

Committee: HEALTH AND WELLBEING BOARD

Date: 26 JANUARY 2023

Title: BETTER CARE FUND UPDATE Q4 2022/23 - (ADULT SOCIAL CARE DISCHARGE FUND DETERMINATION (2022-2023) No 31/635)

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Executive summary

1. This paper summaries the update position on expectations following the issue of the Department of Health and Social Care (DHSC), '*Our Plan for Patients*' (September 2022) with regards to the allocation for the Isle of Wight from the DHSC £500 million Adult Social Care Discharge Fund.
2. It was instructed by NHS England, on 18 November 2022, that the allocations are to be incorporated into the Better Care Fund (BCF) with the requirement that proposed plans are jointly approved by the Health and Wellbeing Board (HWB), as well as being formally included within the local s75 agreement as the financial and contractual vehicle between the ICB and Local Authority and supports the development of an integrated health and care partnership.
 - a) £200 million would be distributed to local authorities (LAs), based on the adult social care relative needs formula (RNF). For the Isle of Wight, the allocation is £638,679.
 - b) £300 million would be distributed to integrated care boards (ICBs). For Hampshire and the Isle of Wight, the allocation is £12,449,000, of which the Isle of Wight sub-allocation is £1,299,132.
3. The HWB is asked to note and ratify the proposals as outlined in the Decisions, Recommendations, and any Options section below. These proposals (contained within Appendix 1) were submitted via delegated authority provided to the Director of Adult Social Care and the Interim Managing Director for the IW ICB, as shared with the Chair of the HWB. Once approved centrally, these will be incorporated into the local s.75

agreement.

Background

4. On 22 September 2022, the DHSC published '*Our Plan for Patients*' which set out a range of measures to help the NHS and social care perform at their best for patients. Particular focus was afforded to delays in accessing care across health and social care – many of which were identified as occurring at the points in the system where people move from one care setting to another such as from hospital to recover at home or in a care home.
5. As part of a range of directives and measures, the DHSC announced that a £500 million national fund would be put in place to support discharge from hospital into the community and bolster the social care workforce, freeing up beds for patients who need them.
6. On 18 November, the Minister for Care outlined the allocations details for the £500 million fund, referred to as the Adult Social Care Discharge Fund Determination (2022-2023) No 31/6357, as follows:
 - a) £200 million would be distributed to LAs, based on the adult social care relative needs formula (RNF). For the Isle of Wight, the allocation is £638,679.
 - b) £300 million would be distributed to ICBs. For Hampshire and the Isle of Wight, the allocation is £12,449,000, of which the Isle of Wight sub-allocation is £1,299,132.
7. The funding would be available for use up until 31 March 2023 and will be provided in two tranches – the first (40%) in December 2022, and the second (60%) by the end of January 2023 for areas that had met the stipulated conditions
8. It has been confirmed that the allocations are to be incorporated into the BCF with the requirement that proposed plans are jointly approved by the HWB, as well as being formally included within the s75 agreement.
9. The timeline for completion of the proposed plans, including the allocation by the ICB to the local HWB footprint is the 16 December 2022, with the first mandated monitoring report to be submitted by the 6 January 2023.
10. In acknowledgement that, for many areas, HWB will not be convening prior to this deadline, the national BCF team have advised that plans should be:
 - a) agreed at senior official level in ICBs and LAs
 - b) the HWB to be informed and have the opportunity to challenge the discharge plan. Due to the tight timescales, this does not need to happen before 16 December.
 - c) whilst there is not a confirmatory requirement, the regional Better Care Fund

Manager must be made aware of any subsequent challenge raised by the HWB.

11. This paper provides notification to the HWB about the national Adult Social Care Discharge Fund Determination (2022-2023) No 31/6357 and its proposed incorporation into the local s.75 agreement.

Purpose of the grant

12. The overarching intended use of the grant would be to enable the local system to address current system pressures with a focus on the following areas:
- a) enabling more people to be discharged to an appropriate setting, including from mental health inpatient settings, with adequate and timely social care support as required
 - b) prioritising those approaches that are most effective in freeing up the maximum number of hospital beds and reducing bed days lost within the funding available, including from mental health inpatient settings. Discharge to Assess (D2A) and provision of homecare is recognised as an effective option for discharging more people in a safe and timely manner. Residential care to meet complex health and care needs may be more appropriate for people who have been waiting to be discharged for a long time
 - c) boosting general adult social care workforce capacity through recruitment and retention activity, where that will help to reduce delayed discharges from hospital. This could include, but is not limited to, measures which: increase hours worked by existing workforce; improve retention of existing workforce; provide additional or redeployed capacity from current care workers; or support local recruitment initiatives. LAs will need to satisfy themselves that steps they take to boost workforce capacity align with their functions under the Care Act 2014, and each local authority will need to take into account any legal, employment law, equality, or tax considerations that may arise.
13. Local interpretation and scheme development is currently underway and will be guided by the existing BCF Plan, Health and Care Plan, as well as Winter Resilience Plans. The System Resilience Board will also input to help address current critical issues that require immediate support from a tactical level over the next four months to help prioritise patient safety and flow.

Conditions of the grant

14. This funding is provided by the department on the condition that every local authority:
- a) pools this funding into the local Better Care Fund (BCF) with plans for health and social care spend (including mental health) agreed by the LAs and ICB chief executives, and signed off by the HWB under national condition 1 of the BCF
 - b) works with their ICB to provide a planned spending report by 4 weeks after details of the fund are published (by 16 December 2022), confirming planned use of this grant against their BCF plan, and that the use of the funding has been agreed by the local authority and the ICB. *(Note: the completion is mandatory for*

receipt of the second tranche of funding. A copy of the discharge funding submission is attached as Appendix 1.)

- c) demonstrates how they have used the funding provided in this grant via fortnightly activity reports and a final spending report provided to the department alongside the wider end of year BCF reports, as set out in the 'reporting requirements' section below
- d) works with their ICB and hospital trusts in their local area to improve all existing NHSE discharge data collections including related Situation Reporting Data and discharge data submitted as part of the Commissioning Data Set, specifically on the date that a person is ready for discharge. From 2023, this data will be used as a basis for a metric linked to delayed discharge in the BCF
- e) ensures that as a minimum social care providers must keep the required Capacity Tracker data updated in line with the Adult Social Care Provider Provisions statutory guidance
- f) does not use this funding to compensate for expenditure already incurred, activities for which the local authority has already earmarked or allocated expenditure, or to fund inflationary pressures
- g) does not use this funding for activities which do not support the primary purpose of this grant
- h) engages with a progress review across all areas in January 2023.

15. Once the ICB allocation has been determined and incorporated into the Isle of Wight's combined envelope, the above conditions will be applicable to the allocation in its entirety.

Governance

16. Governance for this funding will follow the existing BCF governance structure including engagement with the regional and national BCF team.
17. Where there are persistent challenges or non-compliance with the funding conditions outlined above, or if funds are not being spent in accordance with the agreed plan, NHS England and the department, in collaboration with the National Discharge Taskforce, will follow up with local areas to challenge the planning approach and provide additional scrutiny of spending. Local areas are expected to engage fully with this process where necessary.
18. In the event that there has been a failure to comply with any of the stipulated conditions of the grant, or if any overpayment is made under this grant, or any amount is paid in error, the Secretary of State may reduce, suspend or withhold grant payments or require the repayment of the whole or any part of the grant monies paid, as may be determined by the Secretary of State and notified in writing to the local authority.

19. Such sum as has been notified will immediately become repayable to the Secretary of State who may set off the sum against any future amount due to the local authority from central government.
20. NHS England and DHSC will monitor continued compliance against the funding conditions set out above, through interactions with local areas and scrutiny of the spending reports and the discharge related metrics. Local authorities will thus be required to work with their ICB to provide the following:
- a) a report detailing how the local authority plans to spend the allocation as per the Conditions of the grant noted above.
 - b) fortnightly activity reports as per the Conditions of the grant noted above.
 - c) a final spending report provided to the department alongside the wider end of year BCF reports, by 2 May 2023.

Strategic Alignment

21. The Adult Social Care Discharge Fund Determination (2022-2023) No 31/6357 will be developed in alignment with a number of strategic plans including the:
- a) Better Care Fund 2022/23
 - b) IOW Health and Wellbeing Strategy – in particular the BCF aligns with the Living Well and Ageing Well domains.
 - c) IOW Health and Care Plan – the BCF aligns with the focus on prevention, integration and care close to home
 - d) ASC Care Close to Home Strategy (CCtH)
 - e) HIOW Partnership of ICBs Delivery Plan
 - f) System Winter Resilience Plan
 - g) Island Independent Living Strategy
 - h) Local Authority High Impact Change Model

Financial Impact

22. The total value of the Isle of Wight's allocation of the Adult Social Care Discharge Fund Determination (2022-2023) No 31/6357 is £1,937,811. This consists of £1,299,132 that has been allocated as part of the Isle of Wight ICB funding, and the remaining value in respect of the ASC element (based on the adult social care relative needs formula (RNF)) being £638,679, that the Isle of Wight Council receives.
23. From the total allocation, services will be agreed in line with the Grant guidance and

funding transferred to either the ICB or council based on who commissions the service.

24. The Section 75 Agreement will be developed and executed in respect of the previously determined BCF 2022/23 allocations. The additional funds associated with the grant will be incorporated into the existing agreement by a formal variation which will set out the arrangements for financial risk sharing between the ICB and the Council should the aligned budget over/underspend. The current provisions of the S75 agreement provide that each organisation is responsible for the over/underspend relating to its own functions; therefore, the variation will not increase the financial risk to either organisation.

Risk

25. There is significant risk to both the Council, the ICB, and the wider system if the Adult Social Care Discharge Fund Determination (2022-2023) No 31/6357 Plan is not agreed and subsequently approved by regulators by the nationally mandated deadline of 16 December 2022:

No.	Risk	Risk	Mitigation	Mitigated Risk
1	Should the system not agree and fail to submit its plan by the indicated deadline, the system will not receive additional funding. The system is already experiencing heightened capacity and resilience pressures, to lose out on the opportunity to fund additional measures may place patient safety at risk.	R	<ul style="list-style-type: none"> • HWB agree to receive an interim position update with approval for delegated authority to submit on behalf of the HWB. • HWB agree to receive a copy of the submitted plan for opportunity to feedback at the January 2023 HWB meeting, prior to execution of the s75 by the 31 January 2023. • Existing BCF governance utilized with senior officers of both the LA and ICB commencing development of the local plans for implementation in preparation of the 16 December 2023 deadline, which has been met. General discussion of the requirements and planning process have also been tabled at the IW system Joint Strategic Partnership Board of the 30 November 2022. 	G
2	Failure to submit presents a significant reputational risk to the ICB, LA, HWB and wider system and will likely	A		G

	result in external scrutiny from National regulators and further scrutiny.			
3	Winter pressures money are to be paid to local government via a section 31 grant, to be used to alleviate pressures on the NHS over winter and to ensure it is pooled in to the BCF. However, these funds are limited with no further resources currently available to the system to support winter resilience. Risk of inability to address systems pressures without additional investment.	A	<ul style="list-style-type: none"> • Completion of the mandatory requirements of this Grant would enable additional funding to address Winter demand and capacity pressures. • The HIOW Health and Care system is experiencing significant winter pressures which may still go beyond the scope of the additional investment 	A
4	In the event that there has been a failure to comply with any of the stipulated conditions of the grant, or if any overpayment is made under this grant, or any amount is paid in error, the Secretary of State may reduce, suspend or withhold grant payments or require the repayment of the		<ul style="list-style-type: none"> • Existing BCF governance structure in place to monitor implementation of the additional Grant allocation, including senior finance leads from both the LA and ICB, enabling local oversight. • Close working relationship with regional Better Care Fund Manager enables early stage 'troubleshooting' to mitigate any issues as they arise. • National guidance requirements communicated to senior officers to enable decision making and submission in line with stipulated dates. 	G

	<p>whole or any part of the grant monies paid, as may be determined by the Secretary of State and notified in writing to the local authority.</p> <p>Such sum as has been notified will immediately become repayable to the Secretary of State who may set off the sum against any future amount due to the local authority from central government.</p>			
5	<p>National allocation to ICB has been determined for Hampshire and the Isle of Wight as £12,449,000. However, there is no mandated requirement of distribution to all places within the ICB; weighted population is suggested but not required. ICB leads could decide to allocate to other places deemed to have a greater need than the IW which may lead to a reduced, or even nil, allocation to the IW place.</p>	A	<ul style="list-style-type: none"> • Senior officer from the IW place within the ICB, including the Managing Director, have been engaged with the discussions pertaining to the ICB place allocation. • A stocktake of extant measures and capacity levels has been undertaken to evidence need to additional support. • Draft proposals for the NHS element of the allocation have been developed to aid conversations. • The ICB decision regarding the proportion of the £12.4 mil allocation will not affect the ASC element. • ICB allocation provided to IW 	G
6	<p>Failure to submit the BCF ASC</p>	A	<ul style="list-style-type: none"> • Existing BCF Structure in place to monitor the receipt and review of 	G

	Discharge Funding monitoring against plan by 30 December could result in the non-payment / delay to the receipt of the second tranche of the funding in January.		the metrics and submission of report by 30 December 2022. <ul style="list-style-type: none"> Metrics gathering and monitoring by the System Resilience Board (in line with Winter Plan execution). 	
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Decisions, recommendations and any options

26. The HWB is asked to note the proposals and:

- a) RATIFY that the recommendation for the development of the Adult Social Care Discharge Fund Determination (2022-2023) No 31/6357 Plan are approved in line with national and local requirements.
- b) RATIFY the HWB Chairs decision to delegate authority to the Managing Director for the Hampshire and Isle of Wight Integrated Care Board (Isle of Wight place) and Director Adult Social Care and Housing Needs, to meet the nationally mandated deadlines to sign-off the final plan for the Isle of Wight on behalf of the Isle of Wight Health and Well-Being Board.
- c) RATIFY the final Plan presented to the HWB at the meeting of the 26 January 2023, with the opportunity to provide comment and direction on further measures.
- d) APPROVE the variation of the funds into the BCF 2022/23 s75 which is due for completion by the national deadline of 31 January 2023.

Appendices

1. Discharge funding final submission for IW

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