

Record of Officer Decision

Call-in request - Proposed reconfiguration of NHS services - Section 75 Agreement for Integrated Care Model

Decision Taker and Date Decision Taken:

The Statutory Scrutiny Officer on 16 February 2026

Summary of Matter or Issue Requiring Decision:

In accordance with the decision of the Adult Social Care and Health Overview and Scrutiny Sub-Board meeting on 4 February 2026, the Statutory Scrutiny Officer has submitted a referral to the Secretary of State regarding the proposal by the Torbay and South Devon NHS Foundation Trust to serve notice to end the Agreement for the Integrated Care Model in Torbay, with Torbay Council and NHS Devon Integrated Care Board (ICB) for the delivery of community health and adult social care services in Torbay.

Decision Taken:

That the Statutory Scrutiny Officer has submitted the referral to the Secretary of State to call-in the proposal to serve notice to end the Agreement for the Integrated Care Model in Torbay, on behalf of Torbay Council.

Summary of Reason(s) for Decision Taken:

The Sub-Board agreed that, although local resolution was preferred, the Torbay and South Devon NHS Foundation Trust's proposal to end the Section 75 Agreement in March 2026 was likely to result in substantial changes to Torbay's integrated community health and adult social care services, and that no adequate evidence had been provided to show otherwise. The Trust maintains that no duty to consult applies, but neither the ICB nor Torbay Council's Director of Adults and Community Services shares this view, and the ICB has stated it cannot assess the impact without an impact assessment. As the examples cited by the Trust relate only to single-service arrangements and were not comparable to Torbay's fully integrated model, and as there was insufficient time for meaningful consultation before the notice would take effect, the Sub-Board determined (unanimously) that a referral to the Secretary of State was required before the Trust makes its final decision on 5 March 2026.

Summary of Alternatives or Options considered and rejected and Background Papers:

None.

Details of any conflict of interest and dispensation granted to the Officer taking the decision or by any Member of the Council in delegating responsibility for any specific express delegation:

None.

Implementation:

This decision will be implemented immediately.

A copy of this decision and any supporting documentation considered by the Officer taking this decision may also be available for inspection by the public at the Council's offices or posted upon payment of any copying and postage charges. Any member of the public wishing to take up either of these options is asked to please ring (01803) 207087 or email governance.support@torbay.gov.uk

Signed: _____ Date: 26 February 2026
Statutory Scrutiny Officer