

Email: foi.tsdfd@nhs.net
Our Ref: TSD10802

Dear Sir/Madam

Request for Information

We are writing to confirm that we have completed our search for the recorded information currently identifiable from your request. Our response is set out below. If you would like the Trust to consider the specific figures reported in the media and by the Council in more detail, please submit a new request identifying the relevant sources and time period so that we can locate and consider the information accurately.

A copy of the information is below:

I would be grateful if you could provide me with some additional information regarding the end of the Section 75 agreement with Torbay Council.

Like most others in Torbay we applaud the co-operative approach that has been taken to deliver integrated adult social care over the last 20 years. Our friends, neighbours and families have enjoyed the benefits of this model of care. We wholly endorse the findings of the CQC inspection in 2025 which confirmed all these benefits.

It was therefore with some surprise we began to hear, and read, that the Trust was contemplating giving notice to terminate the agreement. We realise that such notice has now been given to become effective in April 2027.

The public debate, insofar as there has been one, has focussed on the cost to the NHS in delivering the existing model. Figures as high as £37 million have appeared in the media whilst the Council contends the figure is less than 10 % of this. I would be grateful if you could clarify.

I presume the deficit has been apparent for some years or is it a recent phenomenon? Has the existence of this deficit been raised with the Council on previous occasions? In many statements the Council has acted as if this is their first knowledge of the problem.

To an outside observer it would seem the high quality service we have enjoyed has been subsidised by the NHS over a period of time with a corresponding lack of investment by the Council - not a unique situation in Torbay!

I would be very grateful for your comments as to how you believe services can be protected and sustained beyond April 2027 without an injection of funding either from the NHS or especially the Local Authority.

The Freedom of Information Act 2000 provides a right of access to recorded information held by a public authority. It does not require the Trust to provide comments, opinions or explanations where these are not already held in recorded form. However, the Trust has published recorded information concerning the Section 75 agreement, its financial position, the decision-making process and the work being undertaken with partners.

This includes:

- The Adult Social Care in Torbay papers considered at the Board meeting in public on 26 March 2026.
<https://www.torbayandsouthdevon.nhs.uk/uploads/260326-trust-board-papers.pdf?last-updated=20260327>
- The public questions and answers published following that meeting;
<https://www.torbayandsouthdevon.nhs.uk/uploads/260326-trust-board-q-and-a.pdf?last-updated=20260327>
- Subsequent Board papers, Chief Executive reports, meeting minutes and updates concerning the plan for better care [Board, governors and annual members meetings - Torbay and South Devon NHS Foundation Trust](#)
- The Trust's published statements and updates concerning the Section 75 partnership arrangements. [Board decision on the Section 75 arrangements for Adult Social Care - Torbay and South Devon NHS Foundation Trust](#) and [Reviewing the future of the adult social care partnership in Torbay - Torbay and South Devon NHS Foundation Trust](#)

These materials are available on the Trust's website under "Board, governors and annual members meetings" and within the news and publications pages relating to the Section 75 arrangements. In accordance with section 21 of the Freedom of Information Act 2000, information that is reasonably accessible to you by other means is exempt from disclosure under the Act.

Financial position

The Trust's published position is that the gap between the cost of delivering adult social care and the funding available is around £35 million each year. The Trust has stated that the cost of providing adult social care increased by around 48% over the preceding three years and that it would continue to test and validate the £35 million figure as its work progressed. Further information is available in the [Reviewing the future of the adult social care partnership in Torbay](#) statement and the [Adult Social Care in Torbay Board paper](#).

The Trust cannot identify the specific £37 million figure referenced or the Council's lower figure from the information provided in the request. If you would like these particular figures to be considered in more detail, please submit a new request providing a link to, or details of, the media report quoting the £37 million figure and the Council source containing the lower figure.

History and discussions

The published [Adult Social Care in Torbay Board paper](#) records that concerns about the ongoing suitability and viability of the Section 75 agreement, particularly the financial arrangements and the Trust carrying the full risk for demand and cost growth, were raised while developing the 2025/26 service and financial plan. It also records that a Board development session took place in June 2025, with further updates provided to the Board in July, September, November and December 2025.

The Trust has also published that financial risk was shared when the Section 75 agreement was first established, but that these arrangements changed over time and the risk share was removed. This is explained further in [Reviewing the future of the adult social care partnership in Torbay](#) and the [Adult Social Care in Torbay Board paper](#).

Arrangements beyond April 2027

Although the Trust is not required to create a new opinion or commentary, recorded plans have been published. As set out in the [Board decision on the Section 75 arrangements for Adult Social Care](#) and the [Adult Social Care in Torbay Board paper](#), the Trust will work with Torbay Council and NHS Devon Integrated Care Board through a joint transition programme to plan any changes through to April 2027. This work will explore a revised service model and contractual framework, retain integrated working where it best serves people, align responsibilities with the appropriate statutory bodies, maintain continuity of NHS input to joint packages of care, and update the Equality Impact Assessment as the future model develops.

The information supplied to you continues to be protected by the Copyright, Designs and Patents Act 1988. You are free to use it for your own purposes, including any non-commercial research you are doing and for the purposes of news reporting.

If you wish to discuss any of the above, please contact us, quoting the FOI reference number above.

If you are unhappy with the way in which we have handled your request, please contact the Data Protection and Freedom of Information Lead in the first instance. If you wish to make a formal complaint, you should write to our Complaints Manager at Torbay and South Devon NHS Foundation Trust, First Floor Bowyer Building, Torbay Hospital, Torquay TQ2 7AA or by email to tsdft.feedback@nhs.net

If you are not content with the outcome of your complaint or the internal review, you may apply directly to the Information Commissioner for a decision. Generally, the Information Commissioner will only make a decision once you have exhausted the complaints and/or internal review process provided by us. The Information Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF or through this link <https://ico.org.uk/global/contact-us/>

Yours sincerely,

Freedom of Information Team