

<b>28 October 2022</b>		<b>ITEM: 7</b>
<b>Health and Well-Being Board</b>		
<b>The Better Care Fund Plan 2022/23</b>		
<b>Wards and communities affected:</b> All	<b>Key Decision:</b> Not Applicable	
<b>Report of:</b> Les Billingham, Interim Director of Adults Social Care, and Stephen Porter, Interim Alliance Director, Mid and South Essex Integrated Care Board		
<b>Accountable Assistant Director:</b> to be confirmed		
<b>Accountable Director:</b> Les Billingham, Acting Director of Adult Social Services		
<b>This report is public</b>		

## Executive Summary

Thurrock's initial Better Care Fund Plan, and Better Care Fund Section 75 Agreement between the Council and NHS, was approved in 2015. The arrangement has allowed the creation of a pooled fund, to be operated in line with the terms of the Plan and the Agreement, to promote the integration of care and support services. The focus of the Better Care Fund to date has been on adults aged 65 and over who are most at risk of admission to hospital or to a residential care home.

The planning requirements for the Better Care Fund Plan for 2022/23 were published by NHS England on 19 July 2022 with a deadline for submission of 26 September 2022. The combination of the short timeframe and the summer holiday did not allow the presentation of the Plan to the Board prior to submission. The Plan has been submitted, and scrutiny by NHS England is underway, with approval letters expected by 30 November 2022.

The Better Care Fund Plan 2022/23 has been developed to reflect the new strategy for adult services – Better Care Together Thurrock – The Case for Further Change 2022-26. A programme of reviews has commenced which will ensure that all services commissioned fully reflect the new strategy, as well as meeting the National Conditions, and demonstrating best value for money.

### 1. Recommendation(s)

1.1 The Board is asked to approve the Better Care Fund Plan for 2022/23.

### 2. Introduction and Background

- 2.1 Thurrock's initial Better Care Fund Plan, and Section 75 Agreement between the Council and the then NHS Thurrock Clinical Commissioning Group, was approved in 2015. The Agreement allowed the creation of a pooled fund, to be operated in line with the terms of the Agreement, to promote the integration of care and support services.
- 2.2 The Host Partner is the Partner responsible for:
  - holding all monies contributed to the Pooled Fund on behalf of itself and the other Partners;
  - providing the financial administrative systems for the Pooled Fund.
- 2.3 The pooled fund is overseen by the Thurrock Integrated Care Alliance made up of officers from the Council and NHS Mid and South Essex Integrated Care Board (NHS MSE ICB). The Alliance receives regular reports on expenditure, quality and activity. The Alliance reports, as required, on the performance of the Fund to the Health and Wellbeing Board, as well as Cabinet and the NHS MSE ICB.
- 2.4 The focus of the Better Care Fund to date has been on adults aged 65 and over who are most at risk of admission to hospital or to a residential care home. Despite 2021/22 being another year of unprecedented challenge following the onset of the coronavirus pandemic, the targets in the BCF Plan Scorecard were met by year-end.
- 2.5 The planning requirements for The Better Care Fund Plan for 2022/23 were published by NHS England on 19 July 2022. With the help of colleagues from across Adults, Housing and Health, and the NHS, the Plan was drafted and submitted to NHS England with the agreement of the parties, and the endorsement of the Essex County Council Commissioners, by the deadline of 26 September 2022.
- 2.6 In the view the short timescale over the summer holidays, and the Board's schedule of meetings, it was not possible to convene a meeting to seek approval from the Board before the submission deadline. NHS England agreed to the proposal that the Board would be asked to approve the Plan, following its submission, at its meeting on 28 October 2022.
- 2.7 The Better Care Fund Plan for 2022/23 has been developed to reflect and implement the new Strategy for Adults: Better Care Together Thurrock – the case for further change 2022-26. A review programme has now commenced which will seek to align each service within the Better Care Fund Plan with the new strategy, while also ensuring it meets the National Conditions set by NHS England and ensuring best value for money.

### 3. Issues, Options and Analysis of Options

#### Value of the Better Care Fund

3.1 The value of Thurrock's Better Care Fund for 2022/23 has been increased to £51.068mn from £50.804m in 2021/22. The Fund consists of a mandatory minimum amount, and additional contributions agreed locally by the Council and NHS MSE ICB. The mandated minimum amount for NHS MSE ICB in 2022/23 is £12.755m. In 2022/23 the Fund includes a £17.122m contribution from the NHS MSE ICB, £5.569m from the Improved Better Care Fund grant and £27.058m contribution from the Council.

3.2 In future years, as part of preparations for the Better Care Fund, the Council and NHS MSE ICB will need to agree how much they are adding to the Fund over and above the mandated amount.

#### Focus of the Fund

3.3 The focus of the Better Care Fund to date has been on adults aged 65 and over who are most at risk of admission to hospital or a residential home. The schemes chosen for the Fund reflected this focus. The future plans are likely to continue this focus, and also will include elements that are population wide including initiatives linked to preventing, reducing and delaying the need for health and social care intervention.

3.4 In June 2022 the Health and Wellbeing Board approved Better Care Together Thurrock – The Case for Further Change as the delivery mechanism for delivery of Goals 1 and 3 of Thurrock's new Health and Wellbeing Strategy. Accordingly the new strategy will form the foundation of the new Better Care Fund Plan. To achieve this a programme to review each service in the Better Care Fund is now underway. These reviews will be completed by March 2023 at which point all services resourced under the Better Care Fund Plan will be appropriately aligned to the new strategy, as well assured as meeting the national conditions, and providing best value for money.

3.5 Despite 2021/22 being a further year of unprecedented challenge following the onset of the coronavirus pandemic, the targets in the BCF Plan Scorecard were met by year-end. In particular the 2021/22 BCF Plan Scorecard shows:

- There were 157 new permanent admissions to residential/nursing care for people 65+ in the year, which equates to 651.5 per 100,000 population. This is 21 under target (87.2 per 100,000 population).
- In Quarter 4, 82 out of 90 discharges from hospital for people 65+ into re-ablement/rehabilitation were at home 91 days later, which equates to 91.1%. This is 4.8% above target.

The following non BCF indicators should also be noted:

- There were 17,470 non-elective admissions in 2021/22. This is a 12% increase compared to the same period last year (increase of 1,892). However, the low numbers of non-elective admissions last year was due to the impact of Covid. Compared to the same period in 19/20, this is a 5% reduction (reduction of 986).

- 678 patients in 2021/22 had stays in hospital lasting longer than 21 days. This is a 38% increase compared to the same period last year (increase of 188). However, the low numbers of long stay patients last year was due to the impact of Covid. Compared to the same period in 19/20, this is a 15% reduction (reduction of 116)
- 9,899 Thurrock patients 65+ attended any A&E department in the year-to-date. This is a 7% increase compared to the same period last year (increase of 672). However, the low numbers of A&E attendances last year was due to the impact of Covid. Compared to the same period in 19/20, this is a 22% reduction (reduction of 2,798).

#### Section 75 Agreement

- 3.6 Thurrock has had a Better Care Fund Plan and associated Section 75 Agreement in place since 2015-16. To date, the requirement has been to produce a yearly plan although the requirement was set aside during the first year of the COVID pandemic. The NHS England Planning requirements for 2022/23 stipulate that the section 75 agreement for 2022/23 is to be signed and in place by 31 December 2022.
- 3.7 Cabinet agreed in July 2021 (Decision: 110575) to give delegated authority to the Corporate Director of Adults, Housing and Health, in consultation with the Cabinet Member for Adults and Communities, to agree annual Section 75 Agreements and Better Care Fund plans and proposals for applicable periods as required, effective from 2021/22. The Agreement is subject to the Council's annual budget setting arrangements, and any changes to the Section 75 can be made with agreement of both parties – Thurrock Council and NHS MSE ICB.
- 3.8 The Plan submitted on 26 September 2022 was signed off by Thurrock Council, the NHS MSE ICB, and endorsed by the Essex County Council Commissioner. When the Plan has been approved by the Board, and assured by NHS England, the necessary delegated authority will be requested and the Agreement will be executed.

#### Overspends and Underspends in the Better Care Fund

- 3.9 The Section 75 Agreement sets out arrangements for overspends and underspends to the Fund. The arrangements will continue and mean that any expenditure over and above the value of the Fund will be the responsibility of either the Council or NHS MSE ICB depending on whether the expenditure is incurred on social care functions or health functions. Arrangements for monitoring expenditure and managing any overspend in an individual scheme are set out in detail within the Section 75 Agreement. Underspends will stay within the Pooled Fund unless otherwise agreed by both parties.

#### Governance

- 3.10 The Council continues to be the host for the pooled Fund. The management of the pooled Fund includes regular oversight by both the Council and NHS MSE ICB through the Thurrock Integrated Commissioning Alliance. The Alliance reports to the Health and Wellbeing Board who receive the meeting

minutes at each Board meeting. A Pooled Fund Manager exists to provide regular reports covering performance, finance and risk.

#### Contracting arrangements

- 3.11 The Council, as host of the Fund and under the terms of the Section 75 Agreement, enters into contracts with third party providers – largely NHS providers. The standard NHS contract is used for these services with the Council becoming an equal commissioning partner.

#### The Annual Governance Statement

- 3.12 This Statement sets out how the Council and NHS MSE ICB are, through effective governance arrangements, complying with the responsibilities set out within the Better Care Fund Section 75 Agreement for Thurrock, and the extant Better Care Fund guidance . The Statement is appended to this report.

#### Policy and Planning for 2022/23

- 3.13 The Department of Health and Social Care published the 2022-23 Better Care Fund Policy Framework on 19 July 2022. The Policy Framework sets out four national conditions that all BCF plans must meet to be approved. These are:
1. A jointly agreed plan between local health and social care commissioners and signed off by the health and wellbeing board.
  2. NHS contribution to adult social care to be maintained in line with the uplift to NHS minimum contribution.
  3. Invest in NHS commissioned out-of-hospital services.
  4. Implementing the BCF policy objectives.
- 3.14 National condition 4 requires that local partners should have an agreed approach to implementing the two policy objectives for the BCF, set out in the Policy Framework:
- i. **Enable people to stay well, safe and independent at home for longer.**
  - ii. **Provide the right care in the right place at the right time.**
- 3.15 For both objectives, the Plan should describe:
- The approach to integrating care to deliver better outcomes, including how collaborative commissioning will support this and how primary, intermediate, community and social care services are being delivered to support people to remain at home, or return home following an episode of inpatient hospital care.
  - How BCF funded services will support delivery of the objective.
- In addition to this, areas are asked to develop plans that outline expected capacity and demand for intermediate care services in the area, covering demand for both services to support people to stay at home (including admissions avoidance) and hospital discharge pathways 0–3 inclusive, or equivalent, for quarters 3 and 4 of 2022-23 across health and social care. This should cover both:
- BCF funded activity
  - non BCF funded activity.

#### **4. Reasons for Recommendation**

- 4.1 Section 75 of the NHS Act 2006 allows partners (NHS bodies and councils) to contribute to a common fund which can be used to commission health or social care related services. This power allows a local authority to commission health services and NHS commissioners to commission social care. It enables joint commissioning and commissioning of integrated services.
- 4.2 The NHS England Planning requirements for 2022/23 stipulate that the Better Care Fund Plan 2022/23 must be agreed by the Board.

#### **5. Consultation (including Overview and Scrutiny, if applicable)**

- 5.1 A specific consultation on the establishment of the pooled fund to drive through the integration of health and social care services, as required under the terms of the Health and Social Care Act 2012, was held in September and October 2014.
- 5.2 There has also been extensive consultation on the new strategy for adults - Better Care Together Thurrock – The Case for Further Change - which forms the foundation of the plan.

#### **6. Impact on corporate policies, priorities, performance and community impact**

- 6.1 A key aim of the Better Care Fund is to reduce emergency admissions, which brings within it the potential to invest in services closer to home to prevent, reduce or delay the need for health and social care services or from the deterioration of health conditions requiring intensive health and care services. This will contribute to the priority of 'Improve Health and Wellbeing' and the vision set out within the refreshed Health and Wellbeing Strategy.
- 6.2 Achieving closer integration and improved outcomes for patients, services users and carers is also seen to be a significant way of managing demand for health and social care services, and so manage financial pressures on both the NHS MSE ICB and the Council.

#### **7. Implications**

##### **7.1 Financial**

Implications verified by: Jo Freeman  
Finance Manager for Management Accounts

The Better Care Fund consists of contributions from the Council and NHS MSE ICB and are included in the body of this report. The mandated amount consists of £12.755m from NHS MSE ICB.

Additional contributions have been confirmed and the value of the pool is £51.068m. The nature of the expenditure is an agreed ring-fenced fund. Financial risk is therefore minimised and governed by the terms set out in the Agreement. Paragraph 3.9 refers. The Fund will be accounted for in accordance with the relevant legislation and regulations, and the agreement between the Local Authority and NHS MSE ICB.

Financial monitoring arrangements are in place, ensuring that auditing requirements are met, as well as disclosure in the financial statements.

## 7.2 Legal

Implications verified by: **click this box once and type name of the officer who has verified the implications**  
**click this box once and type the job title of the officer who has verified the implications**

This report outlines the arrangements for a Better Care Fund Section 75 Agreement between the Council and NHS Thurrock Clinical Commissioning Group. The Council and the NHS Thurrock Clinical Commissioning Group can pursuant to regulations made by the Secretary of State as provided by Sec 75 of the National Health Service Act 2006 enter into prescribed arrangements in relation to the exercise of prescribed functions of NHS bodies and prescribed health related functions of local authorities. This arrangement can include establishment and maintenance of a pooled fund made up of contributions by one or more NHS bodies and one or more local authorities out of which payments may be made towards expenditure incurred in the exercise of both prescribed functions of the NHS body and prescribed health related functions of the local authority. Legal Services is available to provide advice on any specific issues arising from this report.

## 7.3 Diversity and Equality

Implications verified by: Roxanne Scanlon  
Community Engagement and Project Monitoring Officer

The vision of the Better Care Fund is improved outcomes for patients, service users and carers through the provision of better co-ordinated health and social care services. The commissioning plans developed to realise this vision will be developed with due regard to the equality and diversity considerations.

## 7.4 Other implications (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder, or Impact on Looked After Children)

None

**8. Background papers used in preparing the report** (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- Better Care Fund policy framework 2022-23, Published 19 July 2022  
Available via the following link:  
<https://www.gov.uk/government/publications/better-care-fund-policy-framework-2022-to-2023/2022-to-2023-better-care-fund-policy-framework>
- Better Care Fund planning requirements 2022-23, Published 19 July 2022  
Available via the following link:  
<https://www.england.nhs.uk/wp-content/uploads/2022/07/B1296-Better-Care-Fund-planning-requirements-2022-23.pdf>

**9. Appendices to the report**

- The Thurrock Better Care Fund Plan (comprising Planning template, Narrative template and Capacity and Demand template) for 2022-23.
- The Annual Governance Statement 2021/22

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