

**Bracknell Forest Council
Record of Decision**

Work Programme Reference	I105267
---------------------------------	----------------

1. **TITLE:** Section 75 Agreement (NHS Act 2006) between Bracknell Forest Council and Frimley Clinical Commissioning Group– Updated Arrangements for 2021/22 and beyond

2. **SERVICE AREA:** People

3. **PURPOSE OF DECISION**

To seek approval to extend the Section 75 Arrangements for 2021/22 by up to 12 months while a new Section 75 agreement is being developed.

4 **IS KEY DECISION** Yes

5. **DECISION MADE BY:** Executive

6. **DECISION:**

RECOMMENDED to the Executive Member for Adult Services, Health and Housing that

1. The S75 for 2021/22 will be extended by a further 12 months (1 April 2022 – 31 March 2023), while a new S75 is developed for 2023/24, between BFC and Frimley CCG.
2. Authority be delegated to the Executive Director for People to agree the extended S75 with an estimated expenditure as per para 5.4 for the services listed in para 5.4.
3. The extension to the S75 will cover any changes to the legal footing of Frimley CCG, as a new statutory corporate body – an NHS Integrated Care Board (ICB) will likely replace Frimley CCG in 2022.

7. **REASON FOR DECISION**

An anticipated 3-month delay to the Health and Care Bill's final approval means that Integrated Care Systems (ICSs) will now, not have a statutory footing until the summer of 2022. Therefore, to meaningfully plan for the impact of legislative changes on local governance and joint commissioning arrangements, it is preferable to move the development of a new S75 during 2022.

8. **ALTERNATIVE OPTIONS CONSIDERED**

Not extending the Section 75 agreement beyond 21/22 would mean that the arrangements covering joint commissioning and the pooled budgets between Frimley CCG and the BFC would not be covered until a new S75 is agreed. This is not the preferred option for legal compliance and transparency reasons; specifically, the Better Care Fund national conditions require for a S75 to be in place.

9. **DOCUMENT CONSIDERED:** Report of the Executive Director: People

10. **DECLARED CONFLICTS OF INTEREST:** None

Date Decision Made	Final Day of Call-in Period
15 March 2022	22 March 2022