

## Manchester City Council Report for Resolution

**Report to:** Executive – 17 November 2021

**Subject:** Better Care Fund Section 75 2021/22

**Report of:** Deputy Chief Executive & City Treasurer and City Solicitor.

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### Purpose of Report

The report sets out the proposed Section 75 (S75) between Manchester CCG and Manchester City Council on the Better Care Fund and the Improved Better Care Fund.

### Recommendations

Executive is asked to:

1. Approve the proposed S75 on the Better Care Fund and the Improved Better Care Fund set out in Appendix One.
  2. Provide delegated authority to the Deputy Chief Executive and City Treasurer and City Solicitor, in consultation with Executive Member, for any minor finalisation amendments to be made to the document.
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**Wards Affected:** All

<b>Environmental Impact Assessment</b> - the impact of the decisions proposed in this report on achieving the zero-carbon target for the city

<b>Manchester Strategy Outcomes</b>	<b>Summary of the Contribution to the Strategy</b>
A thriving and sustainable city: supporting a diverse and distinctive economy that creates jobs and opportunities	Improve the health and wellbeing of people in Manchester.  To achieve a sustainable system.
A highly skilled city: world class and home-grown talent sustaining the city's economic success	
A progressive and equitable city: making a positive contribution by unlocking the potential of our communities	
A liveable and low carbon city: a destination of choice to live, visit, work	

A connected city: world class infrastructure and connectivity to drive growth	
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**Full details are in the body of the report, along with implications for:**

- Equal Opportunities
- Risk Management
- Legal Considerations

### **Financial Consequences Revenue**

No direct financial implications as a result of revised S75 agreement. No changes to BCF pooled monies reported in previous periods with the exception of underlying budgetary changes (e.g. growth), which have already been subject to MHCC and MCC governance.

### **Financial Consequences – Capital**

No direct financial implications as a result of revised S75 agreement.

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**Background documents (available for public inspection):** None

## **1. Introduction**

- 1.1. On 1 April 2021, new arrangements came into place between Manchester City Council (MCC) and Manchester Foundation Trust (MFT) to 'supercharge' Manchester's Local Care Organisation. This included the creation of a new Section 75 (S75) between MCC and MFT which included Adult Social Care services, which previously made part of the S75 between Manchester Clinical Commissioning Group (MCCG) and MCC.
- 1.2. As a result of the new S75 between MCC and MFT, it was confirmed that:
  - Manchester CCG and Manchester City Council would seek a continued and meaningful relationship under the banner of Manchester Health and Care Commissioning.
  - The Population Health and Wellbeing function would remain part of the MHCC working arrangements through the Director of Population Health and his team. However, the budget would be overseen by MCC.
  - MHCC would no longer have any role, responsibility or accountability with regard to Adult Social Care.
  - The integrated budget arrangements would cease. However, CCGs and Local Authorities are obliged to have a Better Care Fund pooled budget.
  - In order to maintain continuity, alignment, and the ability to effectively carry out MHCC's functions for 2021/22, the CCG welcomed continued MCC representation on the MHCC Board and Strategy Committee.
- 1.3. As a result of these changes, the MCCG / MCC S75 needs to be amended to reflect the new arrangements, which are set out in section two of this report.
- 1.4. Further work will be completed separately to review and protect services and contracts MCC currently have with the CCG as a result of the transfer to the new Integrated Care System in 2022/23.

## **2. Proposed MCCG / MCC Section 75**

- 2.1. Following discussions between MCCG and MCC's finance and governance teams, it was agreed that the approach would be to revert back to as close as possible to the pre 2017 S75 arrangements on the BCF. The key changes are as follows:
  - A stripped back S75 reflecting the BCF and iBCF requirements between MCC and MCCG.
  - MCCG to be the host of the fund.
  - Removal of integrated commissioning requirements for Adult Social Care and Public Health.
  - Recognises that the MLCO Partnership Agreement between MCC and MFT will be the main delivery vehicle for BCF services.
- 2.2. The commencement date of the agreement will be 1st April 2021.

2.3. In terms governance, it is proposed that:

- The Partners exercise their respective Functions in relation to the use of the BCF Pooled Fund in accordance with their respective governance arrangements including constitutions, schemes of delegation and Standing Financial Instructions / Standing Orders.
- Overall strategic oversight of the BCF Pooled Fund is vested in the Health and Wellbeing Board, which for these purposes shall make appropriate recommendations as to any action it considers necessary.
- The Health and Wellbeing Board shall be responsible for ensuring compliance with the Better Care Fund Plan and the strategic direction to shape the use of the BCF Pooled Fund.
- Each Partner shall cooperate with the other Partner and keep the other Partner and the Health and Wellbeing Board regularly informed of the effectiveness of the arrangements.

2.4. The updated MCGG / MCC S75 is set out in the appendix to this report. It has been prepared in consultation with MHCC's legal advisors (Hill Dickinson) as well as the MCC Legal Team.

2.5. The S75 has been presented to, and endorsed by, MHCC Executive and Finance Committee on 21 October 2021 and the CCG's Governing Body on the 27 October 2021.

2.6. Some minor finalisation amendments may be required to finalise the document. The Executive is asked to approve the S75 as presented, but to also provide delegated authority to the Deputy Chief Executive and City Treasurer and City Solicitor, in consultation with Executive Member, to make any minor amendments to finalise the document (in agreement with MCC colleagues). Any changes considered to be material would need to be presented to the Executive for approval.

### **3. Recommendations**

3.1. The Executive is asked to:

- 1) Approve the proposed S75 on the Better Care Fund and the Improved Better Care Fund set out in Appendix One.
- 2) Provide delegated authority to the Deputy Chief Executive and City Treasurer and City Solicitor, in consultation with Executive Member, for any minor finalisation amendments to be made to the document.