

London Borough of Waltham Forest

Report Title	New Section 75 Partnership Agreement for Health and Social Care – Better Care Fund
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Meeting / Date	Cabinet, 17 th March 2026
Cabinet portfolio	Councillor Louise Mitchell, Portfolio Lead Member for Adults and Health
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Wards affected	All
Public access	Open
Appendices	Appendix 1: BCF 2025-26 Provisions Waltham Forest Appendix 2: Equalities Screening



1. Summary

- 1.1 This report seeks approval to put into place a new section 75 agreement between North East London (NEL) Integrated Care Board (ICB) and the London Borough of Waltham Forest for delivery of the Better Care Fund (BCF) in accordance with section 75 of the National Health Service Act, 2006.
- 1.2 The BCF is a national initiative that has been in place since 2015, designed to integrate health and social care through the pooling of budgets. These pooled resources are allocated according to an agreed plan with the aim of delivering person centred care, supporting independent living, and creating a more joined up system.
- 1.3 The BCF focuses on services such as hospital discharge and intermediate care, ensuring that people and their carers receive the right care, in the right place, at the right time. It is also a key mechanism through which the Government channels funding to strengthen local health and care systems.
- 1.4 To ensure transparency and effective governance, it is a statutory requirement that delivery of the BCF is underpinned by a Section 75 (s75) agreement, which sets out the terms for pooled budgets and joint working arrangements.
- 1.5 The current Section 75 agreement between NEL ICB and the London Borough of Waltham Forest is due to end on the 31st of March 2026, and a new agreement must be in place from the 1st of April 2026 to

meet national requirements and accommodate 2026/27 fund allocations for the Better Care Fund (BCF). The existing agreement has expanded to include wider system partnership arrangements, enabling additional pooled funds between NHS NEL and LBWF outside of its core BCF remit.

- 1.6 The new Section 75 agreement will continue to enable an integrated approach to providing and funding services locally in line with clear accountability, good governance, and transparency for the movement of funds between NHS NEL and the Local Authority for a variety of pooled funds. In 2025/26 Waltham Forest's BCF allocation was £41.5 million with spending allocated across a variety of health and social care interventions. Funding improved hospital discharge and admission avoidance boosted independence through assistive technology, community equipment services and strengthened community and end-of-life care enhancing wellbeing across the system (all detailed BCF funded provisions are listed on Appendix 1).
2. Recommendations
 - 2.1 Cabinet is recommended to:
 - 2.1.1 Approve that the Council enter into a new Section 75 agreement with NHS North East London (NEL) Integrated Care Board (ICB) from 1 April 2026 for the management of the Better Care Fund (BCF) and other pooled funding arrangements. The agreement will be open ended, with mutually agreed termination clauses.
 - 2.1.2 Delegate authority to sign and approve the final terms of the Section 75 agreement to the Strategic Director of Adults, in consultation with the Portfolio Lead Member for Adults and Health, the Strategic Director of Resources, and Director of Governance and Law.
3. Proposals
 - 3.1 The NHS Better Care Fund (BCF) is a programme in England designed to support the integration of health and social care services. Its main purpose is to enable local authorities and NHS organisations to pool budgets and work together to deliver joined up services, particularly for people with complex health and care needs. The fund is intended to improve outcomes for patients and service users, reduce pressure on hospitals, and promote independence by supporting more care in community and home settings.
 - 3.2 The BCF in Waltham Forest for 25/26 has been used to improve health and social care integration, helping people stay independent and reducing hospital admissions. Funding supported quicker hospital discharges through the Integrated Discharge Hub, reablement services, and step-down beds, as well as admission avoidance via rapid response and intermediate care. Investment in assistive technology, community equipment and home adaptations has enabled more residents to live safely at home, while proactive care initiatives such as multi-disciplinary

teams, dementia support, and befriending tackled isolation and complex needs. End-of-life services have been strengthened to reduce unnecessary hospital stays, and carers received advice and support to maintain their wellbeing. These efforts have led to faster discharges, avoided emergency admissions, promoted independence, improved end of life experiences, and strengthened community wellbeing.

- 3.3 A new policy and planning framework for the BCF was published on 18th February for implementation from April 2026. The reformed BCF will have a narrowed scope, focusing primarily on intermediate care and short-term services that support neighbourhood health, aiming to ensure integrated planning between local authorities and Integrated Commissioning Boards (ICB). The name of the fund will change, with effect from April 2026 to the Integrated Care Funding Framework (ICFF). The new pooled funding framework will be part of the broader Neighbourhood Health Plan, consolidating various planning requirements for local authorities and ICB's into a single plan, and aligning with the 10-year health plan's objectives.
- 3.4 The 2025/26 Waltham Forest's BCF allocation was £41.5 million and spent across a variety of Health and Social Care interventions. This funding will continue to be a key element of driving forward place-based integration.
- 3.5 A Section 75 Agreement is mandated in the administration and governance of the BCF. The 'Section 75 Agreement' refers to Section 75 of the NHS Act 2006 which sets out the arrangements between NHS bodies and local authorities. This will allow NHS NEL and the Council to contribute to a common fund which can be used to commission health or social care related services
- 3.6 A recent NEL review of the BCFs identified that all 7 other NEL councils have entered opened ended Section 75 agreements with NHS NEL. The Waltham Forest BCF Section 75 is the only one that is time limited. The advantage of an open-ended agreement with agreed termination clauses, is that it reduces the governance, legal and officer cost of regularly renewing the legal framework. Agreed termination clauses protect both parties should these be required and agreement of annual refreshed schedules to be agreed through the governance of both parties ensure the Agreement remains flexible.
- 3.7 Whilst a Section 75 agreement is mandated for the BCF, this is not the only area in which a Section 75 agreement can be utilised to facilitate the delivery of integrated services across health, social care, and the wider system. In Waltham Forest, a separate Section 75 agreement is in place between the council and NELFT for the integrated management and delivery of mental health services.
- 3.8 A Section 75 is a mechanism that can be used to enable wider partnership agreements which permit the local authority and the NHS NEL to widen the scope of the agreement and enter an arrangement in relation to the governance of funds other than the BCF that is transferred between the parties.

- 3.9 As per the BCF requirement, a Section 75 Agreement is needed to facilitate and govern the relationship between the NHS NEL and LBWF. A wider partnership arrangement is also an enabler in progressing the working relationships, which underpins place-based Integrated Care Systems.
- 3.10 The Section 75 Partnership Agreement is a mechanism for streamlining processes and agree a clear, transparent, and accountable governance for transferring funds between LBWF and NHS NEL.
- 3.11 The new Section 75 Agreement will enable LBWF and NHS NEL to continue to be compliant to the terms of the BCF legal framework and continue with our wider partnership arrangement which constitute process for governance, reporting and recharging of funds between NHS NEL and LBWF for the BCF as well as funds for S117 Aftercare and the Integrated Community Equipment service recharges (ICES).
- 3.12 The benefits of our Section 75 Partnership Agreement incorporating wider funding includes:
- Enabling an agreed process for recharging of funds.
 - Ensuring there is an agreed reporting process for funds.
 - Providing clear accountability and ensuring good governance, and transparency for the movement of funds between NHS NEL and LBWF.
 - Providing clear oversight over multiple pooled funds to maintain a strategic oversight.
 - Ensuring we have a legal framework flexible enough to consider changes and unforeseen circumstances where funding arrangements are required.
- 3.13 The wider partnership arrangements currently covered within the 2025/26 BCF Section 75 agreement are: -

Schedule 1 – Better Care Fund: individual schemes and specifications

Schedule 2 – Governance

Schedule 3 – Financial arrangements, risk share and overspends

Schedule 4 – Joint working obligations

Schedule 5 – Performance arrangements

Schedule 6 – Better Care Fund plan

Schedule 7 – Policy for the management of conflicts of interest

Schedule 8 – Information governance protocol

Schedule 9 – Part 2 Better Care Fund: adult social care discharge fund

Schedule 10 – Scheme specifications for other individual schemes (Non BCF)

1. Section 117 reporting and recharge arrangements
2. Winter pressure (Physical Capacity fund)
3. Integrated commissioning team staffing
4. Vanguard project
5. Sexual health – transition of HIV support
6. Cost share agreement for the integrated community equipment service (ICES)

7. Community transformation
8. NHS NEL SEND investment in Waltham Forest

- 3.14 Performance of the BCF is locally driven and overseen by the Health & Wellbeing Board (HWB). HWBs are responsible for joint planning and managing pooled budgets between health and social care partners. They monitor delivery against agreed integration objectives and submit quarterly performance reports to NHS England using national templates via the Better Care Exchange. The performance framework prioritizes outcomes over compliance, focusing on:
- Reducing emergency hospital admissions
 - Minimizing delayed discharges
 - Monitoring care home placements

4. Options & Alternatives Considered

- 4.1 Option 1: Approve the renewal of the existing Section 75 Agreement, effective from 1 April 2026, for a fixed term of three years to cover the Better Care Fund (BCF). Additionally, incorporate a broader partnership framework to enable the recharge of other funding streams, including those referenced in paragraph 3.11.

This option is not recommended.

- 4.2 Option 2: Approve a Section 75 Agreement for the BCF only.

A Section 75 is government mandated for the BCF legal framework for funding an integrated health and social care service. If the agreement were restricted to BCF funding only the benefits set out in paragraph 3.11 would not be realised.

This option is not recommended.

- 4.3 Option 3: Approve an open-ended Section 75 Agreement with termination clauses mutually agreed by both parties, starting 1st of April 2026, for the BCF as well as incorporate a wider partnership arrangement for recharge of other fundings such as those set out in paragraph 3.11. A Section 75 is government mandated for the BCF legal framework for funding an integrated health and social care service. The proposal is that this Section 75 is devised to be broader than the management of only the BCF to enable the benefits set out in paragraph 3.11 to be realised.

This option is recommended.

5. Council Strategic Priorities (and other National or Local Policies or Strategies)

- 5.1 Under Part 3 of the Care Act 2014, LBWF has a duty to exercise its functions with a view to ensuring the integration of care and support provision with health-related provision. The Care Act requires an

integrated approach to the planning and delivery of services to people at a place base level across local population.

- 5.2 The BCF is a core enabler to integration between health, social care and the wider system by providing a mechanism for funding to be pooled and governed by a Section 75 agreement.
- 5.3 The BCF provides a vehicle for achieving changes that delivers better outcomes for LBWF residents at a place base level across health, social care, and the wider system.

6. Consultation

- 6.1 Consultation has not been undertaken for this decision as it is a duty to have a legal mechanism in place to transfer funds for the Better Care Fund. Before entering into the Section 75 arrangement proposed the Council and ICB are required to ensure that any obligations to inform and consult interested parties are properly discharged where the entering into the agreement of itself leads to changes made to any current service delivery.
- 6.2 The Waltham Forest Health and Wellbeing Board has a statutory responsibility to oversee the BCF and supported the recommendation to enter into a new open ended Section 75 Agreement for the BCF on 20th October 2025.
- 6.3 This report has been shared with Legal and Finance appropriately senior officers who have reviewed the relevant implications and have approved the report from within each of those areas.

7. Implications

7.1 Finance, Value for Money and Risk

- 7.1.1 There are no direct financial implications from the recommendation to agree to enter a Section 75 Partnership Agreement with NHS NEL. However, failure to have an agreement in place will prevent the transfer and use of funds from the NHS.
- 7.1.2 As part of the s75 agreement itself, financial schedules are included to cover the appropriate finance arrangements. These will be updated and revised each year of the agreement to reflect any changes in funding levels.
- 7.1.3 The current (25/26) BCF is £41.5 million and is a combination of LBWF and NHS NEL funding. The current funding in the BCF pool arrangements includes Local Authority government grants, such as Disabled Facilities Grant (£2.9 million), the Local Authority Better Care Grant (£11.7 million) and the Minimum contribution from NHS NEL for the Better Care Fund arrangements (£26.8 million).
- 7.1.4 The new allocations for BCF 26/27 have been announced:

Running Balances	BCF 2025/26	BCF 2026/2027
DFG	£2,931,240	£3,036,464
NHS Minimum Contribution	£26,839,366	£27,585,000
Local Authority Better Care Grant	£11,703,015	£11,703,015
Additional LA contribution	£63,300	£63,300

7.1.5 The NHS Minimum Contribution for 2026/27 is £27,585,000. Included in this minimum contribution is a requirement of a minimum allocation to Adult Social Care, set at £8,197,000.

7.2 Legal

7.2.1 Local authorities and NHS bodies have the power to enter into partnerships under Section 75 of the National Health Service Act 2006 (as amended by the Health and Social Care Act 2012 and the Care Act 2014) to provide a more streamlined service and to pool resources, if such arrangements are likely to lead to an improvement in the way their functions are exercised. The BCF allocations are set by NHS England and must be pooled into a Section 75 agreement. As set out in the report the current Section 75 agreement which was approved by Cabinet in June 2022 is due to expire on the 31st of March 2025.

7.2.2 Cabinet is being asked to agree that the Council takes steps to enter into a new open ended Section 75 agreement with NHS NEL to manage the BCF and other funding arrangements effective from the 1st of April 2026, with termination clauses mutually agreed by both parties. In addition, Cabinet are asked to delegate the authority to approve its' final terms to the Strategic Director of Adult services in consultation with the Portfolio Lead Member for Adults and Health, the Strategic Director of Resources, and Director of Governance and Law.

7.2.3 Before entering into the Section 75 agreement, the Council and NHS NEL are required to ensure that any obligations to inform and consult interested parties are properly discharged where the entering into the agreement of itself leads to changes made to any current service delivery.

7.2.4 The Council must consider its Public Sector Equality Duty (PSED) under Section 149 of the Equality Act 2010 when making its decision. The attention of Members is drawn to Appendix 2 to this report (the Equality Analysis – Screening Template).

- 7.2.5 Any Section 75 Agreement entered between the Council and NHS NEL should include provisions for either party to terminate on sufficient written notice so that any such termination will not take effect prior to alternative management of individual schemes being identified. Individual schemes are those which the Council and the NHS NEL agree will be included within the Agreement.
- 7.2.6 In the event of any changes in the structure and/or responsibilities of either of the parties or, in the event that the responsibilities of the NHS NEL are transferred to another body during the agreement, the general principles of contract law and employment law will apply.
- 7.2.7 Legal Services have been engaged to ensure the new Section 75 Agreement is compliant with the Public Contracts Regulations 2015 and the Council's Contract Procedure Rules.
- 7.3 Equalities and Diversity
- 7.3.1 The BCF is a funding mechanism to enable partners to pooled fund and used at a local level for the benefit of the whole population. A key element of the Section 75 Partnership Agreement will be to ensure that the parties to this agreement, NHS NEL and LBWF are working together to develop insight into local communities, their resilience and a profile of their populations to support good outcomes for residents.
- 7.3.2 The Better Care Fund Plan 2025-2026 focuses on shifting care from sickness to prevention and from hospital to home. This aligns with creating a neighbourhood health model that delivers responsive, preventative, and coordinated care in local communities. Key priorities include integrated, person-centred support for people with complex needs, helping people to stay independent and reducing hospital or long term care admissions. Achieving this requires strong collaboration amongst local authorities, NHS bodies, the voluntary sector, and families/carers.
- 7.3.3 An equalities impact assessment has been completed and found that there will be no negative impact on protected characteristics through entering into a new Section 75 agreement (Appendix 2).
- 7.4 Sustainability (including climate change, health, crime and disorder)
- 7.4.1 The Section 75 Partnership Agreement is a mechanism to ensure that funding can be pooled and transferred between the NHS and Local Authority to enable better use of funding across health and social care and support local systems. This supports the integrated approach to improved and sustainable Health and Social Care within Waltham Forest.
- 7.4.2 As a legal framework, the Section 75 Agreement itself does not have sustainability implications in terms of climate change, however the services and interventions planned with the funding will require clear and transparent assessment on the implications and opportunities to the environment. Given much of the nature of Health and Social Care services being peripatetic delivered by key members of staff, the focus

of individual assessments should be on transport, CO2 mitigation and waste, with a focus on green transport wherever possible.

7.5 Council Infrastructure

- 7.5.1 Whilst the BCF Section 75 Partnership Agreement enables a locally joined up system wide approach through enabling NHS NEL, LBWF and the wider system to work closely together to achieve better outcomes for local people this will not directly affect any Council Infrastructure.

Background Information (as defined by Local Government (Access to Information) Act 1985)

None