

Open Report on behalf of Glen Garrod, Executive Director Adult Care and Community Wellbeing

Report to:	Adults and Community Wellbeing Scrutiny Committee
Date:	26 July 2017
Subject:	Better Care Fund

Summary

This item invites the Adults and Community Wellbeing Scrutiny Committee to consider a report on the Better Care Fund which is due to be considered by Councillor Mrs P A Bradwell, Executive Councillor for Adult Care, Health and Children's Services, during August 2017.

The views of the Adults and Community Wellbeing Scrutiny Committee will be reported to the Executive Councillor, as part of her consideration of this item.

Recommendation(s):

1. To consider the attached report and to determine whether the Committee supports the recommendation to the Executive Councillor set out in this report.
2. To agree any additional comments to be passed to the Executive Councillor in relation to this item.

1. Background

Councillor Mrs P A Bradwell, the Executive Councillor for Adult Care, Health and Children's Services is due to consider the attached report on the Better Care Fund during August.

The full report to the Executive Councillor is attached as Appendix A to this report.

The recommended decision addresses a gap in the governance relating to the making of the Lincolnshire Better Care Fund (BCF) submission for 2017/18 and 2018/19, approved by Executive in January 2017. Approval of the recommendations by the Executive Councillor will allow the county's BCF submission to be submitted within the timetable. The recommended delegation will allow individual decisions to be taken in an agile and timely fashion for the spending of the improved BCF Supplementary Funding to achieve the differences that the funding was given to achieve.

2. Conclusion

Following consideration of the attached report, the Adults and Community Wellbeing Scrutiny Committee is requested to consider whether it supports the recommendations within the report and whether it wishes to make any additional comments to the Executive Councillor. The Committee's views will be reported to the Executive Councillor.

3. Consultation

a) Have Risks and Impact Analysis been carried out?

Yes

b) Risks and Impact Analysis

See the body of the main report shown as Appendix A.

4. Appendices

These are listed below and attached at the back of the report	
Appendix A	Better Care Fund – Report to Councillor Mrs P A Bradwell, Executive Councillor for Adult Care, Health and Children's Services For Decision 4 August – 31 August 2017.

5. Background Papers

No background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report.

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Open Report on behalf of Glen Garrod, Executive Director Adult Care and Community Wellbeing

Report to:	Cllr Mrs PA Bradwell, Executive Councillor for Adult Care, Health and Children's Services
Date:	4 August – 31 August 2017
Subject:	Better Care Fund
Decision Reference:	
Key decision?	Yes

Summary:

The report provides an update on the Better Care Fund (BCF) for 2017-19 in light of the BCF planning guidance issued on 4 July 2017.

The paper then focuses on the issues resulting from the Chancellor of the Exchequer's spring 2017 budget which provided a further £15,265m to the County Council for the 2017 financial year and reducing sums following two years to March 2020.

Recommendation(s):

That the Executive Councillor:-

1. Notes the timetable for the making of the Better Care Fund (BCF) submission for 2017/18 and 2018/19 and the National Conditions set out in the Report;
2. Approves the inclusion of the iBCF Supplementary Funding allocated to Lincolnshire in the Lincolnshire BCF submission for 2017/18 and 2018/19
3. Approves the allocation of the iBCF Supplementary funding generally in the following proportions and for the following purposes:-
 - (a) 26% in 2017/18 and 53% in 2018/19 is invested in meeting adult social care needs – predominantly focused on additional carers support, social care staffing (both across the county and in a hospital setting), Mosaic and broader IT investment, and mental health awareness training;
 - (b) 37% in 2017/18 and 23% in 2018/19 is invested in reducing pressures on the NHS – predominantly focused on further support to the Reablement/Quick Response service, Adult Safeguarding, Nursing associates and funding to the CCGs to enable close targeting of funds

to reduce DToC rates this coming winter; and

(c) 37% in 2017/18 and 24% in 2018/19 is invested in stabilising the social care market.

4. Delegates to the Executive Director for Adult Care and Community Wellbeing in consultation with the Executive Councillor for Adult Care, Health and Children's Services, authority to approve the final contents of the BCF submission for 2017/18 and 2018/19 in relation to iBCF Supplementary Funding and in relation to the same funding approve the final form of pooling of the funds and take decisions relating to the use of the funds including the approval of all legal documentation necessary to give effect to such pooling arrangements or such uses.

Alternatives Considered:

The iBCF Supplementary funding must be used for Adult Care and must be spent in accordance with the Grant Conditions. No alternative that would not meet these conditions has been considered.

The proposals set out in recommendation 3 have been developed in consultation with health colleagues and have been identified as the most effective combinations of spending to meet the requirements of the Grant Conditions and the aims of the partners.

Reasons for Recommendation:

The recommended decision addresses a gap in the governance relating to the making of the Lincolnshire BCF submission for 2017/18 and 2018/19 approved by Executive in January 2017. Approval to the recommendations will allow the county's BCF submission to be submitted within the timetable. The recommended delegation will allow individual decisions to be taken in an agile and timely fashion for the spending of the iBCF Supplementary Funding to achieve the differences that the funding was given to achieve.

1. Background

The BCF Planning Guidance for 2017 – 2019 was finally issued on 4 July 2017. The guidance identifies the need to prepare a joint spending plan between the County Council and the four Lincolnshire CCGs, together with a requirement to consult with other local partners. Lincolnshire's BCF for 2016/17 was £196.5m of which £53.5m was the national CCG allocation. In addition to the £53.5m, there are pooled budgets for Learning Disabilities, CAMHS [Child and Adolescent Mental Health Services] and Community Equipment plus 'aligned' Mental Health funds from the same organisations. Following further negotiations in 2016 with Lincolnshire Community Health NHS Trust (LCHS) a further pooled budget for residential and nursing beds was agreed with an annual value of £2.7m.

For 2016/17 both Non Elective Admissions (NEA) and delayed transfers of care (DTC) were a priority, primarily because both nationally and locally NEAs and DTC have increased and are causing additional financial pressures particularly to NHS partners. Lincolnshire's BCF fund is the fourth largest in the country and this does help us to have influence at a national level.

BCF 2017/18 and 2018/19

The overall BCF in Lincolnshire for 2017/18 will be an estimated £215m. In addition to the continuation of existing pooled funds and funding streams, increases result from:

- Inflationary increases in CCG funding, and as a result in the CCG funding for the Protection of Adult Care Services
- The addition of the iBCF funding that was announced in the Chancellor's November 2015 budget. This provides £2.105m in 2017/18, £14.249m in 2018/19 and £25.120m in 2019/20
- The announcement of iBCF Supplementary funding in the Chancellor's March 2017 budget. This provides an additional £15.265m in 2017/18, £9.608m in 2018/19 and £4.761m in 2019/20

The Executive considered the first two of the above increases on 4 January 2017 and approved the making of a BCF submission for 2017/18 and 2018/19 and approved a number of principles to be applied to that submission by the Executive Director for Adult Care and Community Wellbeing who in consultation with the Executive Councillor for Adult Care, Health and Children's Services was given delegated authority to determine the final form and approve the making of the final submission.

It should be noted that the principle approved in January that a performance mechanism be developed to enable the release of Disabled Facilities Grant (DFG) allocations to District Councils has since been superseded as the Grant Conditions on which DFG funding was given to the County Council required the DFG monies to be allocated in full to the District Councils not later than 30 June 2017 which has been done.

At the time of the 4 January decision, the iBCF [*Improved Better Care Fund*] Supplementary funding had not been announced and was therefore not discussed. It has not therefore been formally approved for inclusion in the Lincolnshire BCF submission and does not fall within the scope of the Executive Director's delegated authority granted in January 2017. The iBCF Supplementary funding was reported and approved as part of the Council's overall budget at the Council meeting on 19 May 2017. That paper simply gave Council approval to the funding being invested in Adult Care and gave no detailed analysis of where the funding was to be invested.

This Report therefore seeks approval for the inclusion of the iBCF funding within the BCF submission and "in principle" approval to the proposed uses for the

funding. It also seeks delegation to the Executive Director for Adult Care and Community Wellbeing in consultation with the Executive Councillor for Adult Care, Health and Children's Services of decision-making concerning the inclusion of the funding within the BCF submission and detailed decisions as to how the funding is spent.

iBCF Supplementary Funding - Grant Conditions

The iBCF Supplementary funding is allocated to the County Council in the form of a Section 31 (Local Authority) Grant on a non-recurrent basis.

The grant is accompanied by conditions which are binding on upper tier Local Authorities and are reinforced by the Integration and Better Care Fund Policy Framework 2017/18 – 2018/19. The conditions state:

1. Grant paid to a local authority under this determination is to be spent on adult social care and used for the purposes of meeting adult social care needs, reducing pressures on the NHS – including supporting more people to be discharged from hospital when they are ready - and stabilising the social care provider market.
2. A recipient local authority must:
 - (a) pool the grant funding into the local Better Care Fund, unless the authority has written Ministerial exemption;
 - (b) work with the relevant Clinical Commissioning Group(s) and providers to meet National Condition 4 (Managing Transfers of Care) in the Integration and Better Care Fund Policy Framework and Planning Requirements 2017-19; and
 - (c) provide quarterly reports as required by the Secretary of State.

Spending Supplementary iBCF Funding 2017/18 – 2019/20

In response to the announcement of the additional funding, working sessions have been held within Adult Social Care, with CCG [Clinical Commissioning Group] partners, NHS providers and the Lincolnshire A&E Delivery Board in order to ascertain how best to prioritise this additional funding which, in accordance with the grant conditions set by the Government and the BCF Policy Framework, must be included within the local BCF pooled budget.

The discussions with the four CCGs and other partners have helped develop a financial plan for the years 2017/18 – 2019/20 that meets the three conditions identified in the early section of the above paragraph. The current plan proposes that the £15.265m is invested so that:

- 26% in 2017/18 and 53% in 2018/19 is invested in meeting adult social care needs – predominantly focused on additional carers support, social care staffing (both across the county and in a hospital setting), Mosaic and broader IT investment, and mental health awareness training;

- 37% in 2017/18 and 23% in 2018/19 is invested in reducing pressures on the NHS – predominantly focused on further support to the Reablement/Quick Response service, Adult Safeguarding, nursing associates and funding to the CCGs to enable close targeting of funds to reduce DToC rates this coming winter; and
- 37% in 2017/18 and 24% in 2018/19 is invested in stabilising the social care market.

Investment in this latter area (stabilising the social care market) is focused on investment in the residential market, home care market and similar related investment for those service users who receive a Direct Payment rather than have services provided on their behalf.

This proposed allocation of the funding has been welcomed and supported by NHS partners.

Work is ongoing to determine the detail of how the monies will be pooled with health, and how it will be invested and what documentation will be put in place to secure that the monies are used towards the agreed outcomes, and in accordance with the grant conditions. These are matters that under the proposals recommended in this Report would be determined by the Executive Director in consultation with the Executive Councillor under delegated authority.

BCF National Conditions

The Integration and Better Care Fund Policy Framework 2017/18 – 2018/19, which was published on 31 March 2017 confirms the national conditions and metrics which will apply to BCF Plans with effect from April 2017. (<https://www.gov.uk/government/publications/integration-and-better-care-fund-policy-framework-2017-to-2019>)

The national conditions require that Plans must:

- a) be jointly agreed including approvals via the local Health and Wellbeing Board;
- b) maintain protection of adult social care services;
- c) demonstrate commitment to investment in out-of-hospital services; and
- d) deliver improvements in managing transfers of care (e.g. delayed hospital discharges).

There is also an expectation that the BCF Plan will continue to show progress on the previous national conditions set out in the 2016/17 BCF Plan. These include data sharing, case management for people with multiple conditions, and developing seven-day services. They are still fundamental to transforming integrated care and are expected to be addressed at system level as part of the 44 Sustainability and Transformation Plans in place across the country.

In terms of the national condition targeted to managing transfers of care, each local BCF Plan must evidence in particular how the Department of Health's 'high impact changes for improving hospital discharge' are being implemented locally.

The High Impact Changes Framework is described in the attached link [https://www.local.gov.uk/sites/default/files/documents/Impact%20change%20mode%20managing%20transfers%20of%20care%20\(1\).pdf](https://www.local.gov.uk/sites/default/files/documents/Impact%20change%20mode%20managing%20transfers%20of%20care%20(1).pdf) and provides a basis for each health and care system to assess their local position and identify where further changes are needed so that all the evidence-based and recommended interventions are made.

The grant conditions associated with the new adult social care allocation reference the importance of improved hospital discharge and the Government expects a proportion of the allocation be spent on this priority, according to local gaps and needs.

The proposed allocation of the additional funding set out in this Report is compliant with these National Conditions.

Next Steps

The timetable for the BCF submission is very tight and with national guidance delayed until July the turnaround time for making the submission is challenging especially with the summer recess.

Furthermore there is considerable pressure locally and nationally to see the increased funding make a difference in time for the 2017/18 winter.

The challenging timetable for the making of the submission and the need to begin to spend the supplementary funding means agile decision-making under delegated authority is required. This has already been agreed by the four CCGs and the Health and Wellbeing Board. The Executive Councillor is therefore asked to delegate detailed decision-making to the Executive Director for Adult Care and Community Wellbeing in consultation with the Executive Councillor for Adult Care, Health and Children's Services.

The timeline below describes the BCF submission process as set out in the Planning Guidance issued on 4 July.

Milestone	Date
Publication of Government Policy Framework	31 March 2017
BCF Planning Requirements, BCF Allocations published	4 July 2017
Planning Return template circulated	w/e 7 July 2017
First Quarterly monitoring returns on use of iBCF funding from Local Authorities.	21 July 2017
Areas to confirm draft Delayed Transfers of Care metrics to Better Care Support Team	21 July 2017

Milestone	Date
BCF planning submission from local Health and Wellbeing Board areas (agreed by CCGs and local authorities). All submissions will need to be sent to DCO teams and copied to england.bettercaresupport@nhs.net .	11 Sept 2017
Scrutiny of BCF plans by regional assurers	12 – 25 Sept 2017
Regional moderation	w/c 25 Sept 2017
Cross regional calibration	2 Oct 2017
Approval letters issued giving formal permission to spend (CCG minimum)	From 6 Oct 2017
Escalation panels for plans rated as not approved	w/c 10 Oct 2017
Deadline for areas with plans rated approved with conditions to submit updated plans.	31 October 2017
All Section 75 agreements to be signed and in place	30 Nov 2017
Government will consider a review of 2018-19 allocations of the iBCF grant provided at Spring Budget 2017 for areas that are performing poorly. This funding will all remain with local government, to be used for adult social care.	November 2017

2. Legal Issues:

Equality Act 2010

Under section 149 of the Equality Act 2010, the Council must, in the exercise of its functions, have due regard to the need to:

- *Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act
- *Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- *Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation

Having due regard to the need to advance equality of opportunity involves having due regard, in particular, to the need to:

*Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic

*Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it

*Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low

The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities

Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to tackle prejudice, and promote understanding

Compliance with the duties in section 149 may involve treating some persons more favourably than others

The duty cannot be delegated and must be discharged by the decision-maker. To discharge the statutory duty the decision-maker must analyse all the relevant material with the specific statutory obligations in mind. If a risk of adverse impact is identified consideration must be given to measures to avoid that impact as part of the decision making process

Generally all of the services which are delivered as a result of the supplementary funding directly impact on people with a protected characteristic particularly elderly people and people with a disability. The proposals set out in this report which relate to the financial, organisational and contractual structures that will be put in place between the Council and the CCGs as commissioners of service are not considered to directly impact.

It is at the level of individual services that the greater potential for impact arises. The potential impact of any changes which form part of the BCF submission on people with a protected characteristic will be the subject of detailed analysis prior to their implementation so that the appropriate mitigation strategies can be put into effect.

Joint Strategic Needs Analysis (JSNA) and the Joint Health and Wellbeing Strategy (JHWS)

The Council must have regard to the Joint Strategic Needs Assessment (JSNA) and the Joint Health & Well Being Strategy (JHWS) in coming to a decision

These underpin the BCF and the ways in which the BCF has been developed in accordance with the Joint Strategic Needs Analysis and the Joint Health and Wellbeing Strategy will be detailed in the final BCF submission.

Crime and Disorder

Under section 17 of the Crime and Disorder Act 1998, the Council must exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment), the misuse of drugs, alcohol and other substances in its area and re-offending in its area

The BCF through its improvements in integration between health and care can lead to improvements in the co-ordination and delivery of services such as has already occurred in the field of mental health, learning disability and community equipment services. Some of these services and in particular mental health provide support to individuals to manage behaviours that might on occasion be criminal or anti-social.

3. Conclusion

The Executive on 4 January 2017 approved proposals for the pooling of Better Care Fund monies as they were known at that time. Since then the government has announced and allocated to the Council additional BCF monies. These must now be brought within the overall Better Care Fund arrangements and the principles against which the monies should be spent need to be determined.

This Report seeks the Executive Councillor's approval to the incorporation of the additional funding in the Better Care Fund submission and in principle approval to the way in which the additional funding should be spent. The Report also seeks delegated authority for further decision-making.

4. Legal Comments:

The iBCF Supplementary Funding that is the subject matter of the Report must be spent on Adult Care and in accordance with the Grant Conditions as set out in the Report.

The decision is consistent with the Policy Framework and within the remit of the Executive Councillor if it is within the budget.

5. Resource Comments:

The iBCF and Supplementary iBCF Funding results in additional funding to Lincolnshire County Council over the next three years as described in the 2015 Chancellor's November 2015 budget statement and 2016 March Budget Statement.

The iBCF fund provides £2.105m in 2017/18, £14.249m in 2018/19 and £25.120m

in 2019/20. The Supplementary iBCF funding provides £15.265m in 2017/18, £9.608m in 2018/19 and £4.761m in 2019/20.

The funding described must be spent on Adult Care services must also be included in the wider pooling of the funds required for the overall BCF

The governance process regarding the use the funds detailed is consistent with the Council's financial procedures.

6. Consultation

a) Has Local Member Been Consulted?

No

b) Has Executive Councillor Been Consulted?

Yes

c) Scrutiny Comments

This Report will be considered at Adults and Community Wellbeing Scrutiny Committee on the 26 July 2017 and the comments of the Committee will be reported to the Executive Councillor.

d) Have Risks and Impact Analysis been carried out??

Yes

e) Risks and Impact Analysis

See the body of the Report

7. Background Papers

The following Background Papers within the meaning of section 100D of the Local Government Act 1972 have been used in the preparation of this Report

Background paper	Where it can be obtained
Executive Report – BCF Narrative Plan 2017/18 – 2018/19 dated 4 January 2017	Democratic Services

This report was written by David Laws/David Coleman, who can be contacted on 01522 554091/01522 552134 or

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