

24 May 2023

Agenda Item 6

REPORT OF THE CORPORATE DIRECTOR FOR ADULT SOCIAL CARE AND HEALTH

BETTER CARE FUND (BCF) GOVERNANCE ARRANGEMENTS FOR DELEGATED APPROVAL

Purpose of the Report

1. To consult the Nottinghamshire Health and Wellbeing Board on, and seek approval for, arrangements for the delegation of approval of decisions relating to the Better Care Fund (BCF) on behalf of the Board.

Information

Background

2. The BCF programme supports local systems to successfully deliver the integration of health and social care in a way that supports person-centred care, sustainability and better outcomes for people and carers. It represents a unique collaboration between:
 - The Department of Health and Social Care
 - The Department for Levelling Up, Housing and Communities
 - NHS England and Improvement
 - The Local Government Association
3. The four partners work closely together to help local areas plan and implement integrated health and social care services across England, in line with the vision outlined in the NHS Long Term Plan. The BCF was launched in 2015 and established pooled budgets between the NHS and local authorities, aiming to reduce the barriers often created by separate funding streams. The pooled budget is a combination of contributions from the following areas:
 - minimum allocation from Integrated Care Systems (ICSs)
 - disabled facilities grant (local authority grant)
 - social care funding (improved BCF) (local authority grant)
 - winter pressures grant funding (local authority grant)
4. Locally, the programme spans both the NHS and local government to join up health and care services so that people can manage their own health and wellbeing and live independently in their communities for as long as possible. It involves:

- Nottinghamshire County Council
- Nottingham City Council
- Nottingham and Nottinghamshire Integrated Care Board (ICB)

5. As set out in the national conditions stipulated by national government, ICBs and local government are to agree a joint plan and produce templates and reports on the BCF, which should then be approved by the local health and wellbeing board (HWB).

Local Governance

6. Nottingham City Health and Wellbeing Board and Nottinghamshire County Health and Wellbeing Board have oversight of the BCF. Currently in the County, the Board signs off the BCF submissions as required by the national planning processes. In the City, the Board has delegated this responsibility to a sub-committee due to provider and commissioner arrangements on the Board.
7. There is a joint City and County BCF oversight group that meets quarterly to review its performance, finance and metrics. Representatives from both local authorities and the ICB attend this meeting. Please see **Appendix 1** for current governance arrangements.
8. The Nottinghamshire Health and Wellbeing Board will continue to receive reports directly and maintains its role as the decision-making body with oversight of the BCF.

Delegated governance arrangements

9. This report proposes arrangements for delegated approval where decisions are required urgently to ensure provision of funding and commissioning of services in a timely manner (between board meetings), in the circumstances where the above governance process outlined in paragraphs 6-8 cannot be met. A set of principles for the Board's governance of the BCF are therefore proposed:
 - a) BCF decisions will be taken to a meeting of the Board for a decision, wherever possible. This will cover the anticipated regular reporting requirements, such as annual planning templates and returns.
 - b) Urgent BCF items will also be taken to a meeting of the Board for a decision, wherever possible. If time pressures are known, a short cover report that explains that an urgent item on a specific issue is required can be submitted, with a final report for circulation to Board members required at least 24 hours before the Board meeting.
 - c) If an urgent BCF item arises at such a time as it cannot be taken to the coming Board meeting, then this decision should be managed through a delegation agreed by the Board. A proposal for delegated approval is outlined in point 10.
10. Following consultation with the Board at the BCF workshop on 19 April 2023, this report proposes that, where the Board cannot provide its approval decisions regarding BCF, delegated power to approve is given to the below representatives on the Board's behalf:
 - Chair of the Nottinghamshire Health and Wellbeing Board
 - Corporate Director of Adult Social Care and Public Health, Nottinghamshire County Council
 - Chief Executive, Nottingham and Nottinghamshire Integrated Care Board

11. In response to feedback given at the BCF workshop, this proposal also includes named deputies to the above representatives to support robust arrangements for delegation in circumstances where the above representatives are unable to give approval on the Board's behalf (e.g. annual leave). These are outlined below:

- Vice Chair of the Health and Wellbeing Board (deputy for Chair of the Nottinghamshire Health and Wellbeing Board)
- Service Director for Strategic Commissioning and Integration, Nottinghamshire County Council (deputy for Corporate Director of Adult Social Care and Public Health, Nottinghamshire County Council)
- Medical Director, Nottingham and Nottinghamshire Integrated Care Board (deputy for Chief Executive, Nottingham and Nottinghamshire Integrated Care Board).

12. Any decision relating to the BCF taken between Board meetings under delegated powers will be reported to the next appropriate meeting of the Board, for noting.

13. In order to support the Board's oversight of the BCF, it was suggested that regular updates on progress and outcomes achieved by the BCF, as well as further detail on the three themed priority areas, would be welcomed to provide assurance, as well as the opportunity to identify opportunities for integration. A summary of the feedback on the workshop held on 19 April 2023 is provided in **Appendix 2**.

Other options considered

14. To not establish the delegated powers for decisions in relation to the BCF.

Reasons for Recommendation

15. To ensure the Nottinghamshire Health and Wellbeing Board has oversight of the BCF to discharge its national obligations.

Statutory and Policy Implications

14. This report has been compiled after consideration of implications in respect of crime and disorder, finance, human resources, human rights, the NHS Constitution (Public Health only), the public sector equality duty, safeguarding of children and vulnerable adults, service users, sustainability and the environment and ways of working and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

15. There are no direct financial implications arising from this report.

Legal Implications

16. The Care Act facilitates the establishment of the BCF by providing a mechanism to make the sharing of NHS funding with local authorities mandatory. The wider powers to use Health Act flexibilities to pool funds, share information and staff are unaffected.

RECOMMENDATION

The Nottinghamshire Health and Wellbeing Board is asked-

- 1) To approve the proposed delegated approval arrangements for the Chair of the Nottinghamshire Health and Wellbeing Board, Nottinghamshire County Council's Corporate Director of Adult Social Care and Public Health, and the Chief Executive of the Nottingham and Nottinghamshire Integrated Care Board to take decisions relating to the Better Care Fund (BCF).

Melanie Williams

**Corporate Director: Adult Social Care & Health
Nottinghamshire County Council**

For any enquiries about this report please contact:

Sarah Fleming
Programme Director for System Development
Nottingham and Nottinghamshire Integrated Care Board
sarah.fleming1@nhs.net

Vivienne Robbins
Deputy Director of Public Health
Nottinghamshire County Council
Vivienne.robbins@nottscc.gov.uk

Constitutional Comments (LW 16/05/2023)

17. The Health and Wellbeing Board is the appropriate body to consider the content of the report.

Financial Comments (OC 16/05/2023)

18. There are no direct financial implications arising from this report.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- 2018-19 Progress Update and Approval for the Use of the BCF Care Act Allocation (Recurrent and Reserve), the Improved BCF, and the Winter Pressures Grant 2019-20 – report to Health & Wellbeing Board on 6 March 2019
- 2019-20 Better Care Fund Policy Framework, Department of Health & Social Care, 10 April 2019
- Quarterly reporting from Local Authorities to the Department of Health & Social Care in relation to the Better Care Fund, Quarter 4 Return – 18 April 2019
- 2018-19 Better Care Fund Performance – report to Health & Wellbeing Board on 5 June 2019

- Better Care Fund Planning Requirements for 2019-20, Department of Health & Social Care, Ministry of Housing, Communities & Local Government, and NHS England, 18 July 2019
- 2019-20 First Quarter Better Care Fund Performance and Programme Update – report to Health & Wellbeing Board on 4 September 2019
- Nottinghamshire 2019-20 Better Care Fund Planning Template
- Nottinghamshire 2019-20 Q4 Better Care Fund Reporting Template
- 2020-2021 End of Year Template – report to Health and Wellbeing Board 9 June 2021
- Retrospective approval of the 2022/23 Better Care Fund (BCF) Planning Requirements – report to the Health and Wellbeing Board 7 December 2022

Electoral Division(s) and Member(s) Affected

- All.