

Forward Plan reference number: FP/311/02/22

Report title: <i>Adjustments to the Better Care Fund in 2021/22</i>	
Report to: Councillor Kevin Bentley, Leader of the Council	
Report author: Patrick Higgs, Director of ASC Essex Operations (Deputy to the DASS)	
Date: March 2022	For: Decision
Enquiries to: Matthew Williamson, Senior Finance Business Partner	
County Divisions affected: All Essex	

1. Everyone's Essex

- 1.1 Everyone's Essex sets out the strategic aim of health, wellbeing and independence for all ages. Within that aim is a commitment to helping vulnerable people to live independently and free from abuse and neglect, by enabling an effective care market and strong domiciliary support.
- 1.2 The purpose of this paper is to support this objective by working with partners in the NHS, to make best use of the financial resources available, to support those people leaving hospital and to support the care market.
- 1.3 The five Clinical Commissioning Groups (CCGs) across Essex (Mid Essex CCG, Basildon and Brentwood CCG, Castle Point and Rochford CCG, North East Essex CCG, West Essex CCG (Essex CCGs)) have identified funding in the 2021/22 financial year to support the health and care system in securing capacity and mitigating against emerging financial pressures. The details of these are set out separately below.
- 1.4 The contribution from the Essex CCGs will be used to support financial commitments already incurred throughout 2021/22 to support hospital discharges and will enable the Better Care Fund (BCF) pool to be increased, for use in future years.
- 1.5 This additional contribution and use in future years will enable further investment in services that support and promote independence for those Essex residents leaving hospital, or at risk of hospital admission.
- 1.5 The proposals in this paper do not create any additional climate impacts and are therefore consistent with our future net zero climate commitments set out in Everyone's Essex.

2 Recommendations

- 2.1 Agree to receive voluntary contributions to the BCF Pooled Fund from the five Essex CCGs, totalling £8.2m,

- 2.2 Agree that £787,000 is returned to the Covid Equalisation Reserve from the Adult Social Care and Health portfolio relating to funding which is no longer required to deliver the Adult Social Care Workforce Support Fund (decision FP/186/10/21) within North East Essex.
- 2.3 Agree to vary the six section 75 agreements with the Essex CCGs relating to the BCF entered into by the Council with the five Essex CCGs, to include these voluntary contributions into the BCF Pooled Fund.
- 2.4 Agree that the Executive Director, Adult Social Care is authorised to agree the terms of the deeds of variation required to vary the six BCF section 75 agreements.

3 Background and Proposal

- 3.1 BCF is a pooled fund between Essex County Council and the five Essex CCGs. The BCF funds a variety of services that support Essex residents, including services such as reablement and 'bridging' services that support people after they have been discharged from hospital; the provision of care in the home for people with care needs; and investments that support training and quality improvement in the Essex care market.
- 3.2 Since March 2020, the government has provided funding through the Hospital Discharge Programme (HDP) to help cover some of the cost of post-discharge recovery and support services or rehabilitation and reablement care following discharge from hospital. This funding will cease on 31 March 2022, while many of the legacy costs of the new hospital discharge model will need to continue.
- 3.3 Additional monies have been identified by the five Essex CCGs, to contribute toward legacy costs incurred by hospital discharges, funded through the BCF. It is proposed that the voluntary additional contribution be paid to ECC and added to the BCF pooled fund.
- 3.4 This receipt of additional funds will enable ECC to reprioritise funds within the BCF pool from previously committed spend (itemised in section 6.1) to allow further investment in future years.
- 3.5 BCF guidance states that areas can agree to pool additional funds into their BCF plan and associated Section 75 agreement(s). These additional contributions are not subject to the conditions of the BCF but should be recorded in the Planning Template that is required to be submitted to NHS England annually.
- 3.6 In addition, the guidance states that any changes to BCF plans (assured and approved by NHS England) arising in-year must be jointly agreed between the Local Authority and CCG to continue to meet the conditions and requirements of the BCF.

- 3.7 As permitted under the BCF Section 75 agreement and following the approval in principle of the Section 151 Officer, the Essex CCGs and the Council have agreed that an additional contribution can be paid by Essex CCGs into the BCF Pooled Fund to cover the cost of services delivered in the financial year 2021/22.
- 3.8 North East Essex CCG have also identified £787,000 to contribute to the Adult Social Care Workforce Support Fund. ECC had previously taken a decision resulting in payments of £787,000 to providers in North East Essex under the Adult Social Care Workforce Support Fund and drawn down from reserves for this purpose. As North East Essex CCG have provided identical funding it is possible to return the unused drawn down ECC funds to the Covid Equalisation Reserve.
- 3.9 The Council and BCF partners intend to use the under spend of £7.4m realised following the voluntary contributions to the BCF Pooled Fund to finance schemes to be finalised with partners, for the 2022/23 financial year. This will continue to support residents on care pathways out of hospital.

4 Links to our Strategic Ambitions

- 4.1 This report links to the following strategic priorities in the emerging Organisational Strategy 'Everyone's Essex':
- A strong, inclusive and sustainable economy
 - Health wellbeing and independence for all ages

5 Options

- 5.1 Option 1. Do nothing (not recommended)

To not accept the funds from the Essex CCGs would mean that costs incurred in respect of hospital discharges are met by ECC.

- 5.2 Option 2. Support the proposal and receive the funds from the Essex CCGs and use this as a contribution to costs already incurred, enabling funds to be returned to the BCF, for use in future years on agreed priorities (recommended)

6 Issues for Consideration

6.1 Financial implications

- 6.1.1 The additional funding contribution from the five Essex CCGs totals £8.2m and relates to the delivery and expenditure of the schemes set out in the summary table below in the financial year 2021/22.

Area of Spend 2021/22	North East Essex	West Essex	Basildon and Brentwood	Castle Point and Rochford	Mid Essex	Total
Local iBCF	£0.44m	£0.15m	£0.34m	£0.49m	£0.21m	£1.62m
In Lieu of Reablement	£1.08m	£0.54m	£0.81m	£0.88m	£0.83m	£4.14m
Bridging (net of HDP)	-	£0.08m	£0.03m	£0.03m	£0.70m	£0.85m
Intermediate Care Beds	-	£0.80m	-	-	-	£0.80m
Subtotal iBCF	£1.52m	£1.56m	£1.17m	£1.40m	£1.75m	£7.41m
Workforce Grant	£0.79m	-	-	-	-	£0.79m
Total	£2.31m	£1.56m	£1.17m	£1.40m	£1.75m	£8.20m

6.1.2 Schemes totalling £7.4m were originally committed against the Improved BCF grant, The additional monies from Essex CCGs mean that the surplus balance will be reallocated to the priority schemes within each locality as part of the plan for the 2022/23 financial year.

6.1.3 Expenditure related to the Adult Social Care Workforce Support Grant was originally funded through the Covid Equalisation Reserve (CER). The £787,000 contribution from North East Essex CCG reflects the amount spent in North East Essex in relation to workforce support and therefore that amount will be returned to the CER and instead funded by North East Essex CCG.

6.1.4 A key risk to the Council and health partners is the lost income from the HDP, which ceases on 31 March 2022, while demand pressures are expected to remain. The recommendations set out in this document ensure that available resources are maximised in future financial years to support the health and care needs of residents in Essex.

6.2 Legal implications

6.2.1 Both the BCF guidance and the section 75 agreements creating the BCF Pooled Fund permit the injection of voluntary contributions into the BCF Pooled Fund.

6.2.2 The Council and the CCGs will need to execute a deed of variation of the County-wide BCF section 75 agreement and, possibly, the five bilateral section 75 agreements, creating separate smaller funds for certain elements of the BCF grant so as to include the CCGs' voluntary contributions to the relevant BCF Fund.

7 Equality and Diversity Considerations

7.1 The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

7.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).

7.3 The recommendations in this report are designed to ensure that the Council meets the need of social care users, most of whom are disabled. We do not believe that there will be a significant adverse impact on any people with a protected characteristic.

8 List of Appendices

none

9 List of Background Papers

none

I approve the above recommendations set out above for the reasons set out in the report.	Date
Councillor Kevin Bentley, Leader of the Council	28 March 2022

In consultation with:

Role	Date
Councillor John Spence, Cabinet Member for Adult Social Care and Health	18.03.22
Executive Director, Corporate Services (S151 Officer) Stephanie Mitchener on behalf of Nicole Wood	23 March 2022
Director, Legal and Assurance (Monitoring Officer)	23 March 2022
[XXXXXXX on behalf of] Paul Turner	