

## Report to Integrated Commissioning Board



Date of Meeting	29th June 2021
Portfolio	Cabinet Member for Health & Wellbeing
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Public/Private Document	Public

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

#### **Executive Summary**

- 1.1 This report updates the Integrated Commissioning Board (ICB) on the Integrated Health & Social Care Pooled Fund Section 75 Agreement for 2021/22. The Section 75 was signed by both the LA and Heywood, Middleton & Rochdale Clinical Commissioning Group (HMR CCG) in 2020/21 and covers 2 years being 2020/21 and 2021/22.

#### **Recommendations**

- 2.1 It is recommended that ICB note that the Integrated Health & Social Care Pooled Fund Section 75 Agreement covers the period 2020/21-2021/22 and has been updated to reflect the 2021/22 budgets.
- 2.2 ICB note that the pausing of the risk share agreement for the Health & Social Care Pooled budget in 2020/21 as a result of the pandemic, will continue for 2021/22.

## Reason for Recommendation

- 3.1 ICB delegated the final sign off of the agreement to the Pooled Fund Manager/ Chief Finance Officer for Health & Social Care Integration and a 2 year Section 75 agreement was signed off in 2020/21. This report provides an update to ICB regarding the opening budgets agreed for 2021/22 within the Section 75 agreement.

## Key Points for Consideration

- 4.1 The updated Integrated Health & Social Care Pooled Fund Section 75 Agreement for 2020/21- 2021/22 was signed off in 2020/21 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.
- 4.3 The Section 75 agreement has been updated to reflect:-
- The 2021/22 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.

4.4 **Alternatives Considered**

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

- 5.1 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

- 6.1 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.

<b>Background Papers</b>	<b>Place of Inspection</b>
8. There are no background papers	
For further information about this report or access to any background papers contact Gareth Davies	Gareth Davies ( for Adult Care Directorate & Public Health & Integrated Directorate)  Tel: 01706924888  gareth.davies@rochdale.gov.uk