



Date of Meeting	28 th July 2020
Portfolio	Cabinet Member for Adult Care
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Public/Private Document	Public

Update on the Integrated Health & Social Care Pooled Fund Section 75 Agreement

Executive Summary

1. This report updates the Integrated Commissioning Board (ICB) that the updated Integrated Health & Social Care Pooled Fund Section 75 Agreement for 2020/21 has been updated and submitted for sign off by both the LA and Heywood, Middleton & Rochdale Clinical Commissioning Group (HMR CCG).

Recommendation

2. It is recommended that ICB note that the Integrated Health & Social Care Pooled Fund Section 75 Agreement for 2020/21 has been updated and submitted for sign off.

Reason for Recommendation

3. ICB delegated the final sign off of the agreement to the Pooled Fund Manager / Chief Finance Officer for Health & Social Care Integration. This report provides an update to ICB regarding progress on this matter for 2020/21.

Key Points for Consideration

- 4.1 The updated Integrated Health & Social Care Pooled Fund Section 75 Agreement for 2020/21 has been updated and submitted for sign off by both the LA and Heywood, Middleton & Rochdale Clinical Commissioning Group (HMR CCG).
- 4.2 As with the previous Section 75 Agreement, this is a 2 year Agreement and the schedules will be updated annually.

- 4.3 The Section 75 agreement has been updated to reflect:-
- The 2020/21 partner contributions to the Health and Social Care Pooled Fund and Better Care Fund and details on how the Better Care Fund is intended to be spent.
 - The updated risk share agreement for 2020/21 agreed at ICB and Cabinet in May.
 - The latest ICB Terms of Reference.

Alternatives Considered

- 4.4 A signed Section 75 agreement is a legal requirement for the operation of a pooled fund, as such, there is no alternative to this. There is the option of having two Section 75 Agreements, one for each Pool. As the only differences between the pools simply relate to the risk share agreements and the levels of contributions made by the Partners, it is considered to be more effective to have a single Section 75 with different Schedules reflecting the varying risk share arrangements / contributions made by Partners.

Costs and Budget Summary

5. There is no specific financial impact arising out of the updated Section 75 agreement. The agreement merely now has the two different risk share agreements that have been agreed by both Partners for the two pooled funds.

Risk and Policy Implications

6. Section 75 of the NHS Act 2006 allows local authorities and NHS bodies to enter into partnership arrangements to provide a more streamlined service and to pool resources, if such arrangements are likely to lead to an improvement in the way their functions are exercised. The legal mechanisms allowing budgets to be pooled under the section 75 partnership agreement enable greater integration between health and social care and more locally designed services. Section 75 permits formation of a pooled budget comprised of contributions by both the LA and the CCG from which payments can be made towards expenditure incurred in the exercise of both prescribed functions of the NHS body and health-related functions of the LA. The Act precludes CCGs from delegating any functions relating to family health services, the commissioning of surgery, radiotherapy and certain other invasive treatments and emergency ambulance services. For local authorities, the services that can be included within section 75 arrangements are broad in scope and a detailed exclusions list is contained within Regulations of the NHS Bodies and Local Authorities Partnership Arrangements Regulations 2000.

Consultation

7. This report has been produced in consultation with colleagues from both the LA and HMRCCG.

Background Papers	Place of Inspection
8. There are no background papers	
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