

West Sussex County Council

Proposed Executive Decision for **1 September 2021** call-in deadline **5 p.m. on 10 September 2021**

The following proposed key decision has been endorsed by an officer and will come into effect at the end of the call-in period unless the call-in procedure is activated.

Decision Title & Ref No:	Better Care Fund Section 75 Agreement 2020-21 and 2021-22 OKD20 21/22
Officer responsible for Decision	Keith Hinkley - Executive Director Adults and Health
Electoral Divisions	All Divisions
Key Decision	Yes
Purpose	<p>The Better Care Fund (BCF) is a programme spanning both the NHS and local government which seeks to join-up health and care services, so that people can manage their own health and well-being and live independently in their communities for as long as possible.</p> <p>The programme is planned and delivered at Health and Wellbeing Board area level across England. For West Sussex, day to day oversight of BCF is within the remit of the Joint Commissioning Strategy Group on behalf of the Health and Wellbeing Board. BCF planning is undertaken on an annual process, which follows the issuing of national BCF planning guidance from NHS England.</p> <p>The national BCF programme requires local systems to enter into a joint commitment via an Agreement under Section 75 of the NHS Act. This enables budgets and decision-making authority to be delegated between West Sussex County Council and West Sussex Clinical Commissioning Group (CCG), to the benefit of the BCF Programme.</p> <p>During the year 2020-21, the unprecedented circumstances of Covid-19 meant that the national monitoring of BCF was suspended, and in addition the planning guidance for that year was not issued until December 2020, allowing only for a very limited planning opportunity. This resulted in agreements from the previous year being rolled forward.</p> <p>Following a further opportunity that has now been had to review the previous Section 75 agreement in place, an updated 2-year version has been drafted to retrospectively cover the year 2020-21 (last year) and this year's programme – 2021-22. The core terms of the agreement are very similar to previous agreements, however key items have been updated for accuracy. These clarify some terms as well as reflect the local</p>

	<p>reorganisation of Clinical Commissioning Groups in 2020.</p> <p>The updated draft of the Section 75 agreement has been appraised by County Council Legal Services, and also independently by CCG legal services, and is now ready to be signed by West Sussex County Council and the CCG.</p> <p>As 2021-22 national planning guidance is not expected to be issued until July 2020, an update to the financial schedules of the agreement will be introduced by variation during the year, once this year's planning is complete. However, it is considered good practice to enter into this agreement as soon as possible to ensure a suitable legal agreement is in place for the current arrangements.</p> <p>This decision will confirm that West Sussex County Council will enter into the BCF Section 75 agreement, which retrospectively updates the terms for 2020-21, and also provides the agreement for 2021-22.</p>
Decision	The Executive Director Adults and Health has approved that West Sussex County Council enters into the Better Care Fund Section 75 agreement (as attached to this report at Appendix 1), for 2020-22.
Interest and nature of interest declared	None.
Service Contact	Chris Clark, Joint Strategic Director of Commissioning - Tel: 033 022 25305
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Background Papers	See report for details