoidable Admissions	Community Health	MDTs	Crisis/Emergency
Continence	£ 1,169,343.00	DGoH	Continence	Reablement	Community Health	MDTs	Promoting Independence
District nursing 16 teams – 15 teams and out of hours	£ 7,924,352.10	DGoH	District nursing 16 teams – 15 teams and out of hours	Reablement	Community Health	MDTs	Promoting Independence
Macmillan nurses	£ 476,228.00	DGoH	Macmillan nurses	Avoidable Admissions	Community Health	MDTs	Crisis/Emergency
Respiratory specialist nurses - Outpatient Firsts	£ 189,073.58	DGoH	Respiratory specialist nurses	Avoidable Admissions	Community Health	MDTs	Crisis/Emergency
Respiratory specialist nurses - Outpatient Follow ups	£ 245,472.05	DGoH	Respiratory specialist nurses	Avoidable Admissions	Community Health	MDTs	Crisis/Emergency
Tissue Viability - Leg Ulcer Clinic	£ 344,839.00	DGoH	Tissue Viability - Leg Ulcer Clinic	Reablement	Community Health	MDTs	Promoting Independence
Direct payments	£ 1,586,000.00	DMBC	Community Maintenance & Stabilisation	Res Care	Social Care	Personalised C&S	Maintenance and Stabilisation
Direct payments	£ 162,000.00	DMBC	Community Maintenance & Stabilisation	Res Care	Social Care	Personalised C&S	Maintenance and Stabilisation
Direct payments	£ 1,164,840.00	DMBC	Community Maintenance & Stabilisation	Res Care	Social Care	Personalised C&S	Maintenance and Stabilisation
Disabled Facilities Grants	£ 2,867,000.00	DMBC	DFG	Res Care	Social Care	DFG	Maintenance and Stabilisation
Domiciliary Care	£ 6,955,740.00	DMBC	Community Maintenance & Stabilisation	Res Care	Social Care	Personalised C&S	Maintenance and Stabilisation
Domiciliary Care	£ 1,018,000.00	DMBC	Community Maintenance & Stabilisation	Res Care	Social Care	Personalised C&S	Maintenance and Stabilisation
Extra care housing	£ 865,000.00	DMBC	EXCH	Res Care	Social Care	Personalised C&S	Maintenance and Stabilisation
Intermediate Care - DMBC (Packages of Care)	£ 560,000.00	DMBC	Community Maintenance & Stabilisation	Res Care	Social Care	Personalised C&S	Maintenance and Stabilisation
Palliative Care - front end	£ 208,000.00	DMBC	Community Maintenance & Stabilisation	Res Care	Social Care	MDTs	Maintenance and Stabilisation
Supported living	£ 795,000.00	DMBC	Community Maintenance & Stabilisation	Res Care	Social Care	Personalised C&S	Maintenance and Stabilisation
Community mental health team for older people	£ 1,110,129.00	DWMHT	Community mental health team for older people	Reablement	Mental Health	MDTs	Promoting Independence
Internal day care and Dementia Gateways	£ 1,825,000.00	DMBC	Dementia care	z - Dementia Diagnosis	Social Care	Dementia care	Dementia Care
Specialist Dementia Nurses	£ 189,686.00	Other	Dementia care	z - Dementia Diagnosis	Mental Health	Dementia care	Dementia Care
Total	£ 69,546,373						
Minus efficiencies	-£ 2,892,848						
BCF Total	£ 66,653,525						



**Appendix 2**

**Schedule of transfer of funds between NHS England and Dudley Metropolitan Borough Council (MBC) 2014/15**

Scheme	Objective	Amount £
Tiled House Intermediate Care facility	365 admissions from secondary care	1,846,000
Dementia Gateways	Provide dementia support and identification from 3 hubs across the borough	1,623,000
Commissioned home care	62590 of care hours added to the existing care at home provision to support people in their own homes.	865,000
Social Care Emergency response service	39208 hours of contact time with service users	1,005,000
Internally provided reablement services	57,000 Hours of reablement services to support people to return home after a period of care.	1,000,000
Out of hours services	Peripatetic service	213,000
Living independently team	Increased assessment capacity to support reablement services and hospital discharge	603,000
<b>TOTAL</b>		<b>7,155,000</b>