

Central Bedfordshire Shadow Health and Wellbeing Board

Contains Confidential or Exempt Information No.

Title of Report The Health and Well-being Board – Transition to a Committee of the Local Authority

Meeting Date: 21 March 2013

Responsible Officer(s) John Atkinson, Head of Legal and Democratic Services

Presented by: John Atkinson

Action Required:

1. To note the proposed governance arrangements that will apply to the Health and Wellbeing Board from 1 April 2013.
 2. To consider whether there is any advice that the Board would wish to submit to the Council on the membership and terms of reference of the Board.
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Executive Summary

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| 1. | This report outlines the arrangements that are being made to establish the Health and Wellbeing Board as a formal Committee of Central Bedfordshire Council, including the terms of reference of the Board and its membership. |
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Background

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| 2. | Section 194 of the Health and Social Care Act 2012 requires the Council to establish a Health and Wellbeing Board for its area with effect from 1 April 2013. The Health and Wellbeing Board will be a committee of the Council appointed under section 102 of the Local Government Act 1972. |
| 3. | The Shadow Health and Wellbeing Board was established in May 2012 and has been preparing for implementation of the Health and Social Care Act 2012 which will also come into effect on 1 April 2013. |

Governance of the Health and Wellbeing Board

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| 4. | The Health and Wellbeing Board (HWB) will be a committee of the Council appointed under section 102 of the Local Government Act 1972. However, the statutory arrangements governing the membership of the HWB conflict |
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	with the legislation relating to local authority committees. It has therefore been necessary for regulations to be introduced modifying the rules that normally apply to local authority committees. The modifications cover the following factors.
Delegation of Functions	
5.	The HWB will be able to appoint sub-committees and to delegate certain functions to sub-committees and/or officers.
Officer Membership and voting	
6.	The Regulations allow officers of the Council and external representatives to be full voting members of the HWB.
Political Balance	
7.	The rules about political balance that normally apply to local authority committees do not apply to the HWB.
Statutory Membership of the HWB	
8.	<p>The Health and Social Care Act 2012 sets out the statutory membership of the HWB as follows:</p> <ul style="list-style-type: none"> • At least one Member of Central Bedfordshire Council nominated by the Council's Leader; • The Council's Director of Adult Social Services; • The Council's Director of Children's Services; • The Council's Director of Public Health; • A representative of the Local Healthwatch organisation for Central Bedfordshire; • A representative of each relevant clinical commissioning group; • Such other persons, or representatives of such other persons, as the Council thinks appropriate.
Wider Membership	
9.	<p>The Leader of the Council may be a member of the HWB and he may nominate more than one Member of the Council to the Board. The member of the Shadow Board includes:</p> <p>Cllr Mrs P Turner MBE, Executive Member for Economic Partnerships; Cllr Mrs C Hegley, Executive Member for Social Care, Health and Housing;</p>

	<p>Cllr M. Versallion, Executive Member for Children’s Services;</p> <p>The Shadow Board also includes the Council’s Chief Executive and Director of Sustainable Communities.</p> <p>At this stage, it is assumed that the Council will wish to adopt a similar membership for the substantive HWB with the position of Director of Sustainable Communities being replaced by the newly appointed Director of Community Services.</p> <p>It would also be helpful to know who will be representing the clinical commissioning groups on the HWB.</p> <p>Formal appointments will be made to the HWB by the Council at its Annual Meeting on 19 April 2013.</p>
Terms of Reference	
10.	<p>Appendix A contains the proposed terms of reference for the substantive HWB. These are based on the arrangements and functions prescribed in sections 194 – 196 of the Health and Social Care Act 2012 and the existing terms of reference for the shadow Board. They will be included within the Council’s Constitution. Subject to the modifications outlined above, the business of the HWB will conducted in accordance with the Procedure Rules set out in the Council’s Constitution.</p>
Scrutiny	
11.	<p>Scrutiny is not a function of the HWB, The responsibilities in respect of scrutiny are covered by the Regulations. Local authorities are given power to scrutinise any matter relating to the planning, provision and operation of the health service in their areas and this function may be discharged by an overview and scrutiny committee. In Central Bedfordshire the scrutiny function is likely to be undertaken by the Social Care, Health and Housing OSC.</p>
Standards	
12.	<p>All members of the HWB will be expected to observe the Council’s Code of Conduct and to register any disclosable pecuniary interests they may have with the Council’s Monitoring Officer. These interests are defined in the Council’s Code of Conduct.</p>
Management Responsibility	
13.	<p>John Atkinson, Head of Legal and Democratic Services, is responsible for ensuring that the Council’s Constitution is amended to take account of the changes identified in this report.</p>

Public Sector Equality Duty (PSED)	
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14.	The PSED requires public bodies to consider all individuals when carrying out their day to day work – in shaping policy, in delivering services and in relation to their own employees. It requires public bodies to have due regard to the need to eliminate discrimination, harassment and victimisation, advance equality of opportunity, and foster good relations between in respect of nine protected characteristics; age disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
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Are there any risks issues relating Public Sector Equality Duty	No
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Risk Analysis

Briefly analyse the major risks associated with the proposal and explain how these risks will be managed. This information may be presented in the following table.

Identified Risk	Likelihood	Impact	Actions to Manage Risk
Failure to appoint members to the Health and Wellbeing Board	Low	Low	Submit report to the Council on 19 April 2013 requesting that appointments be made to the HWB.

Source Documents	Location (including url where possible)
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Health and Social Care Act 2012	
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APPENDIX A

EXTRACT FROM PART E2 OF THE COUNCIL'S CONSTITUTION

E2 COMMITTEE TERMS OF REFERENCE

X. The Health and Wellbeing Board

Appointed by:	The Council under Section 194 of the Health and Social Care Act 2012
No of Members:	At least 1 member of the Council and others prescribed in section 194 of the Act (See 2.0 below).
Chairman and Vice-Chairman appointed by:	The Council
Quorum	At least 50% of the membership of the Board
Frequency	Quarterly or as determined necessary by the Board
Venue	Priory House or as otherwise agreed by the Board
Co-opted Members	The Board may co-opt additional persons to be members of the Board as it thinks appropriate
Code:	Health and Social Care Act 2012

1.0 Terms of Reference

1.1 Statement of Purpose

The Health and Wellbeing Board exists to provide strategic leadership and to promote integration across health, adult social care, children's services, safeguarding and the wider local authority to secure high quality and equitable health and wellbeing outcomes for the population of Central Bedfordshire

1.2 The Board has the following functions:

- 1.2.1** For the purpose of advancing the health and wellbeing of the people in its area, the Board must encourage persons who arrange the provision of any health or social services in that area to work in an integrated manner;
- 1.2.2** The Board must provide such advice, assistance or other support as it thinks appropriate for the purpose of encouraging the making of arrangements under section 75 of the National Health Service Act 2006;
- 1.2.3** The Board may encourage persons who arrange for the provision of any health-related services in its area to work closely with the Board;
- 1.2.4** The Board may encourage persons who arrange for the provision of any health or social services in its area and persons who arrange for the provision of any health-related services in its area to work together;
- 1.2.5** The Board shall exercise the functions of the Council and its partner commissioning groups under sections 116 (the preparation of a joint strategic needs assessment of relevant needs) and 116A (the preparation of a joint health and wellbeing strategy) of the Local Government and Public Involvement in Health Act 2007;
- 1.2.6** The Board shall ensure a joint strategic approach to commissioning and ensure that commissioning decisions reflect local priorities and targets and deliver national and locally agreed outcomes;
- 1.2.7** The Board will seek to improve democratic accountability for the delivery of health care and health improvement outcomes for Central Bedfordshire residents;
- 1.2.8** The Board will seek to secure a strengthened patient voice through greater patient involvement and will ensure that health and social services are responsive to the needs of the local population;
- 1.2.9** The Board will maintain an overview of major service redesign impacting on Central Bedfordshire residents and make recommendations to enable improved and integrated care delivery;
- 1.2.10** The Board will have oversight of the health and care economy in Central Bedfordshire.

2.0 Membership

2.1 Core statutory membership

The Health and Social Care Act 2012 prescribes the core statutory membership of the Board as follows:

The Leader of the Council and/or at least one Member of the Council nominated by the Leader;
The Council's Director of Adult Social Services;
The Council's Director of Children's Services;
The Council's Director of Public Health;
A representative of the Local Healthwatch organisation for the area;
A representative of each relevant clinical commissioning group.

2.2 Other Members

The Council may appoint such additional persons to be members of the Board as it thinks appropriate.

3.0 Limitation of Powers

Save as provided by statute or in respect of functions specifically reserved to the Council, the Board has full delegated power to exercise the functions listed in section 1.2 above on behalf of the Council.