

CARE ACT 2014

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 4 – Health and social care

Integration

Section 121 – Integration of care and support with health services etc: integration fund

738. This section makes provision for a fund for the integration of care and support with health services, to be known as the Better Care Fund.
739. *Subsection (1)* amends section 223B of the National Health Service Act 2006 (funding of the National Health Service Commissioning Board) to allow the Secretary of State to specify in the mandate a sum which the Board must use for objectives relating to service integration. The mandate is given to the Board by the Secretary of State under section 13A of the National Health Service Act. ‘Service integration’ means the integration of health services with health-related or social care services.
740. *Subsection (2)* inserts a new section 223GA into the National Health Service Act 2006. Section 223GA allows the Board to direct clinical commissioning groups (CCGs) to use a designated amount of their financial allocation for purposes relating to service integration. It also makes provision for how the designated amount is to be determined. Payment of the designated amount must be subject to a condition that the CCG pays the money into a pooled fund established under arrangements made with a local authority under section 75 of the National Health Service Act. The Board may also set other conditions as to use of the designated amount, including conditions as to the agreement of a spending plan for how to use the amount, and the meeting of performance objectives. Where conditions are not met, the Board has various powers, including the withholding or recovery of payments. The mandate can include a requirement for the Board to consult with the Secretary of State or other persons before it exercises those powers. There is also provision for payments to be made out of a pooled fund to a local authority which is not a party to that fund, in respect of disabled facilities grants. In exercising its powers in relation to the Better Care Fund, the Board must have regard to the need for provision of health services, health-related and social care services.