

# **MEMORANDUM OF UNDERSTANDING**

## **BETWEEN NHS North West London**

### **AND**

## **London Borough of Hammersmith & Fulham**

### **1. Introduction**

This memorandum of understanding is between NHS North West London Integrated Care Board (NWL ICB) and the London Borough of Hammersmith & Fulham (LBHF).

It covers the agreement between both parties on the re-classification of some of the schemes in the 2023-24 BCF as well as explaining the approach to undertaking a review of BCF schemes across North West London in 2023-24 to inform planning for 2024-25.

### **2. Background**

The purpose of the BCF lies in supporting people to live healthy, independent and dignified lives, through joined up health, social care and housing seamlessly around the person. The vision is underpinned by two core objectives:

- Enable people to stay well, safe and independent at home for longer; and
- Provide people with the right care, at the right place, at the right time.

The BCF aims to achieve this by requiring ICBs and local government to agree a joint plan, owned by the Health and Wellbeing Board (HWB), governed by an agreement under section 75 of the NHS Act (2006).

The delivery of the BCF will support two key priorities for the health and care system that align with the two existing BCF objectives:

- Improving overall quality of life for people and reducing pressure on urgent and emergency care services, acute (hospital based) care and social care through investing in preventative services;
- Tackling delayed discharge and bringing about sustained improvements in discharge outcomes and wider system flow.

There are four funding sources that are required to be included within the BCF:

- 1) NHS Minimum Contribution – made by the ICB;
- 2) Improved Better Care Fund (iBCF) – grant funding to local government;
- 3) Disabled Funding Grant (DFG) – grant funding to local government; and
- 4) Additional Discharge Funding – monies from Department of Health and Social Care to both Local Authorities (LAs) and ICBs.

Both ICBs and LAs can make additional contributions to the BCF.

To support consistency in the service lines contained in the health minimum contribution, the NWL ICB requested that amendments to both minimum contributions and additional spend were made for the 23-24 submission. This led to a review of the schemes within the BCF by the NWL CFO.

### **3. The agreement**

For the 2023-24 BCF planning submission, ICB colleagues have been working with Borough teams and Local Authorities to create consistency in language, reporting and classification, to ensure that activity is planned and reported in line with BCF guidance, and agree discharge funding that is based on need and improves flow. The following commitments have been made as part of this work:

- The quantum of funding will not change in 23/24;
- We will work on an equal basis to create a clearer understanding and review schemes in detail in Q2/Q3 of 2023-24 to inform our collective planning for 2024-25 and ensure that we are achieving the aims of the BCF; and
- We will work on an equal basis to create a more consistent approach within each fund in 2023-24, which creates a clearer baseline for the above review.

It has also been agreed that as part of the reclassification the quantum of funding will not reduce and we will not decommission committed schemes in 2023-24.

The following changes have been proposed:

1. In order to bring the quantum of schemes within the adult social care element of the BCF back to the minimum level of £7.446m, NHS NWL ICB are proposing to re-classify the following schemes from the Local Authority minimum contribution to the health minimum contribution:
  - a) Community Equipment variable contract of £1.148m
  - b) Safeguarding contribution of £0.045m
2. Move the 7 day Hospital Social Work contribution of £0.447 from minimum LA contribution to additional LA spend.
3. Move a range of services covering jointly-funded placements and home care, funded nursing care and carer personal health budgets as an addendum to the Section 75 schedule. The ICB will be providing the inflationary uplifts on the budget figures but will not adjust for the expected full year effect. The payments will be based on actual costs incurred with valid backing documents and there will be quarterly meetings in place to agree these recharges.

On this basis, the movement of these service lines does not change any Lead Commissioning arrangements or control that LBHF currently has in place for 2023-24. The invoicing, monitoring and reporting of the budgets will continue to be quarterly via the meetings already in place to manage reconciliation of actual costs.

These schemes will form part of a joint review process for 2024-25.

The Terms of Reference will be drawn up by the local authorities and the ICB to ensure that they are sufficient for both sets of internal governance and processes.

#### **4. Variations**

NWL ICB and Hammersmith & Fulham Council agree to inform each other of any situation that could materially affect the terms of this memorandum of understanding including those of staffing, statutory regulations and service provision. Both parties will discuss and agree any proposed action.

Any extension to this agreement under the same or similar terms must be agreed by all parties and there is no automatic right to extension.

#### **5. Arbitration**

Both parties agree to implement and abide by this memorandum of understanding. It will be the aim of all parties to work together to resolve any difficulties and define a solution to problems that may arise. In instances where agreement cannot be reached, a mutually acceptable third party may be asked to arbitrate, or the parties may agree to alternative dispute resolution.

#### **6. Service agreement value and payment**

NWL ICB to ensure BCF funding continues to flow through for 2023-24 for all current schemes.


**7. Signatories by appropriate senior representation of North West London ICB and the London Borough of Hammersmith & Fulham:**

**On behalf of NHS North West London**

**Name: Rob Hurd**

**Title: Chief Executive**

**Organisation: North West London ICB**

**Signature:** 

**Date : 4 August 2023**

***On behalf of the London Borough of Hammersmith & Fulham:***

**Name: Linda Jackson**

**Title: Strategic Director Independent Living (DASS)**

**Organisation: London Borough of Hammersmith & Fulham**

**Signature:**



**Date : 4<sup>th</sup> August 2023**