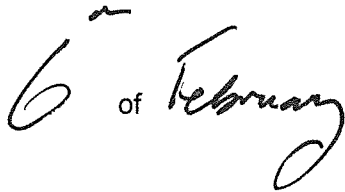


This deed of variation ("Deed") is dated  2023

## PARTIES

- (1) SHEFFIELD CITY COUNCIL of Town Hall, Pinstone Street, Sheffield, S1 2HH (the "Council");
- (2) NHS SOUTH YORKSHIRE INTEGRATED CARE BOARD of 722 Prince of Wales Road, Darnall, Sheffield, S9 4EU ("ICB")

## BACKGROUND

- (A) The Council and ICB (previously NHS Sheffield CCG) are party to an agreement for Framework Partnership Agreement Relating to the Commissioning of Health and Social Care Services (Better Care Fund) dated 22 April 2015 (the **S75 Agreement**) a copy of which is attached at the Appendix 1 to this Deed.
- (B) The S75 Agreement is reviewed and updated annually in order to provide accurate details to the Better Care Fund and also the relevant service scheme specifications. Unless it is expressly stated otherwise, all references to the S75 Agreement in this Deed shall include the original S75 Agreement and all the deeds of variation to the S75 Agreement made between the Council and ICB, including:
  - Deed of variation (for the financial year 2017/18) dated 15 Feb 2018
  - Deed of variation (for the financial year 2018/19) dated 26 March 2019
  - Deed of variation (for the financial year 2019/20) dated 27 January 2020
  - Deed of variation (for the financial year 2020/21) dated 27 February 2021
  - Deed of variation (for the financial year 2021/22) dated 16 January 2022
- (C) The Council and the ICB have agreed to vary the S75 Agreement as set out in this Deed. The purpose of this Deed is to record both parties' agreement to the variation and such variation shall be deemed to have come into effect from 1 April 2022 (**Variation Date**).

## AGREED TERMS

1. In this Deed, expressions defined in the S75 Agreement and used in this Deed have the meaning set out in the S75 Agreement. The rules of interpretation set out in the Agreement apply to this Deed.
2. VARIATION
  - 2.1 With effect from the Variation Date the parties agree the following amendments to the S75 Agreement:
    43. Clause 30.3.1 and clause 30.3.2 shall be amended to read as follows:  
and 30.3.2 amended:
      - 30.3.1 *if to the Council, addressed to the Director of Legal and Governance, Sheffield City Council, Town Hall, Pinstone Street, Sheffield, S1 2HH*
      - 30.3.2 *if to the ICB, addressed to Director of Strategy (Sheffield), 722 Prince of Wales Road, Sheffield, S9 4EU*  
*The Council does not accept service of notice by email or by fax.*

4. Schedule 1 - Scheme Specifications      The following Scheme Specifications are updated in full and an updated version of each Scheme Specification is set out in Appendix 2a of this Deed respectively. The scope of this agreement has been expanded to cover services not within the formal Better Care Fund arrangements, specifically a range of children's services and a breakdown of schemes to highlight those services which are to be classified as Learning Disabilities in the Joint Commissioning Intentions budgets.

Appendix 2a

Better Care Fund Programme Schemes and move to Joint Commissioning Intentions with the inclusion of two new schedules

Appendix 2b

Treatment of Outside of Allocation National Funding to Sheffield Place - Key Principles

- Schedule 2 (Governance)      The partnership governance arrangements have been updated as a result of the establishment of NHS South Yorkshire ICB on 1 July 2022. These arrangements and terms of reference supersede those described in the original BCF agreement and are set out in Appendix 2a (Schedule 2) of this Deed.

2.2 Except as set out in Clause 2.1, the S75 Agreement shall continue in full force and effect.

### 3. GOVERNING LAW

- 3.1 This Deed and any dispute or claim (including non-contractual disputes or claims) arising out of or in connection with it or its subject matter or formation shall be governed by and construed in accordance with the law of England and Wales.

### 4. JURISDICTION

- 4.1 Each party irrevocably agrees that the courts of England shall have exclusive jurisdiction to settle any dispute or claim (including non-contractual disputes or claims) arising out of or in connection with this Deed or its subject matter or formation.

This document may be entered into by the parties on separate counterparts, each of which so executed and delivered shall be an original, but all the counterparts shall together constitute one and the same instrument.

**IN WITNESS HEREOF** this document has been executed as a Deed by the parties and is delivered on the date of this S75 Agreement

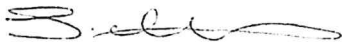
**Executed as a Deed by SHEFFIELD CITY COUNCIL**  
whose seal was hereunto affixed in the presence of:



Authorised Signatory:

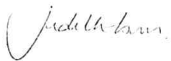
**23-1878-4765**

**Executed as a Deed by NHS SOUTH  
YORKSHIRE INTEGRATED CARE BOARD,**  
acting by



Name: **Jackie Mills**  
Job title: **Chief Finance Officer**

In the presence of:



.....  
Witness:

Name of witness: Judith Town

Address of witness:

**722 Prince of Wales Road  
Darnall  
Sheffield**

Occupation of witness: Accountant

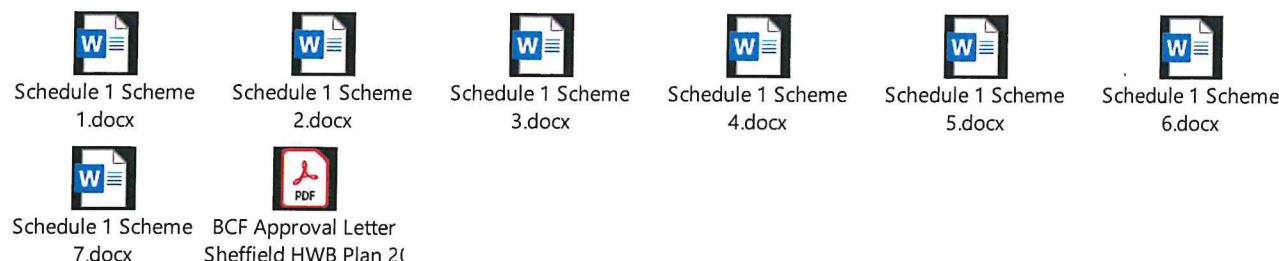
**Better Care Fund (The S75 Agreement)**



S75 Agreement  
engrossment version.

**Schedule 1 – Scheme Specification**

Since the mandatory implementation of the Better Care Fund using the Section 75 partnership agreements, legally provided by the NHS Act 2006, allow budgets to be pooled between local health and social care organisations and authorities, Sheffield has grouped their programmes into 7 schemes. The following embedded files show the schemes updated to 2022/23 initial budget values and the governance arrangements against each work programme. The values and breakdown are those approved by NHS England.



The programmes have been delivered within the current structure since 2017. Each year reported benefits are realised by both partner organisations and signed off locally by the Sheffield City Health and Wellbeing Board and approved at a national level by NHS England Better Care Fund Team.



The ambition in Sheffield has always been to extend above the national mandated partnership and embed joint commissioning into everyday practice and all relevant commissioning decisions. To enable this Sheffield established a Joint Commissioning Committee in 2019/20 with the following Terms of Reference, Priorities and Principles agreed.



In March 2022, the Council's Co-operative Executive approved proposals that aimed to ensure that:

- the Joint Commissioning Committee will continue as the mechanism for assurance of joint commissioning and delivery
- the successful current governance processes whereby decisions are ratified separately in accordance with each organisation's statutory and governance requirements but are informed by a collaborative approach and a clear joint recommendation, will be retained.
- financial decisions will continue to be made in accordance with the section 75 arrangements, and collaborative discussions will also continue, ensuring alignment of the priorities across Sheffield.

While preparing for the changes outlined above, work was undertaken to review the scope of the S75 agreement and the budgets that support the joint commissioning priorities, from both a council and NHS perspective. Having done so it was agreed that the S75 agreement be amended to incorporate all of the priority areas and budgets set out in the attached report.



Working together with the NHS in She

The following schedules reflect the expansion of the agreement to include CYP, giving an overview of the aims and outcomes expected from the CYP programme, and provide more detail around the Learning Disabilities workstream.



JCI Scheme -  
Learning Disabilities.d



JCI Scheme -  
Children and Young P

## Schedule 2 – Governance

In October 2022, organisations within the Sheffield Partnership agreed to establish a Framework to bring together different elements of governance in order to promote and enable the integration of services for the Sheffield population. The Framework is set out in the document below



Paper A Sheffield Partnership Framework

The Framework brings together different aspects of governance and agreed to establish a Sheffield Partnership Board which is a Meeting in Common, bringing together the following committees:

- The ICB Place committee (providing a mechanism for delegation within the Integrated care Board so that decision on priorities and resources can take place locally with the wider health and care partners);
- The Health and Care Place Partnership (providing a mechanism to deliver on strategic policy matters relevant to the achievement of the Place Plan. All health and care partners across Sheffield work collaboratively to plan and deliver joined-up services and to improve the health of people who live and work in Sheffield).
- Joint Commissioning S75 Committee (a joint committee between the ICB and Local Authority to manage business related to the S75 agreement).

Terms of Reference for these different committees are shown below.



Paper A - Appendix A - Sheffield Place P.

### Schedule 3 – Finance

The following tables show the existing Better Care Fund programmes budgets as per the 2022/23 approved plan for each organisation and the mapping to the new commissioning intention work programmes.

	Risk Share Category	Initial Budget 2022/23	Acute, Cancer and Public Health Services	Ageing Well	All Age Learning Disabilities	All Age Mental Health	Children and Young People	Collaborative Working	Disabilities Facilities Grant	On Going Care	Primary Care/ PCNs/ Locality Teams	Urgent and Emergency Care
		£'000s	£'000s	£'000s	£'000s	£'000s	£'000s	£'000s	£'000s	£'000s	£'000s	£'000s
<b>1 People Keeping Well in their Local Community</b>												
<b>NHS Sheffield SYICB</b>												
	B	776								776		
	A	71		71								
	A	482								482		
	<b>sub total</b>	<b>1,329</b>	<b>0</b>	<b>71</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1,258</b>	<b>0</b>	<b>0</b>
<b>Sheffield City Council</b>												
	A	550		550								
	A	1,651	814								837	
	B	532		532								
	A	881		881								
	A	1,805				1,805						
	A	1,407		1,407								
	A	95			95							
	<b>sub total</b>	<b>6,921</b>	<b>814</b>	<b>3,370</b>	<b>95</b>	<b>1,805</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>837</b>	<b>0</b>
<b>Theme 1 Total - People Keeping Well in their Local Community</b>												
		<b>8,249</b>	<b>814</b>	<b>3,441</b>	<b>95</b>	<b>1,805</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1,258</b>	<b>837</b>	<b>0</b>
<b>2 Active Support &amp; Recovery</b>												
<b>NHS Sheffield SYICB</b>												
	A	18,178		18,178								
	A	21,079		21,079								
	A	5,586		5,586								
	B	1,817		1,817								
	<b>sub total</b>	<b>46,660</b>	<b>0</b>	<b>46,660</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Sheffield City Council</b>												
	B	6,011		6,011								
	B	0		0								
	B	2,580		2,580								
	<b>sub total</b>	<b>8,591</b>	<b>0</b>	<b>8,591</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Theme 2 Total - Active Support &amp; Recovery</b>												
		<b>55,251</b>	<b>0</b>	<b>55,251</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>3 Independent Living Solutions</b>												
<b>NHS Sheffield SYICB</b>												
	C	2,581		2,581								
	<b>sub total</b>	<b>2,581</b>	<b>0</b>	<b>2,581</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Sheffield City Council</b>												
	C	1,223		1,223								
	A	2,011		2,011								
	<b>sub total</b>	<b>3,235</b>	<b>0</b>	<b>3,235</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Theme 3 Total - Independent Living Solutions</b>												
		<b>5,816</b>	<b>0</b>	<b>5,816</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>4 Ongoing Care</b>												
<b>NHS Sheffield SYICB</b>												
	B	17,623								17,623		
	A	57,544			18,366					39,178		
	C	194								194		
	<b>sub total</b>	<b>75,361</b>	<b>0</b>	<b>0</b>	<b>18,366</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>56,995</b>	<b>0</b>	<b>0</b>
<b>Sheffield City Council</b>												
	B	69,048								69,048		
	B	36,094			36,094							
	C	255								255		
	A	0								0		
	A	316								316		
	A	0								0		
	A	687			687					0		
	A	4,050			4,050							
	<b>sub total</b>	<b>110,451</b>	<b>0</b>	<b>0</b>	<b>40,831</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>69,620</b>	<b>0</b>	<b>0</b>
<b>Theme 4 Total - Ongoing Care</b>												
		<b>185,811</b>	<b>0</b>	<b>0</b>	<b>59,197</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>126,614</b>	<b>0</b>	<b>0</b>
<b>5 Expenditure on Adult Inpatient Medical Emergency Admissions</b>												
<b>NHS Sheffield CCG</b>												
	A	72,629										72,629
<b>Theme 5 Total - Adult Inpatient Medical Emergency Admissions</b>												
		<b>72,629</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>72,629</b>
<b>6 Mental Health</b>												
<b>NHS Sheffield CCG</b>												
	A	91,839				91,839						
	A	1,764				1,764						
	A	1,021				1,021						
	A	0				0						
	A	15,670				15,670						
	<b>sub total</b>	<b>110,293</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>110,293</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Sheffield City Council</b>												
	A	81				81						
	A	11,292				11,292						
	B	0				0						
	B	448				448						
	<b>sub total</b>	<b>11,821</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>11,821</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Theme 6 Total - Mental Health</b>												
		<b>122,114</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>122,114</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>7 Capital Grants</b>												
<b>NHS Sheffield CCG</b>												
		0										
<b>Sheffield City Council</b>												
	A	6,797							6,797			
<b>Theme 7 Total - Capital Grants</b>												
		<b>6,797</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>6,797</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>TOTAL</b>												
		<b>456,667</b>	<b>814</b>	<b>64,507</b>	<b>59,291</b>	<b>123,919</b>	<b>0</b>	<b>0</b>	<b>6,797</b>	<b>127,872</b>	<b>837</b>	<b>72,629</b>
<b>Risk Share Summary</b>												
		306,078	0	46,731	18,366	110,293	0	0	0	58,253	0	72,629
		144,580	814	11,961	40,926	13,626	0	0	6,797	69,620	837	0
		2,775	0	2,581	0	0	0	0	0	0	0	0
		3,235	0	3,235	0	0	0	0	0	0	0	0
		308,853	0	49,312	18,366	110,293	0	0	0	58,253	0	72,629
		147,814	814	15,195	40,926	13,626	0	0	6,797	69,620	837	0
		456,667	814	64,507	59,291	123,919	0	0	6,797	127,872	837	72,629
<b>Memo: Aligned Budgets</b>												
		92,520										92,520
<b>Memo: Grand Total Inpatient Emergency Admissions</b>												
		165,148										165,148

There are also elements of funding within each organisation which is included within the Section 75 and within the oversight of the Joint Commissioning Committee, but which is excluded from the Better Care Fund due to the existing delegated nature of the funding. This is shown in the following tables:



Commissioning Intention Combined Budgets	Budget for 2022/23		
	Within Current BCF	Added to S75	Total
In Scope	£'000's	£'000's	£'000's
Children and Young People	-	166,619	166,619
Ageing Well	64,507	14,366	78,873
All Age Mental Health	123,919	30,460	154,380
All Age Learning Disabilities	59,292	8,192	67,484
On-Going Care	127,872	11,579	139,451
Collaborative Working	-	5,116	5,116
Urgent and Emergency Care	72,629	123,645	196,274
Disability Facilities Grant	6,797	-	6,797
<b>Total In Scope</b>	<b>455,017</b>	<b>359,976</b>	<b>814,993</b>
Not in Scope of Commissioning Intentions	£'000's	£'000's	£'000's
Acute, Cancer and Public Health Services	814	433,494	434,307
Primary Care Prescribing	-	97,474	97,474
Primary Care/PCNs/Locality Teams	837	151,088	151,925
<b>Total Not in Scope of Commissioning Intentions</b>	<b>1,651</b>	<b>682,056</b>	<b>683,706</b>
Not proposed to be delegated	£'000's	£'000's	£'000's
Not proposed to be delegated	-	18,079	18,079
<b>Total Not Proposed to be Delegated</b>	<b>-</b>	<b>18,079</b>	<b>18,079</b>
<b>Total</b>	<b>456,667</b>	<b>1,060,110</b>	<b>1,516,777</b>

Commissioning Intention Combined Budgets	Budget for 2022/23			NHS South Yorkshire ICB			Sheffield City Council		
	Within Current BCF	Added to S75	Total	Within Current BCF	Added to S75	Total	Within Current BCF	Added to S75	Total
In Scope	£'000's	£'000's	£'000's	£'000's	£'000's	£'000's	£'000's	£'000's	£'000's
Children and Young People	-	166,619	166,619	-	70,897	70,897	-	95,722	95,722
Ageing Well	64,507	14,366	78,873	49,312	9,683	58,995	15,195	4,682	19,878
All Age Mental Health	123,919	30,460	154,380	110,294	21,678	131,971	13,626	8,783	22,408
All Age Learning Disabilities	59,292	8,192	67,484	18,366	7,803	26,169	40,926	389	41,315
On-Going Care	127,872	11,579	139,451	58,252	2,429	60,682	69,619	9,150	78,769
Collaborative Working	-	5,116	5,116	-	959	959	-	4,156	4,156
Urgent and Emergency Care	72,629	123,645	196,274	72,629	123,574	196,203	-	71	71
Disability Facilities Grant	6,797	-	6,797	-	-	-	6,797	-	6,797
<b>Total In Scope</b>	<b>455,017</b>	<b>359,976</b>	<b>814,993</b>	<b>308,853</b>	<b>237,023</b>	<b>545,876</b>	<b>146,164</b>	<b>122,953</b>	<b>269,117</b>
Not in Scope of Commissioning Intentions	£'000's	£'000's	£'000's	£'000's	£'000's	£'000's	£'000's	£'000's	£'000's
Acute, Cancer and Public Health Services	814	433,494	434,307	-	430,416	430,416	814	3,078	3,891
Primary Care Prescribing	-	97,474	97,474	-	97,474	97,474	-	-	-
Primary Care/PCNs/Locality Teams	837	151,088	151,925	-	115,328	115,328	837	35,760	36,597
<b>Total Not in Scope of Commissioning Intentions</b>	<b>1,651</b>	<b>682,056</b>	<b>683,706</b>	<b>-</b>	<b>643,218</b>	<b>643,218</b>	<b>1,651</b>	<b>38,838</b>	<b>40,488</b>
Not proposed to be delegated	£'000's	£'000's	£'000's	£'000's	£'000's	£'000's	£'000's	£'000's	£'000's
Not proposed to be delegated	-	18,079	18,079	-	5,424	5,424	-	23,503	23,503
<b>Total Not Proposed to be Delegated</b>	<b>-</b>	<b>18,079</b>	<b>18,079</b>	<b>-</b>	<b>5,424</b>	<b>5,424</b>	<b>-</b>	<b>23,503</b>	<b>23,503</b>
<b>Total</b>	<b>456,667</b>	<b>1,060,110</b>	<b>1,516,777</b>	<b>308,853</b>	<b>874,817</b>	<b>1,183,670</b>	<b>147,814</b>	<b>185,293</b>	<b>333,107</b>

### Schedule 4:

#### TREATMENT OF OUTSIDE ALLOCATION NATIONAL FUNDING – KEY PRINCIPLES

The partners agreed the following principles around the treatment of in year funding received from national allocations:

- Transparency between parties with clear visibility of costs incurred and funding streams identified to fund the cost pressure and avoid potential duplication.
- All guidance will be reviewed for updates, changes and the potential implications shared with the members of the Sheffield Partnership to enable them to make informed decisions and delegate authority as appropriate to allow timely decision making.
- Any business cases which require additional funding supported from the national grants and allocations will be shared with both organisations with Jackie Mills and Liz Gough delegated authorisation to progress programmes. Other portfolio costs to be shared for information and transparency as appropriate.
- To ensure pace any items identified can be authorised by the lead Commissioning organisation if they are within the scope of the terms of the grants allocated to their organisation.
- Fortnightly financial meetings will be held to review costs being incurred and raise any new funding requests being developed. This can be escalated to weekly meetings if required.
- Finance will not overturn any decisions taken by Sheffield Partnership but will identify, highlight and feedback any implications of the decisions to the decision making group for review.
- The Sheffield Partnership will be given updates at each meeting of exceptional items and indicative costs incurred from each funding stream, alongside a projection of forecast spend against indicative allocations.
- Each organisation will work together in month to agree spend incurred and activity required to complete the national template to ensure that the NHSE reporting can be completed in time for the national deadline.
- Any national funding returns for Health and Social Care will be co-produced with sign off by those members of the Sheffield Partnership Board who have delegated authority.
- Any funding arrangements or business planning will require an exit plan or a clear understanding of any recurrent implications before approval.

The national changes to section 75 were originally mandated specifically for Hospital Discharge Funding, CV inserted below, however to ensure a consistent approach to all national allocations, funding grants and reimbursements the changes have been applied to types of funding managed via the Better Care Fund.



Covid-19\_ Discharge  
Requirements-section

All funding and activity requirements have been met in line with the guidance issued with each funding stream.