

<b>MEETING:</b>	<b>Council</b>
<b>MEETING DATE:</b>	<b>12 December 2014</b>
<b>TITLE OF REPORT:</b>	<b>Health &amp; wellbeing board: terms of reference</b>
<b>REPORT BY:</b>	<b>Health &amp; wellbeing board</b>

## **Classification**

Open

## **Key Decision**

This is not an executive decision.

## **Wards Affected**

County-wide

## **Purpose**

To recommend to Council amended terms of reference for the Board.

## **Recommendation(s)**

**THAT: the revised terms of reference at appendix 2, including amendments to membership, be agreed.**

## **Alternative options**

- 1 Terms of reference could remain unchanged; this option would not assist in providing the board with a clear focus.
- 2 Alternative terms of reference/membership could be adopted; the terms of reference and membership proposed take account of the learning gained from developing health and wellbeing boards.

## **Reasons for recommendations**

- 3 To ensure that governance arrangements for the board remain fit for purpose.

## **Key considerations**

- 4 Following the requirements of the Health & Social Care Act 2012, the current terms of

reference, including membership, for the board were agreed by Council in March 2013; these are attached at appendix 1 for information.

- 5 These terms of reference have a broad focus, with membership framed around inclusivity rather than purpose. This has inadvertently led to dilution of board priorities, and lack of clarity about the representative role of a number of members.
- 6 Since March 2013, expectations nationally about the role of health and wellbeing boards in relation to the Better Care Fund have developed. Additionally, local governance structures have evolved to provide a framework for the transformation of health and social care within the county. It is therefore timely to review the terms of reference to ensure that they remain fit for purpose and provide clarity about accountabilities.
- 7 The Local Government Association (LGA) has led a number of peer challenges looking at the effectiveness of health and wellbeing boards across England; these have highlighted a number of factors which support effective operation which include:
  - Integration being core to activity rather than add-on;
  - Clear intended outcomes being used to inform commissioning decisions;
  - Effective relationships;
  - A collective understanding of affordability within the health and social care system – and what needs to change to achieve it;
  - A small number of priorities for board focus;
  - Health and wellbeing strategy firmly linked to the joint strategic needs assessment and focussed on a small number of priorities; and
  - Clear mechanisms/forums for engaging with providers, voluntary sector, carers/service users etc (these being not routinely through board membership).
- 8 Taking account of these factors, and the governance relationships already existing, the board has reviewed its terms of reference and a revised draft is attached at appendix 2.
- 9 To ensure that the board is not simply 'listening to itself', but is able to fulfil its role informed by the views and experience of service users, providers, carers and other partners it has commissioned further work to provide clarification of the mechanisms to be used to ensure effective communication and engagement with stakeholders.

## **Community impact**

- 10 The Health and Wellbeing Board is responsible for delivery of the joint strategic needs assessment (locally included within *Understanding Herefordshire*) and must produce a health and wellbeing strategy for the county. Together these guide future commissioning decisions.

## **Equality and human rights**

- 11 In fulfilling its responsibilities the board must have regard to the general public sector equality duty placed on public authorities as set out below:

"A public authority must, in the exercise of its functions, have due regard to the need to -

- eliminate discrimination, harassment, victimisation and any other conduct ... prohibited by or under this act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it."

## **Financial implications**

12 There are no direct financial implications arising from this report.

## **Legal implications**

13 The council has a statutory duty to have established a health and wellbeing board pursuant to the Health and Social Care Act 2012. The core membership of that board is prescribed by the act. There are duties incumbent on the board as to the joint strategic needs assessment and joint health and wellbeing strategy. It is assumed that the proposed changes are designed to improve the effective carrying out of those duties and ensure the promotion of integrated working. That being the case and provided the core prescribed membership is unaffected then there are no adverse legal implications from the proposals.

## **Risk management**

14 If the board's terms of reference are not refreshed to provide appropriate focus and reflect current responsibilities accountabilities and priorities may not be sufficiently clear raising the risk that key actions are not identified or progressed impacting adversely on the ability to improve health & wellbeing outcomes for residents in the county. Periodic reviews of terms of reference mitigate this risk.

## **Consultees**

15 The LGA's programme manager for local government support has provided advice in the development of the refreshed terms of reference.

16 During its first year of formal operation, and throughout the preceding shadow period, board members have held informal discussions on future focus and priorities for the board. The proposals within this report, which build on those informal discussions, were agreed for recommendation to Council by the board at its meeting on 18 November.

## **Appendices**

Appendix 1 – Current terms of reference

Appendix 2 – Proposed terms of reference

## **Background papers**

- None identified.