

Record of Urgent Executive Decision(s)

1. Subject of decision

Approval to enter into an A Partnership Agreement for the Better Care Fund for 2022/23 under Section 75 of the National Health Service Act 2006

2. Name and Title of Decision Maker

Mrs Eleanor Binks, Director of Adult Social Care

3. Details of any Conflict of Interest and any Dispensation granted in respect of such Interest

Not Applicable.

4. Executive summary (taken from written report)

The Authority is obliged by the "Better Care Fund planning requirements 2022-23" published by NHS England as part of the Better Care Fund planning process to enter into a section 75 Agreement. All such Agreements nationally must be signed and in place by 31 January 2023.

On 19 September 2022 Cabinet approved the BCF Plan for submission to the Health and Wellbeing Board for further approval prior to submission to NHS England and authorised the Director of Children and Adults Services (now Director of Adult Services) in consultation with the Director of Resources, the Director of Commissioning and Asset Management, to enter into an Agreement under section 75 of the National Health Service Act 2006 and to implement the financial and administrative arrangements for the Better Care Fund.

The Authority submitted its Better Care Fund Plan (BCF Plan) to NHS England on 22 September 2022 which was the national submission deadline date for such a submission. The BCF Plan requires spending on all funding elements of the Plan to be jointly agreed by the Authority and the Integrated Care Board ICB, formerly the CCG) and for such funding to be a "pooled fund" and for the fund to be governed by a section 75 Agreement.

The terms of the section 75 Agreement have now been agreed by the parties.

5. Alternative Options considered

Not applicable.

6. Decision(s)

It is recommended that the Director of Adult Services (previously Director of Children & Adult Services) following consultation with the Director of Commissioning and Asset Management, Director of Resources and the Assistant Chief Executive:

- (1) To Enter into an agreement under section 75 of the National Health Service Act 2006 with the North East and North Cumbria Integrated Care Board in relation to the Better Care Fund for 2022/23.

7. Reasons for the Decision(s)

The continuation of the Better Care Fund presents an opportunity to take forward the principles of the Health and Wellbeing Strategy. The BCF funding that the Authority will receive is dependent on the Authority having entered into a Section 75 Agreement.

If the requirement to enter into a Section 75 Agreement is not met by 31 January 2023 the release of funds by NHS England will be delayed.

8. Date Decision Made

27 January 2023

9. Is this decision subject to call-in and if so expiry date of call-in period

No – *as indicated below.

10. Date of Publication

30 January 2023

11. Implementation Date (if decision not called in)

30 January 2023

*Note – this is an Urgent Decision, as agreed by the Chair of the Overview and Scrutiny Committee, and not subject to call-in, as agreed by the Chair of Council.

The reason for urgency is as follows:

- Government guidance requires that local authorities and ICBs enter into s75 partnership agreements by 31 January 2023.
- The Authority receives £12.3m of funding from the ICB under the Better Care Fund which contributes to the Authority's expenditure on Adult Social Care and due to the timing of government funding allocations and the Government's recent addition of Discharge Support funding requiring further negotiations with the ICB, there has not been sufficient time to follow normal processes.