



City of Westminster

Cabinet Member

Meeting or Decision Maker:	Cabinet Member for Adult Social Care, Public Health and Voluntary Sector
Date:	03 January 2024
Classification:	General Release
Title:	Authority to Enter into a Section 75 Agreement Between the City of Westminster and North West London Integrated Care Board (NWL ICB)
Wards Affected:	All
Policy Context:	Fairer Communities
Key Decision:	Yes - Decision is likely to result in significant expenditure or savings
Financial Summary:	The Westminster Better Care Fund Plan covers £49.995m of spend to meet national and local priorities. In addition, there is £5.436m of funding for expenditure outside of this. There is a focus on supporting people to remain at home and/ or to support their care following a discharge from a hospital. It is also seen by Government as a key mechanism for supporting health and care integration. The Plan has been developed in partnership with Health and was approved by the Joint Health and Wellbeing Board on 8 June 2023.
Report of:	Bernie Flaherty, Executive Director Adult Social Care and Health

1. Executive Summary

- 1.1 This report seeks approval to delegate authority to the Executive Director of Adult Social Care and Health to enter into a partnership agreement to manage the Better Care Fund (BCF) under Section 75 (s75) of the NHS Act 2006. The agreement is with NHS NORTHWEST LONDON INTEGRATED CARE BOARD (NWL ICB) and will cover the 2023/25 period.
- 1.2 A condition of national BCF grant funding is for a signed s75 agreement to be in place by the end of October 2023. The last s75 covered 2021/22 and 2022/23.
- 1.3 The s75 Agreement will be signed jointly by the Executive Director of Adult Social Care and Health and the NW London Integrated Care Board (NWL ICB) Accountable Officer.

2. Recommendations

- 2.1 It is recommended for the Cabinet Member for Adult Social Care, Public Health and Voluntary Sector delegate the authority to the Executive Director for Adult Social Care and Public Health:
 - 2.1.1 To negotiate and finalise the terms for the s75 Agreement for Better Care Funded Services between the City of Westminster and the NWL ICB.
 - 2.1.2 To negotiate and finalise appropriate terms for any variations to the s75 Agreement for Better Care Funded Services, in consultation with the Cabinet Member for Adult Social Care, Public Health and Voluntary Sector.

3. Reasons for Decision

- 3.1 One of the most ambitious programmes ever introduced across the NHS and local government, the Better Care Fund (BCF) encourages integration by requiring ICBs and local authorities to enter into pooled budget arrangements and agree an integrated spending plan.
- 3.2 The BCF national condition for grant funding is that a signed s75 agreement is in place between the local authority and the ICB. If this condition is not met, NHS England is able to direct the ICB in our Health and Wellbeing Board area about the use of the funding.
- 3.3 A Key Decision is required if the local authority incurs expenditure which is, or the making of savings which are, significant having regard to the relevant local authority's budget for the service or function to which the decision relates or has significant local impact on communities living across two or more wards of the borough.

4. Background, including Policy Context

- 4.1 The Westminster BCF Plan covers £49.995m of spend to meet national and local priorities. There is a focus on supporting people to remain at home and/or to support their care following a discharge from a hospital. It is also seen by Government as a key mechanism for supporting the integration of health and care. The BCF plan has been developed in partnership with Health, was approved by the Joint Health and Wellbeing Board on 8 June 2023, and was submitted for approval to NHS England (NHSE) for approval. This has been received.
- 4.2 The s75 agreement between the Council and NWL ICB provides clarity about the responsibilities of both Parties, prevents ambiguity, and provides a reference point for addressing shared challenges. If agreed by the Parties, the s75 agreement will provide the legal basis and flexibility for the pooling of resources, in support of our overall integration plans.
- 4.3 This will enable the strategic and more efficient commissioning of locally tailored health and social care services, leading to improvements in the way care and support is provided and delivering better outcomes for residents and patients. It also enables the Parties to comply with the national BCF requirements. If this decision is not agreed, then there would be no legal agreement in place for these arrangements.

5. Financial Implications

- 5.1 The Joint Health and Wellbeing Board agreed the BCF plan on 8 June 2023. The breakdown the plan is shown in the table below.

BCF Funding Allocation	2023/24 Allocation	2024/25 Provisional allocation
Minimum NHS Contributions	£24,627,423	£26,021,335
Additional NHS Contributions	£2,941,559	£2,941,559
Improved Better Care Funding (iBCF)	£17,649,014	£17,649,014
Disabled Facility Grant - DFG	£1,729,201	£1,729,201
ASC Discharge Funding:		
· LA allocation	£2,474,364	£4,107,445
· ICB allocation	£563,454	£573,454
Total BCF Grant	£49,995,015	£53,022,008

- 5.2 Within the s75 agreement, there is £5.436m additional income received from Health, which is classed as outside of the BCF. This is largely to cover

Section 117 expenditure for services such as Learning Disability, Mental Health and Physical Support.

- 5.3 The BCF funding levels for financial year 2024/25 are not known. Therefore, the financial schedules for BCF and outside BCF within the s75 agreement will need to be updated as part of an annual review.

6. Legal Implications

- 6.1 National Health Service Act 2006 and the NHS Bodies and Local Authorities Partnership Arrangements Regulations 2006 provide for the local authorities and NHS bodies (including the ICB) to be able to enter into partnership agreement to manage and maintain pooled funds for health-related integrated services delivery. Legal advice has been provided on the development of the new s75 agreement and a draft of the agreement has been prepared. The ICB have also sought their own independent legal advice on the agreement. The decision being sought from the Cabinet Member for Adults Social Care, Public Health and Voluntary Sector for delegation of authority to the Executive Director for Adult Social Care and Health will enable the Council to continue to efficiently meet the statutory requirements associated with the integrated delivery of services and functions, working in partnership with the ICB within the framework of the s75 provisions.

7. Carbon Impact

- 7.1 The decision will have no carbon impact. As the key decision is about the allocation of funding for delivering adult social care and health services it is not possible to undertake a carbon assessment.

8. Equalities Implications

- 8.1 The individual work programmes are designed to tackle health inequalities within the borough, and this will be done through the borough's and NWL ICB's joint priorities. All the schemes are designed to support people's health and wellbeing and there should be no negative impacts on any of the protected characteristics.

9. Consultation

- 9.1 The BCF plan has been developed in partnership with Health and was approved by the Joint Health and Wellbeing Board on 8 June 2023. It authorised the s75 agreement to be signed on 5 October 2023.

If you have any queries about this Report or wish to inspect any of the Background Papers, please contact:

Grant Aitken, Head of Health Partnerships

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BACKGROUND PAPERS

[Joint Health and Well Being Board – 8 June 2023](#)

For completion by the **Cabinet Member for Adult Social Care, Public Health and Voluntary Sector**

Declaration of Interest

I have no interest to declare in respect of this report

Signed: N. Butler-Thalassis Date: 21 December 2023

NAME: **Councillor Nafsika Butler-Thalassis**

State nature of interest if any:

(N.B: If you have an interest, you should seek advice as to whether it is appropriate to make a decision in relation to this matter)

For the reasons set out above, I agree the recommendation(s) in the report entitled **Authority to Enter into a Section 75 Agreement Between the City of Westminster and North West London Integrated Care Board (NWL ICB)** and reject any alternative options which are referred to but not recommended.

Signed: N. Butler-Thalassis

Cabinet Member for Adult Social Care, Public Health and Voluntary Sector

Date: 21 December 2023

If you have any additional comment which you would want actioned in connection with your decision you should discuss this with the report author and then set out your comment below before the report and this pro-forma is returned to the Secretariat for processing.

Additional comment:

If you do not wish to approve the recommendations, or wish to make an alternative decision, it is important that you consult the report author, the Director of Law, City Treasurer and, if there are resources implications, the Director of People Services (or their representatives) so that (1) you can be made aware of any further relevant considerations that you should take into account before making the decision and (2) your reasons for the decision can be properly identified and recorded, as required by law.

Note to Cabinet Member: Your decision will now be published and copied to the Members of the relevant Policy & Scrutiny Committee. If the decision falls within the criteria for call-in, it will not be implemented until five working days have elapsed from publication to allow the Policy and Scrutiny Committee to decide whether it wishes to call the matter in.