

AGENDA ITEM

REPORT TO COUNCIL

8 MAY 2013

**REPORT OF CORPORATE
MANAGEMENT TEAM**

**HEALTH AND WELLBEING BOARD AND PARTNERSHIP – GOVERNANCE
ISSUES**

SUMMARY

The purpose of this report is to secure Council's agreement to the arrangements relating to the operation of the Health and Wellbeing Board ("HWB") and the Health and Wellbeing Partnership ("HWP").

RECOMMENDED

It is recommended that:-

1. The HWB be constituted as a Committee of the Council.
2. The Terms of Reference of the HWB and the HWP, as detailed at **Appendix 1 and 2**, be approved.
3. Authority be delegated to HWB to make any necessary amendments to the JSNA, that it considers necessary, and that it and the JHWS be presented to Cabinet and Council on an annual basis for review and approval.
4. The Rules of Procedure of the HWB and the HWP, as detailed at **Appendix 3 and 4**, be approved
5. The outline processes, as detailed at paragraphs 16 – 22, be noted.
6. Councillor Ken Lupton be appointed to the HWB pursuant to paragraph 23 of the report.
7. An additional place (making two in total) on the HWB be granted to the CCG in return for a place for the Council on the CCG Locality Group, and that a place on the HWB also be given to a representative from the PCC's office.
8. The Council's member representative on the CCG locality group be nominated.
9. The allocation of places on the HWP to the Probation Service and Durham University be agreed.
10. The arrangements relating to the appointment of the Chair and Vice Chairman of the HWP, as detailed in paragraph 28 be approved.
11. The DPH's statutory responsibilities be noted.

12. The Director of Law and Democracy make all necessary amendments to the Council's Constitution.
13. That the arrangements be reviewed after 12 months' operation.

BACKGROUND

1. The Equity and Excellence; Liberating the NHS white paper and the Health and Social Care Bill proposed the establishment of Health and Wellbeing Boards. In response to this the Council in June 2011, agreed a report proposing the establishment of a Health and Wellbeing Board that would operate in shadow form, ahead of any statutory requirements.
2. Part of the proposals related to governance issues such as objectives, membership, frequency of meetings, chairmanship, member conduct issues etc. The report also contained proposals regarding the operation of the Health and Wellbeing Partnership ("HWP") which would support the Board's work.
3. Subsequently, the Health and Social Care Act ("the Act") received Royal Assent in March 2012. As expected one of its requirements was that each upper tier local authority must establish a Health and Wellbeing Board ("HWB"), as one of its committees, under section 102 of the Local Government Act 1972.
4. HWBs were to be established by 1 April 2013 and it was therefore considered appropriate to revisit the governance arrangements for Stockton's HWB and to submit them to Cabinet and Council for approval. These proposed arrangements reflect the legal framework in which the Board exists and draw on good practice within this authority, particularly the experience gained during the operation of the shadow HWB.
5. Given the close relationship between the HWB and the HWP it is appropriate that governance arrangements for the HWP reflect, as far as possible, those of the HWB.

DETAIL

6. An important feature of the HWB will be its governance arrangements. These are the arrangements under which it will carry out its work and they will provide an important reference for members, officers and the public, providing clarity and transparency in relation to its operation. Such arrangements should include a number of important documents and good working practices, these include:

Terms of Reference

7. The Act places a general duty on the HWB to encourage integrated working and within that it:
 - must, for the purpose of advancing the health and wellbeing of the people in its area, encourage persons who arrange for the provision of any health or social care services in its area in an integrated manner.
 - must, in particular, provide such advice, assistance or other support as it thinks appropriate for the purpose of encouraging arrangements

between the NHS and the Council, in connection with the provision of services.

- may encourage persons who arrange for the provision of any health related services in its area to work closely with the HWB.
 - may encourage persons who arrange for the provision of any health or social care services in its area, and persons who arrange for the provision of any health related services in its area, to work closely together.
8. The Act prescribes that the HWB will be responsible for:-
- preparing and publishing a Joint Strategic Needs Assessment (JSNA) for its area.
 - Preparing and publishing a Joint Health and Wellbeing Strategy (JHWS) for its area.
9. The approved JSNA will be reviewed constantly by the HWB and HWP to ensure that it remains fit for purpose. Given this it is suggested that authority be delegated to the HWB to make any amendments to the JSNA that may be necessary from time to time. The JHWS will be refreshed each year and it is intended that it and JSNA be presented to Cabinet and Council, on an annual basis, to allow a review by all members and obtain Council approval of the documents as they stand at that time.
10. The Terms of Reference of the HWB should set out its remit and, specifically, the functions, powers and duties with which it is charged by statute and by the Council.
11. The Terms of Reference of the HWP should reflect its role as 'work horse' to the HWB.
12. Terms of Reference for the Shadow HWB and the HWP were agreed in June 2011 and were refreshed in June 2012 and more recently earlier this year. Copies of the current Terms of Reference are set out at **Appendix 1** and **2**.

Rules of Procedure

13. Though procedure rules for Council, Committee and Cabinet are detailed in the Council's Constitution, the HWB will require a slightly different approach. Many of the rules of procedure within the Constitution will still apply, however the HWB is unique and some of the requirements of the Act, such as the HWB's membership and voting rights appear to be at odds with other longstanding legislation and principles e.g. unelected officers can sit on the HWB with full voting rights.
14. Draft Rules of Procedure have been prepared that take account of these differences and provide clarity around how the HWB will operate procedurally. Draft Rules of Procedure for the HWB and the HWP are at **Appendix 3** and **4**. These reflect the proposed membership of the HWB and the HWP as referred to at paragraphs 23 to 26 of this report.

Board Members' Code of Conduct

15. The Localism Act provisions allow for the non-elected members of the HWB to be treated as co-opted members of the Council in terms of the Council's Code of Conduct. Therefore, all members of the HWB will be subject to the same requirements as the elected members in terms of registering interests, disclosable pecuniary interests and declaring those interests etc.

Forward Plan/Work Programme

16. Maintaining an up to date Forward Plan/Work Programme provides focus to a Committee and officers supporting the Committee's work. It is essential in planning ahead and achieving desired outcomes.
17. Cabinet and the majority of the Council's Committees use a Forward Plan/Work Programme, and this has proved to be extremely successful.
18. A facility within the agenda system has been developed to assist the HWB and the HWP in this regard.
19. A proposed Forward Plan will be presented to each meeting of the HWB and the HWP. The Plan will need to remain flexible and will be maintained in consultation with the Chairman.
20. Following discussions with the Director of Public Health, draft Forward Plans have been developed and are provided at **Appendix 5**.

Pre agendas/pre meetings

21. These are also well established mechanisms, which are used by the Council's Committees and which have proved to be of significant benefit. Cabinet holds a pre agenda involving all executive members but the majority of committees just involve their Chairman and Vice Chairman, and this is the proposed approach for the HWB and the HWP.
22. Pre agendas provide an opportunity for members to familiarise themselves with an issue and ask for additional information that may assist with consideration of a matter.

Membership

23. Details of the proposed membership are contained within the Rules of Procedure (Rule 6). Most of the membership is prescribed by the Act (Section 194(2)). In terms of elected member representation it was suggested that the Cabinet Member for Adult Services and Health and the Cabinet Member for Children and Young People serve on the Board, together with 3 other elected members, in line with political balance rules. Political representation, based on 5 members is 2 Labour, 1 Conservative, 1 IBIS, 1 TIA. Cabinet proposed that the names of the elected members be agreed at the Council's Annual Meeting on 17 April 2013. At that meeting the following was agreed:-

Councillor Beall as Cabinet Member for Adult Services and Health to serve as Chairman.

Councillor Mrs McCoy as Cabinet Member for Children and Young People to serve as Vice Chairman.

Councillor David Harrington (IBIS).

Councillor Steve Walmsley (TIA).

The Conservative nomination is still to be agreed by Council.

24. Subsequent to the meeting of Cabinet on 7th March (paragraph 32 onwards of this report refers) it has been recommended that a further place on the HWB (making two in total) be agreed for the Clinical Commissioning Group (“CCG”) in return for a place for the Council on the CCG locality group, and also that there should be a place for a representative from the Police and Crime Commissioner’s office on the HWB.
25. As regards the HWP, since the Cabinet meeting it has been proposed that a place each should be allocated to the Probation Service and to Durham University.
26. It is intended that all member organisations of the HWB and the HWP will be contacted and requested to provide the name of their representative(s). Draft Procedure Rules will allow representatives to appoint a substitute to attend on their behalf, however, they will be expected to only send substitutes with sufficient seniority to adequately represent the views of their organisation. This will be monitored by the Director of Public Health who will raise any concerns with an organisation, following consultation with the Chairman.

Chairman/Vice Chairman

27. Cabinet proposed that the Chairman of the HWB would be the Council’s Cabinet Member for Adult Services and Health and that the Vice Chairman would be the Council’s Cabinet Member for Children and Young People. This was agreed at the Council’s Annual Meeting.
28. The Chairman and Vice-Chairman of the HWP will be appointed by the Partnership, at the beginning of each Municipal Year, from amongst its members.

Sub Boards

29. The HWB, like other Council Committees, will be able to establish Sub Boards and it has been suggested that a Children and Young People’s Health and Wellbeing Group Sub Board would be of assistance in the HWB’s work in the future. The Group will maintain a strategic overview of, and ensure delivery on, the elements of the JHWS pertinent to children and young people. It will provide a multi-agency forum for broad consideration of these issues – such a forum has been unavailable at strategic level since the Children’s Trust Board ceased to exist. The JSNA and JHWS identified ‘giving every child a best start in life’ as one of the three key priorities for Stockton, through the Health and Wellbeing Board.
30. Equally, with regard to the Partnership, it has been suggested that a Domestic Violence Sub Group would be appropriate.

Director of Public Health – Roles and Responsibilities

31. The Director of Public Health (DPH) has a number of statutory responsibilities and will be a statutory chief officer of the Council. The DPH's statutory responsibilities are detailed below:
- to write a report on the health of the local population (the Council has a duty to publish it)
 - to take steps to improve public health
 - undertake any of the Secretary of State's public health protection or health improvement functions that they delegate to local authorities, either by arrangement or regulation
 - to exercise the Council's function in planning for an emergency, and responding to, emergencies that present a risk to public health
 - to exercise the Council's role in co-operating with the police, the probation service and the prison service to assess the risks posed by violent or sexual offenders
 - such other public health functions as the Secretary of State specifies in regulation
 - the Council's public health response as a responsible authority under the Licensing Act 2003
 - responsibility under the Healthy Start and Welfare Food Regulations 2005
 - to sit on the Council's Health and Wellbeing Board

Next Steps

32. It is proposed that following 12 months of operation the HWB and the HWP arrangements will be reviewed.

Cabinet Recommendations

33. At its meeting on 7 March 2013 Cabinet considered the proposed governance arrangements relating to the HWB and the HWP and recommended that:-
1. That the HWB be constituted as a Committee of the Council.
 2. That the Terms of Reference of the Board and Partnership, as detailed at Appendix 1 and 2, be approved.
 3. That the authority be delegated to HWB to make any necessary amendments to the JSNA, that it considers necessary, and that it and the JHWS be presented to Cabinet and Council on an annual basis for review and approval.

4. That the Rules of Procedure of the HWB and the HWP, as detailed at Appendix 3 and 4, be approved
 5. That the outline processes, as detailed at paragraphs 16 – 22, be noted.
 6. That the Council's Cabinet Member for Adult Services and Health be appointed as Chairman of the Board and the Council's Cabinet Member for Children and Young People be appointed Vice Chairman of the Board.
 7. That arrangements relating to the appointment of the Chair and Vice Chairman of the Partnership, as detailed in paragraph 26 be approved.
 8. That elected member representation on the Board be established, as detailed in paragraph 23.
 9. That the DPH's statutory responsibilities be noted.
 10. That the Director of Law and Democracy make all necessary amendments to the Council's Constitution.
 11. That the arrangements be reviewed after 12 months' operation.
34. The full report to Cabinet is accessible at:-
- <http://www.egenda.stockton.gov.uk/aksstockton/users/public/admin/kab12.pl?cmt e=CAB&meet=106&arc=71>
- and the relevant Cabinet minute is attached at **Appendix 6** to this report.
35. As indicated, at the Council's Annual Meeting on 17 April, the Cabinet Member for Adult Services and Health, and the Cabinet Member for Children and Young People were to be appointed Chair and Vice Chair of the HWB respectively (Cabinet Recommendation 6).
36. Similarly, the elected member representation on the HWB was also to be agreed at the Annual Meeting (Cabinet Recommendation 8).

FINANCIAL IMPLICATIONS

37. The resources for the arrangements will come from existing budgets.

LEGAL IMPLICATIONS

38. Establishment of the HWB fulfils a number of the requirements of the Health and Social Care Act 2012 and related regulations.

RISK ASSESSMENT

39. The Establishment of the HWB and associated governance arrangements is categorised as a low to medium risk. Existing management systems and daily routine activities are considered sufficient to control and reduce risk.

SUSTAINABLE COMMUNITY STRATEGY IMPLICATIONS

40. It is considered that the establishment of the HWB will have a positive impact on all the Sustainable Community Strategy themes.

EQUALITIES IMPACT ASSESSMENT

41. An assessment has not been considered necessary.

CONSULTATION INCLUDING WARD/COUNCILLORS

42. CMT and relevant Cabinet Members.

Director of Law & Democracy

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Background Papers:

None

Ward(s) and Ward Councillors:

Not ward specific

Property Implications:

Not affected