

<b>MEETING</b>	<b>COUNCIL</b>
<b>DATE:</b>	<b>8 MARCH 2013</b>
<b>TITLE OF REPORT:</b>	<b>ESTABLISHMENT OF HEALTH AND WELLBEING BOARD</b>
<b>REPORT BY:</b>	<b>HEAD OF GOVERNANCE</b>

### **1. Classification**

Open.

### **2. Key Decision**

This is not an executive decision.

### **3. Wards Affected**

County-wide.

### **4. Purpose**

To consider the establishing of the Herefordshire Health and Wellbeing Board.

### **5. Recommendation(s)**

**THAT:**

- a) **The Herefordshire Health and Wellbeing Board be formally established.**
- b) **The draft terms of reference as appended be approved.**
- c) **The Membership of the Board to consist of :-**

**A STATUTORY CORE MEMBERSHIP of:**

**Two Herefordshire Councillors  
nominated by the Council's Leader**

**Herefordshire Council's Director of Adult Social Services ( Post held by the  
Director for People's Services)**

**Herefordshire Council's Director of Children's Services ( Post held by the Director  
for People's Services)**

**Herefordshire Council's Director of Public Health.**

**A representative of Herefordshire Healthwatch.**

**A representative of the Herefordshire Clinical Commissioning Group.**

**SUCH OTHER PERSONS AS THE COUNCIL THINKS APPROPRIATE namely:**

**A representative of NHS Commissioning Board Local Area Team**

**A representative of a carers support organisation**

**The Chief Executive of Herefordshire Council**

**A representative of 2Gether NHS Foundation Trust**

**A representative of Wye Valley NHS Trust**

**A representative of West Mercia Police**

**A representative of the business community in Herefordshire**

**d) That the Chairman be the Cabinet Member for Health and Wellbeing and  
the Vice Chairman be .....**

**e) That only the core statutory Members of the Board have voting rights**

**f) That the Monitoring Officer be authorised to make any necessary  
consequential amendments to the Council's Constitution.**

## **6. Key Points Summary**

- The Shadow Health and Wellbeing Board was established by Council in March 2011 with the Chairman being the relevant portfolio holder for Health and Wellbeing

- Certain appointments are stipulated in law (eg Head of Adult Social Care) but several categories of Membership of the Board are at the discretion of the Local Authority and the Board respectively
- Once the Board is established it has the power to appoint such other additional persons as it thinks appropriate
- Once the Board is established, the Council can only appoint further members to the Board after consultation with the Board
- Council must establish the Board by 1 April 2013.

## **7. Alternative Options**

The Council can reject or modify the draft terms of reference and proposed membership and propose alternatives.

## **8. Reasons for Recommendations**

The Health and Social Care Act 2012 (The Act) requires the Local Authority to establish a Health and Wellbeing Board. The proposals will establish a Board in accordance with legal requirements and in line with the arrangements for the Shadow Board agreed by Council in March 2011.

## **9. Introduction and Background**

The Act establishes Health and Wellbeing Boards. Prior to the Act being passed, the Council established a Shadow Board in March 2011.

The Health and Social Care Bill proposed a statutory Core Membership subsequently included in the Act:

- a. at least one Councillor nominated by the Leader.
- b. the Director of Adult Social Services
- c. the Director of Children's Services
- d. the Director of Public Health
- e. a representative of Health Watch
- f. a representative of each Clinical Commissioning Group
- g. Such other persons , or representatives of such other persons , as the Local authority thinks appropriate.

Council established a Shadow Board on 4 March 2011 to be chaired by a Cabinet Member, agreeing that the membership of the Shadow Board should include:

- those executive members of the Cabinet whose current areas of responsibility are encompassed by the powers and duties of the Shadow Board
- the Chief Executive (of Herefordshire Council)
- those officers whose jobs include the roles of Director of Adult Social Services, Director of Children's Services and Director of Public Health (as defined in clause 26 of the Health and Social Care Bill of 2011).
- a representative of LINK (Local Involvement Network)
- a representative of the Herefordshire Primary Care Trust
- a representative of Hereford Hospitals Trust or (from 1st April 2011) the new Integrated Care Organisation for Herefordshire
- a representative of the Herefordshire GP Consortium
- a representative of the voluntary and community sector in Herefordshire
- a representative of the business community in Herefordshire

provided that the Shadow Board may at its discretion include such further representatives as it shall determine;

The Shadow Board subsequently added the following representatives to the Board:

- Healthwatch representative (now part of the statutory core membership replacing the Local Involvement Network).
- 2Gether NHS Foundation Trust representative
- West Mercia Police Representative

The Health and Social Care Act 2012 also requires that the National Commissioning Board must appoint a representative to join the Health and Wellbeing Board to participate in the Board's preparation of the Joint Strategic Needs Assessment or the Joint Health and Wellbeing Strategy.

If the Board requests the NHSCB must appoint a representative to join the Board when considering a matter relating to the exercise or proposed exercise of the commissioning functions of the NHSCB in relation to the Authority's area.

The Board represents a unique and novel approach to providing strong local leadership and encouraging integration in a major area of the public sector.

## **10. Key Considerations**

The Board as a whole will be accountable to Council by means of annual reporting. Individual members of the Board who are not Herefordshire Councillors will be accountable to the respective body or interest represented.

There is a statutory presumption that all Board members will have voting rights including officers and co-optees (contrary to the usual position on Council Committees) upon establishment unless the Shadow Board asks the Council to specifically limit voting rights. The Shadow Board are asking the Council for this limitation to the 'core' statutory membership only as it too early to predict how the Board will evolve.

Publication of the Regulations , albeit later than expected, has confirmed the position in respect of the disapplication of the political proportionality rules, the delegation of work to individuals or sub-committees and the rules on disqualification of membership. They have also confirmed by omission that the Standards Code applies to all members of the Board by virtue of the status of the Board as a Committee constituted under Section 102 of the Local Government act 1972.

The main proposals in this report were discussed by the Health and Wellbeing Board at its meeting on 19 February 2013 and were supported by the Board.

## **11. Community Impact**

Health and Wellbeing Boards represent a unique type of Committee novel in membership and approach. The remit of the Board is wide and it is able to make recommendations involve itself across the whole sector of the provision of health related services.

## **12. Equality and Human Rights**

The recommendation pays due regard to the public sector equality duty under the Equalities Act.

## **13. Financial Implications**

There are implications in respect of officer time and administration for the Council and NHS bodies. There are similar considerations as respect other public bodies and third sector representatives in respect of attendance.

## **14. Legal Implications**

Failure to establish the Board by the statutory deadline of 1 April 2013 would be unlawful and could render the Council liable to challenge.

## **15. Risk Management**

15.1 Failure to constitute a Board by 1 April 2013 could render the Council liable to legal challenge for breach of statutory duty.

15.2 Failure to establish a Board would present a reputational risk to the Council.

## **16. Consultees**

Shadow Health and Wellbeing Board

## **17. Appendices**

1. Draft Terms of Reference.

## **18. Background Papers**

None.