

**To: Executive Member for Adult Services, Health and Housing / Executive Director:
People
15 December 2023**

**SECTION 75 AGREEMENT (NHS ACT 2006) 2023-2025
Executive Director: People**

1. Purpose of Report

- 1.1 To seek approval from the Executive Director: People and the Executive Member for Adult Services, Health and Housing to approve and sign the core S75 Agreement and Schedules.

2. Recommendation(s)

- 2.1 The Executive Member for Adult Services, Health and Housing and the Executive Director: People approve and sign the core S75 Agreement and Schedules as per the delegated authority awarded at the Executive in March 2023.**

3. Reasons for Recommendation(s)

- 3.1 The current S75 Agreement expires 31 March 2023. Existing and new services that are jointly commissioned and/or funded through a pooled budget need to be covered through a S75 Agreement in order to be compliant with the NHS Act 2006 and have a clear working protocol between Frimley ICB and Bracknell Forest Council.
- 3.2 The current S75 Agreement requires a refresh in the context of the devolution of all CCG's and the formation of Integrated Care Boards. Further opportunity exists to review our joint working approach in the context of inflation, joint uplift processes and renewal timeframes.
- 3.3 In addition, the Better Care Fund Schedule and Heathlands Schedule have been updated to reflect current practice / service delivery.
- 3.4 The Better Care Fund (BCF) is one of the government's national vehicles for driving health and social care integration. It requires integrated care boards (ICBs) and local government to agree a joint plan, owned by the Health and Wellbeing Board (HWB). The joint plans utilise pooled budgets to support integration and is governed by an agreement under section 75 of the NHS Act (2006)
- 3.5 The Better Care Fund policy framework is published each year and outlines national conditions and metrics. Local Health and Wellbeing Boards are able to set their own priorities driven by local need. Stringent joint planning and review activity is undertaken throughout the year to ensure an integrated approach to providing joined up care.

4. Alternative Options Considered

- 4.1 Other options such as extending the existing S75 Agreement or not renewing the S75 Agreement are not feasible options as would lead us to be non-compliant.

- 4.2 An alternative approach to developing a separate S75 agreement for each individual joint service has been considered but there is joint agreement that this approach is not efficient, time and resource heavy and would lead to repetition across the various S75's.

5. Consultation and Other Considerations

Legal Advice

- 5.1 The revision of the s75 has been in conjunction with the Bracknell Forest BF legal team and Head of Governance, NHS Frimley ICB.

Financial Advice

- 5.2 Reviewed and agreed

Equalities Impact Assessment

- 5.3 Individual services/schemes within section 75 arrangements will each have their own Equalities Impact Assessments where required, often as part of wider delivery of services and support to the residents of Bracknell Forest

Strategic Risk Management Issues

- 5.4 Not devolving authorisation to sign the agreement would expose both the council and ICB to be operating a c£20m budget without robust contractual arrangements.

Climate Change and Ecological Impacts

- 5.5 The recommendations in Section 2 above are expected to:
Have no impact on emissions of CO₂.
The reasons the Council believes that this will have no impact on emissions are that this is about a contractual framework, enabling access to funding for Health and Social Care, rather than for the specific activity

Health & Wellbeing Considerations

- 5.6 Health and Wellbeing considerations of all residents across Bracknell Forest are the key considerations in all services delivered under the S75 Agreement.

Background Papers

N/A

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