

	<b>Health and Wellbeing Board</b> <b>11<sup>th</sup> May 2023</b>
<b>Title</b>	<b>Section 75 Review - update</b>
<b>Report of</b>	Executive director – Communities, Adults and Health Executive Director – Children’s and Family Services
<b>Wards</b>	All
<b>Status</b>	Public
<b>Urgent</b>	No
<b>Key</b>	No
<b>Enclosures</b>	Appendix A – BCF and Section 75 report
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## Summary

In March 2023 the north central London (NCL) Integrated Care Board (ICB) and the five north London councils of Barnet, Camden, Enfield, Haringey and Islington conducted a review of all existing Section 75 (S75) agreements and the Better Care Fund (BCF).

S75 agreements (under the NHS Act 2006) provide a legal framework for councils and the NHS to enter into pooled or aligned budget arrangements to commission health and social care related services and integrated services.

The BCF is a national policy requiring ICBs and councils to enter into pooled funding arrangements to develop integrated health and social care, with defined criteria, conditions and nationally set performance metrics. Health and Wellbeing Boards (HWBs) are responsible for the BCF in their area and sign off the BCF plan.

The purpose of the review was to assess the extent to which the current schemes support the integrated care ambitions of each council, the ICB and the borough partnership; and offer value for money. This report provides an update on the review or services in Barnet.

In total, there is £467m of spend, funding a range of services for children, young people and adults across NCL ICB and the five boroughs. In Barnet, S75 agreements and the BCF account for £56.1m of spend on health and social care services.

## Officers Recommendations

- 1. That the Health and Wellbeing Board note the outcome of the Better Care Fund and Section 75 review**

### 1. Why this report is needed

- 1.1 The purpose of this report is to update the HWB on the outputs of the S75 and BCF review. Officers in Barnet worked alongside ICB colleagues to carry out a review that comprised of assessing value for money, alignment with local and NCL objectives, opportunities for greater integration and the potential for improvements and alternative options.
- 1.2 The schemes were reviewed during March and April. A report containing the recommendations for Barnet is now being presented to the HWB in May.
- 1.3 In Barnet, S75 agreements and the BCF account for £56.1m of spend on health and social care services annually, as can be seen in the table below.

Borough	Barnet	Camden	Enfield	Haringey	Islington	Total
ICB Min Contribution	29,344	22,289	24,908	22,211	22,045	120,797
Improved Better Care Fund (iBCF)	9,622	12,874	11,726	9,806	14,501	58,529
Disabled Facilities Grant (DFG)	2,885	1,047	3,736	2,679	1,940	12,287
BCF Discharge Fund	2,939	2,006	2,655	2,214	2,056	11,870
<b>Total BCF</b>	<b>44,790</b>	<b>38,216</b>	<b>43,025</b>	<b>36,910</b>	<b>40,542</b>	<b>203,483</b>
<b>Section 75 (Non BCF)</b>	<b>11,399</b>	<b>70,588</b>	<b>9,211</b>	<b>117,437</b>	<b>54,915</b>	<b>263,550</b>
<b>Section 75 Grand Total (£'000)</b>	<b>56,189</b>	<b>108,804</b>	<b>52,236</b>	<b>154,347</b>	<b>95,457</b>	<b>467,033</b>

- 1.4 The agreements cover both children and young people's services and those for adults. In children's services, this includes therapies and mental health. In adult services, it includes community health services, equipment, social care, and learning disability support.
- 1.5 There are five S75s for children services:

Section 75s	Description
Children's Integrated Therapies	Sets out joint arrangements for commissioning and funding therapies provision for children in the borough delivered by the Whittington Health NHS Trust.
Children's Mental Health & Wellbeing Early Help Services	Covers funding made available from the ICB to Children's & Family services to commission a range of

	early help provision within the Getting Help and Getting More Help domains of the THRIVE model.
Mental Health Support Teams in schools	Sets out arrangements for funding provided by NHSE for provision in schools that is currently delivered by the Barnet Integrated Clinical Service (BICS).
Looked After Children (LAC)	Covers joint funding of the LAC nursing team delivered by Central London Community Healthcare Trust (CLCH).
Mental Health Provision within Youth Justice Service (YJS),	Sets out arrangements for funding from NHSE provided to the YJS for a speech & language therapist, forensic psychologist and Diversion & Liaison Officer

1.6 There are three S75s for adult services:

Section 75	Description
Integrated Specialist Community Learning Disabilities Team	Covers the Learning Disabilities nursing and health functions provided by Central London Community Healthcare Trust (CLCH) and mental health specialist services provided by Barnet, Enfield and Haringey Mental Health Trust (BEH).
The Learning Disabilities Campus	Sets out the arrangements for a specialist residential service for adults with learning disabilities.
The Better Care Fund schedule	Details the services supporting health and care integration and joint working.

## 2. Reasons for recommendations

2.1 Barnet's Health and Wellbeing Board is responsible for the BCF and S75 agreements between the NHS and the council. It is essential that the HWB is fully briefed on the review and provides direction and oversight.

## 3. Alternative options considered and not recommended

3.1 Not applicable in the context of this report.

## 4. Post decision implementation

4.1 Recommendations from the review to be incorporated into the planning of the 2023-25 BCF Plan.

## 5. Implications of decision

### 5.1 Corporate Priorities and Performance

- 5.1.1 The Barnet Plan – Caring for people, our places and the planet, sets out that integrated care is a priority. The S75 agreements and the BCF form a core part of the ambition to provide effective integrated care.
- 5.1.2 These agreements and the purpose of the BCF also support the achievement of the Joint Health and Wellbeing Strategy, (JHWS) which emphasises integrated, joined up care for those who need it.

### 5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

- 5.2.1 The total value of the S75 agreements and the BCF for Barnet, by area of spend and organisation is set out in the table below.

Area of spend	Barnet			Camden			Enfield			Haringey			Islington			Total		
	Budget	ICB	LA	Budget	ICB	LA	Budget	ICB	LA	Budget	ICB	LA	Budget	ICB	LA	Budget	ICB	LA
CAMHS	925	925	0	11,091	8,100	2,991	17	17	0	2,935	1,785	1,151				14,968	10,826	4,142
Learning Disabilities	5,166	3,193	1,973	17,823	6,737	11,086	5,616	2,386	3,230	43,348	12,452	30,896	40,904	5,580	35,324	112,857	30,349	82,509
Mental Health	1,415	475	940	19,874	9,650	10,224	2,515	1,634	882	63,376	46,781	16,596	13,510	6,548	6,962	100,690	65,087	35,603
CIC	648	324	324	2,382	2,382	0	592	592	0	347	347	0	388	388	0	4,357	4,033	324
Children's	3,631	2,983	648	20,248	10,349	9,899	427	302	125	7,225	297	6,928				31,532	13,931	17,601
Safeguarding				315	65	250	0	0	0							315	65	250
Community	13,837	13,837	0	8,203	8,203	0	13,730	12,687	1,043	13,762	13,741	21	9,450	8,592	858	58,982	57,061	1,921
Primary Care				270	270	0				985	985	0	463	463	0	1,717	1,717	0
Social Care	29,067	15,405	13,662	28,600	13,608	14,992	29,173	11,620	17,552	22,368	8,926	13,442	30,741	12,659	18,082	139,949	62,218	77,731
End of Life care	1,499	1,499	0				167	167	0							1,667	1,667	0
<b>Grand Total</b>	<b>56,189</b>	<b>38,642</b>	<b>17,547</b>	<b>108,805</b>	<b>59,363</b>	<b>49,442</b>	<b>52,237</b>	<b>29,406</b>	<b>22,831</b>	<b>154,346</b>	<b>85,313</b>	<b>69,034</b>	<b>95,456</b>	<b>34,230</b>	<b>61,226</b>	<b>467,033</b>	<b>246,953</b>	<b>220,080</b>

### 5.3 Legal and Constitutional References

- 5.3.1 Article 7 of the council constitution sets out the functions of the Health and Wellbeing Board. These functions are:

- To jointly assess the health and social care needs of the population with NHS commissioners and use the findings of a Barnet Joint Strategic Needs Assessment (JSNA) to inform all relevant local strategies and policies across partnership.
- To agree a Health and Wellbeing Strategy (HWBS) for Barnet taking into account the findings of the JSNA and strategically oversee its implementation to ensure that improved population outcomes are being delivered.
- To work together to ensure the best fit between available resources to meet the health and social care needs of the whole population of Barnet, by both improving services for health and social care and helping people to move as close as possible to a state of complete physical, mental and social wellbeing. Specific resources to be overseen include money for social care being allocated through the NHS; dedicated public health budgets; the Better Care Fund; and Section 75 partnership agreements

between the NHS and the Council.

- To provide collective leadership and enable shared decision making, ownership and accountability.
- To promote partnership and, as appropriate, integration, across all necessary areas, including joined-up commissioning plans and joined-up approach to securing external funding across the NHS, social care, voluntary and community sector and public health.
- To explore partnership work across the North Central London area where appropriate.

Specific responsibilities for:

- Overseeing public health and promoting prevention agenda across the partnership
- Developing further health and social care integration.

5.3.2 Section 75 agreements are made under s75 of the National Health Services Act 2006). Section 75 agreements can include arrangements for pooling resources and delegating certain NHS and local authority health-related functions to the other partner(s) if it would lead to an improvement in the way those functions are exercised.

## 5.4 Insight

5.4.1 There are no insight implications in relation to the recommendations of this report.

## 5.5 Social Value

5.5.1 The Public Services (Social Value) Act 2013 requires people who commission public services to think about how they can also secure wider social, economic and environmental benefits. There are no social value implications in relation to the recommendations in this report.

## 5.6 Risk Management

5.6.1 Both the Council and the ICB have established approaches to risk management, which are set out in their respective risk management frameworks. The review will be carried out in accordance with both organisation's approaches to risk management

## 5.7 Equalities and Diversity

5.7.1 A public authority must, in the exercise of its functions, have due regard to the need to:

- a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- b) Advance equality of opportunity between persons who share a relevant protected

- characteristic and persons who do not share it;
- c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

5.7.2 Having due regard to the need to advance equality of opportunity 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:

- a) Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- b) 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;
- c) 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.

5.7.3 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.

5.7.4 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:

- a) Tackle prejudice, and
- b) Promote understanding.

5.7.5 Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act. The relevant protected characteristics are:

- a) Age
- b) Disability
- c) Gender reassignment
- d) Pregnancy and maternity
- e) Race
- f) Religion or belief
- g) Sex
- h) Sexual orientation
- i) Marriage and civil partnership

5.7.6 Advice on completing Equality Impact Assessments (EIAs) can be found [here](#).)

## 5.8 Corporate Parenting

5.8.1 In line with Children and Social Work Act 2017, the council has a duty to consider Corporate Parenting Principles in decision-making across the council. The services contained within S75 agreements for children's services are directly relevant to corporate parenting and meeting the needs of looked after children and care experienced young people. Services within the adults agreement are relevant to care

experienced adults with health and care needs and it is important that services are accessible and effective for this group of people.

## 5.9 Consultation and Engagement

5.9.1 Any changes arising from the review will be subject to appropriate engagement and consultation, in accordance with the policy of the relevant organisation.

## 5.10 Environmental Impact

5.10.1 There are no direct environmental implications from noting the recommendations.

## 6. Background papers

6.1 Review of Section 75 funding (including Better Care Fund) [\(Public Pack\) Supplement - Item 12 - Section 75 funding Agenda Supplement for Health & Wellbeing Board, 16/03/2023 09:30 \(moderngov.co.uk\)](#)