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| <b>From:</b>                     | Helen Woodland, Corporate Director, Adult Social Care and Health          |
| <b>To:</b>                       | Georgia Foster, Cabinet Member for Adult Social Care                      |
| <b>Subject:</b>                  | <b>Section 75 Partnership Agreement</b>                                   |
| <b>Decision no:</b>              | <b>26/00059</b>                                                           |
| <b>Key Decision:</b>             | Yes                                                                       |
| <b>Classification:</b>           | Unrestricted                                                              |
| <b>Past Pathway of report:</b>   | Adult Social Care and Public Health Cabinet Committee – 24 September 2026 |
| <b>Future Pathway of report:</b> | Cabinet Member Decision                                                   |
| <b>Electoral Division:</b>       | All                                                                       |

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**Is the decision eligible for call-in? Yes**

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**Summary:** The report provides the background and rationale for the required revision of the Section 75 Agreement between Kent County Council Adult Social Care and the Kent and Medway Integrated Care Board to underpin the Better Care Fund.

**Recommendation(s):** The Cabinet Member for Adult Social Care is asked to:

- a) **ENTER** into a revised Section 75 Partnership Agreement with the Kent and Medway Integrated Care Board; and
- b) **DELEGATE** authority to the Corporate Director, Adult Social Care and Health to take relevant actions to finalise the necessary legal agreements and sign the Section 75 Partnership Agreement on behalf of Kent County Council.

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## **1. Introduction**

- 1.1 The Better Care Fund (BCF) is a national programme in England that brings together Integrated Care Board (ICB) and Local Authority funding into a pooled budget to support integration between Health and Social Care.
- 1.2 The BCF was introduced in 2015 and includes an allocation of funding for the Local Authority and an allocation of funding for the ICB. This funding is set by central government each year and must sit within a pooled budget.
- 1.3 The BCF pooled budget is governed by a Section 75 Partnership Agreement between Kent County Council and the Kent and Medway ICB.

- 1.4 Following legal review and publication of updated national guidance and templates, the existing 2015 agreement requires updating to ensure it remains robust and fit for future integrated working.
- 1.5 This proposed decision seeks to enter into a revised Section 75 Partnership Agreement, which will provide greater assurance that public funds are managed effectively, roles and responsibilities are clearly defined, risks are appropriately managed and future collaborative arrangements can continue to develop within a robust legal framework.

## **2. Key Considerations**

- 2.1 The original 2015 agreement was required to establish the Better Care Fund pooled budget for 2015/2016.
- 2.2 The 2026 agreement establishes a more formalised governance structure, including a Partnership Board, detailed governance schedules, delegated decision-making arrangements, regular reporting requirements and structured review processes. It also introduces clear mechanisms for approving and overseeing new schemes.
- 2.3 The 2026 agreement introduces formal arrangements for dispute resolution, termination, managing breaches and defaults, force majeure events, indemnities, insurance requirements, audit rights, contract management responsibilities, third-party rights and changes in legislation.
- 2.4 Where the 2015 agreement focused on a specific Better Care Fund pooled budget, the 2026 framework adopts a broader approach, explicitly allowing additional funding streams and future pooled budgets between KCC and the Kent and Medway ICB to be incorporated.
- 2.5 In summary, the revised agreement will:
  - provide the governance framework necessary to support integrated decision making.
  - provide the flexibility to support future integrated commissioning and pooled funding arrangements where appropriate, enabling both organisations to respond to national policy developments, including reforms to the Better Care Fund and the Government's ambition to deliver more integrated, neighbourhood-based health and care services.
  - ensure delivery of the Better Care Fund 2026-27 national conditions that specify a Section 75 and joint governance must be in place.

## **3. Background**

- 3.1 The current Section 75 Partnership Agreement was completed in 2015. Legal advice concluded that it no longer sufficiently reflects current legislation, guidance and integrated working arrangements. The revised Section 75 Partnership Agreement has been developed using the updated national Section 75 template published in 2025. Extensive consultation has taken place with KCC operational, commissioning, finance, procurement, governance and legal teams, alongside ICB representatives.

- 3.2 In December 2025, Directors and Managers from Kent County Council Adult Social Care and Kent and Medway ICB developed a shared vision for integrated care through to 2028. The revised Section 75 Partnership Agreement (attached as Appendix 1) provides an updated legal and governance framework to support delivery of these ambitions.

#### **4. Options considered and dismissed, and associated risk**

- 4.1 Option 1: Retain the existing agreement (rejected) due to governance and legal risks associated with an outdated framework.

#### **5. How the proposed decision supports the Council's Strategic Statement**

- 5.1 The proposal directly supports the ambitions within Reforming Kent 2025-2028, the Kent Health and Wellbeing Strategy, the Kent and Medway Integrated Care System Strategy and Kent Adult Social Care's "Making a Difference Every Day" strategy:
- improved independence and wellbeing through preventative services
  - stronger integrated neighbourhood working
  - reduced health inequalities
  - more effective use of public resources
  - improved hospital discharge and recovery pathways
  - better outcomes for unpaid carers
  - increased use of technology-enabled care and community-based support.

#### **6. Financial Implications**

- 6.1 The proposal to enter into a revised Section 75 Partnership Agreement does not increase Better Care Fund values or create additional financial commitments. It strengthens governance, accountability and risk-sharing arrangements relating to existing and future pooled funds.
- 6.2 The revised Section 75 Partnership Agreement supports existing arrangements through which Better Care Fund investment is monitored against agreed outcomes, performance measures and value-for-money criteria. Examples include oversight of jointly commissioned discharge services, reablement services, community equipment services and joint brokerage arrangements, all of which contribute to reducing avoidable hospital stays and improving utilisation of health and care resources.

#### **7. Legal implications**

- 7.1 The Section 75 Partnership Agreement is made under Section 75 of the National Health Service Act 2006. Updating the Section 75 Partnership Agreement ensures compliance with current legislation, guidance and best practice.
- 7.2 Any impacts arising from Local Government Reorganisation will be addressed through established transition and governance arrangements.

## **8. Equalities implications**

- 8.1 An Equality Impact Assessment has been completed (Attached as Appendix 2). No direct equality impacts have been identified because the proposal updates the legal framework only and does not alter services or access arrangements.

## **9. Data Protection Implications**

- 9.1 A Data Protection Impact Assessment is not required as no new personal data processing or sharing is introduced. Existing information governance arrangements remain unchanged.

## **10. Governance**

- 10.1 The Corporate Director, Adult Social and Health will inherit delegated authority to take relevant actions to finalise the necessary legal agreements and sign the Section 75 Partnership Agreement on behalf of KCC.
- 10.2 The revised Section 75 Partnership Agreement establishes a strengthened governance framework, including a single Partnership Board feeding directly into the Kent Health and Wellbeing Board. This will provide enhanced oversight of pooled funds, commissioning decisions, performance, risk management and service outcomes.
- 10.3 The revised Section 75 Partnership Agreement also formalises reporting, escalation and accountability arrangements across KCC and the Kent and Medway ICB and supports continuous review of Better Care Fund investment, service impact and value for money

## **11. Conclusions**

- 11.1 Following legal review and publication of updated national guidance and templates, the existing Section 75 Agreement (2015) requires updating to ensure it remains robust and fit for future integrated working.
- 11.2 The revised Section 75 Partnership Agreement has been developed using the updated national Section 75 template published in 2025. Extensive consultation has taken place.
- 11.3 Approval of the revised Section 75 Partnership Agreement will create an updated and legally robust framework supporting integrated commissioning and delivery across Kent and Medway. It will strengthen governance and accountability arrangements while enabling partners to continue developing neighbourhood health models, improve discharge pathways, support prevention and independence, and maximise the value achieved from jointly invested public funding.

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**Recommendation(s):** The Cabinet Member for Adult Social Care is asked to:

- a) **ENTER** into a revised Section 75 Partnership Agreement with the Kent and Medway Integrated Care Board; and
  - b) **DELEGATE** authority to the Corporate Director, Adult Social Care and Health to take relevant actions to finalise the necessary legal agreements and sign the Section 75 Partnership Agreement on behalf of Kent County Council.
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## **12. Background Documents**

Adult Social Care Cabinet Committee 2015 (original Section 75)  
<https://democracy.kent.gov.uk:9071/ieDecisionDetails.aspx?ID=747>

## **13. Appendices**

Appendix 1 – Section 75 Agreement between Kent County Council Adult Social Care and Kent and Medway Integrated Care Board  
Appendix 2 – Equality Impact Assessment

## **14. Contact details**

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