

CABINET

24 MARCH 2022

SECTION 75 AGREEMENT BETWEEN WORCESTERSHIRE COUNTY COUNCIL AND HEREFORDSHIRE AND WORCESTERSHIRE CCG

Relevant Cabinet Member

Councillor Adrian Hardman

Relevant Chief Officer

Paula Furnival, Strategic Director for People

Recommendation

- 1. The Cabinet Member with Responsibility for Adult Social Care recommends that Cabinet endorses the revised section 75 Agreement between Worcestershire County Council and the Herefordshire and Worcestershire Clinical Commissioning Group.**

Background

2. The Section 75 document (S75) is the funding agreement between Worcestershire County Council and the Herefordshire and Worcestershire Clinical Commissioning Group (HWCCG) which sets out the management of services funded via the Better Care Fund.
3. The S75 details governance, dispute management and the split and responsibility for commissioned Better Care Fund funded services.
4. The S75 is intended to be regularly reviewed and the relevant financial schedules updated annually.
5. The S75 in place had not been reviewed fully for approximately 8 years and it was agreed by ICEOG (Integrated Commissioning Executive Officers Group) at the end of financial year 2020/21 that a full formal review would be conducted during 2021/22 in order for the document to be updated ahead of the implementation of the Integrated Care System.
6. Hazel Braund (Director of Partnerships and Change) at HWCCG and Rebecca Wassell, Assistant Director of People Commissioning led this review.
7. The review has been completed and was agreed by ICEOG in February 2022. Monthly updates had been provided to ICEOG throughout the review.

8. The review required significant input from financial colleagues in both organisations and also from operational leads in the production of the service schedules.
9. The process and documentation have been subject to intense and extensive legal scrutiny and comment by the Council to ensure that the agreement reflects current practice and legal position, but also remained a practical and useful means of managing services in the modern era with pragmatism, in the spirit of partnership.
10. The S75 financial schedules are now diarised to be updated within the first quarter of each financial year and formally approved by the ICEOG.
11. The S75 will need to be updated once the new Integrated Care System comes formally into being to ensure that the governance arrangements etc fit within the new regime.
12. Services Schedules will be updated as required but, along with the main body of the S75 agreement, will be reviewed once every 2 years to ensure that the documentation remains up-to-date and reflecting the prevailing situation and formally approved by the ICEOG.

Overview and Scrutiny

13. The Better Care Fund is regularly reviewed by the Health and Well-Being Board.

Legal, Financial and HR Implications

14. The revised S75 has received sign off from Council Legal Advisors and Senior Financial Officers, along with senior financial officers at HWCCG and their separate legal advisors prior to presentation to, and acceptance by, Chief Officers for both organisations through ICEOG.
15. The value of the S75 for 2021/22 totals c£144 million, with funding being split across several areas including the Better Care Fund, Improved Better Care Fund, Disabled Facilities Fund, Public Health Ring-Fenced Grant alongside base budget funding from the County Council and the CCG. Approx. 46% of funding is allocated via HWCCG and 54% from the County Council.
16. The value of the agreement will be updated annually and approved by ICEOG annually. The financial and operational performance of the Better Care Fund is reviewed quarterly by the Health and Well-Being Board.

Risk Implications

17. There is no risk attached to the review of the document.
18. The risks from the management and services which sit within the service and financial schedules are reviewed monthly at ICEOG via an actively managed Risk Register.

Joint Equality, Public Health, Data Protection and Sustainability Impact Assessments

A **joint impact assessment (JIA)** screening (and any full impact assessments – if screening indicates that they are required) are completed for each separate service funded via this agreement. The legal document itself does not require assessment

Supporting Information

- Appendix 1 - The revised S75 agreement

Contact Points

Specific Contact Points for this report

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Background Papers

In the opinion of the proper officer (in this case the Strategic Director for People) there are no background papers relating to the subject matter of this report.