

Meeting of the Council – 1st December 2025

Report of the Cabinet

2025/2026 Better Care Fund (BCF) Partnership Agreement (Section 75 Agreement)

Purpose of report

1. To note the decisions taken by the Cabinet on 6th November 2025, under the special urgency provisions, to enter into the 2025/2026 Better Care Fund (BCF) Partnership Agreement (Section 75 Agreement) with the NHS Black Country Integrated Care Board (ICB), pursuant to Section 75 of the National Health Service Act 2006 (NHS Act 2006).

Recommendations

2. It is recommended that the Council notes:
 - The decision of the Cabinet to approve entering into the 2025/2026 Better Care Fund Partnership Agreement, pursuant to Section 75 of the NHS Act 2006, with the NHS Black Country Integrated Care Board (ICB).
 - That the Cabinet has delegated authority to the Interim Director of Adult Social Care, in consultation with the Cabinet Member for Adult Social Care, to finalise the 2025/2026 Section 75 Agreement on behalf of the Council.
 - That the Cabinet has delegated authority to the Interim Director of Adult Social Care, in consultation with the Cabinet Member for Adult Social Care, to approve future years' annual Better Care Fund Section 75 agreements, provided that no material change in funding or statutory requirements arise, to ensure timely compliance with NHS England's annual deadlines and maintain assurance with the Integrated Care Board.

Background

3. In accordance with the provisions of Section 100(B)(4)(b) of the Local Government Act 1972, a report was considered by the Cabinet at its meeting on 6th November 2025 as an urgent item of business. The reason for urgency was the need for the Better Care Fund (BCF) Section 75 Agreement for 2025/26, required by NHS England, to be formally signed and submitted. The national deadline applies to all local authorities and Integrated Care Boards (ICBs) in England and forms part of the statutory assurance process that confirms compliance with the Better Care Fund framework and the NHS Act 2006.
4. Although Dudley Health and Wellbeing Board considered and noted the Section 75 Agreement on 25th September 2025, internal governance clarification resulted in the formal Cabinet sign-off being delayed beyond the national submission date. The urgency arose because:
 - The Council and ICB must demonstrate formal approval to NHS England as a condition of continuing to access BCF funding for 2025/26.
 - Delay could lead to reputational risk and loss of confidence from regional NHS partners, as all local authorities and ICBs are expected to have already completed their agreements.
 - The Section 75 governs a pooled budget of over £90m in services supporting hospital discharge, reablement, and community independence and any uncertainty in its legal standing could disrupt partnership planning and service delivery.
5. The urgency reflected the need to regularise governance swiftly, ensuring the Council met its statutory and partnership obligations without further delay, while also establishing a more sustainable delegated approval process for future years.
6. In accordance with the special urgency procedure set out in the Council's Constitution, the Mayor agreed that the key decision could be taken as a matter of urgency. It was agreed that the decision could not reasonably be deferred and that the scrutiny call-in procedure should not apply.
7. The Section 75 Agreement is a legal partnership framework made under Section 75 of the NHS Act 2006 that allows the Council and the NHS Black Country Integrated Care Board (ICB) to pool budgets and share responsibilities for the commissioning and delivery of health and social care services and a condition for the receipt of the Better Care Grant.

8. For 2025/26, the Agreement underpins the Dudley Better Care Fund (BCF) and sets out how the Council and the ICB will work jointly to:
 - Support people to live independently at home and prevent unnecessary hospital admissions.
 - Enable safe and timely hospital discharge and effective reablement.
 - Integrate community health, mental health, and social care services around the needs of individuals.
 - Improve population health outcomes through partnership investment and prevention.
 - Deliver national BCF metrics and local system priorities through a single pooled budget and governance structure.
9. The Agreement specifies the scope of pooled funding and the financial, governance, and performance management arrangements for 2025/26. It also sets out the duties of both organisations to comply with statutory requirements, ensure value for money, and monitor the impact of joint investment through the BCF Executive Group and Integrated Commissioning Committee, which reports into the Health and Wellbeing Board.

Finance

10. No additional financial implications arise from this decision. The Section 75 Agreement governs the pooled budget already approved through the Better Care Fund Plan, totaling £90.1m for 2025/26 (comprising £37.9m NHS contribution and £52.2m Council contribution). The Council contribution is inclusive of our Disabled Facilities Grant and Local Authority Better Care Grant.
11. Financial governance will continue in accordance with the existing pooled fund arrangements and oversight through the BCF Partnership Board.

Law

12. Section 75 of the NHS Act 2006 enables local authorities and NHS bodies to enter partnership arrangements for the exercise of certain functions and the management of pooled budgets.
13. The Section 75 Agreement must comply with the relevant provisions of NHS Bodies and Local Authority Partnerships Regulations 2000.

Risk Management

14. Failure to sign off the Section 75 Agreement would place the Council in breach of NHS England's assurance requirements and meet a condition of continuing to access the BCF Funding. Risking reputational and operational impacts on partnership working with the ICB to plan and deliver services, etc.
15. Delegating future sign-off mitigates this risk by ensuring timely compliance.

Equality Impact

16. There are no adverse equality implications.
17. The Section 75 Agreement supports integrated working that improves access and outcomes across protected groups.
18. Service funded by the Better Care Fund have at their core the purpose of promoting equality of access and availability to vulnerable people in Dudley.

Human Resources/Organisational Development

19. There are no direct HR or workforce implications arising from this report. Any staffing resources supporting delivery of the Section 75 Agreement are already in place within existing service structures across Adult Social Care and the Integrated Care Board. Workforce development and partnership capacity will continue to be managed through the BCF Executive Group.

Commercial/Procurement

20. There are no direct procurement implications arising from this decision. The Section 75 Agreement does not create or vary any contractual procurement arrangements but provides a governance framework for pooled budgets. Any future commissioning or contracting activity arising from the BCF programme will continue to comply with the Council's Contract Standing Orders and Procurement Regulations.

Environment / Climate Change

21. The proposals have no immediate environmental or climate change impact. However, the Better Care Fund supports programmes that indirectly contribute to sustainability objectives by reducing hospital admissions, promoting community-based care, and minimising travel associated with inpatient stays, thereby supporting the Council's Climate Change Action Plan and the UN Sustainable Development Goals relating to sustainable communities and health equity.

Council Plan

22. This report aligns with and contributes to the Council's key themes and priorities under the 2025-26 Council Plan by:
- Strengthening Partnerships and Community Engagement through integrated health and social care working.
 - Supporting Service Delivery that enables people to live independently and well at home.
 - Reinforcing Governance and Use of Resources through robust joint-funding arrangements.
 - Promoting Continuous Improvement via shared performance, prevention and outcome monitoring across the health and care system.

Councillor Patrick Harley
Leader of the Council

List of Background Documents

- [*Report to Cabinet – 6th November, 2025 – Urgent Item of Business: 2025/26 Better Care Fund Partnership Agreement \(Section 75\)*](#)