

Clerk:Lisa AntrobusTelephone:01803 207064E-mail address:governance.support@torbay.gov.ukDate:Tuesday, 19 March 2013

Governance Support Town Hall Castle Circus Torquay TQ1 3DR

Dear Member

# SHADOW HEALTH AND WELLBEING BOARD - THURSDAY, 21 MARCH 2013

I am now able to enclose, for consideration at the Thursday, 21 March 2013 meeting of the Shadow Health and Wellbeing Board, the following reports that were unavailable when the agenda was printed.

Agenda No	Item	Page
4.	Future Working of the Health and Wellbeing Board	(Pages 80 - 94)

Yours sincerely

Lisa Antrobus Clerk

# Agenda Item 4

1	FORBAY HEALTH AND WELLBEING BOARD
Title:	Future Working of the Torbay Health and Wellbeing Board
Wards Affected:	All
То:	Health and Wellbeing Board <b>On:</b> 21 March 2013
Contact: Telephone: Email:	Kate Spencer 01803 207014 <u>kate.spencer@torbay.gov.uk</u>

### 1. Purpose

1.1 The purpose of this report is to set out proposals for how Torbay's Health and Wellbeing Board operates once it is established by the Council at its Annual Meeting on 15 May 2013.

### 2. Recommendation

- 2.1 That the draft Article and Standing Orders be forwarded to the Adjourned Annual Meeting of Torbay Council to form the basis of the appointment of the Torbay Health and Wellbeing Board.
- 2.2 That future items be identified for inclusion in the draft Work Programme and that the Work Programme be agreed.
- 2.3 That work continue on outstanding development issues identified in paragraph 3.19 and that updates be provided to future meetings of the Board.

### 3. Supporting Information

- 3.1 Between January and March 2013, the Local Government Association have been providing support to the Torbay Health and Wellbeing Board (as part of their Leadership Offer) in preparing for the formal introduction of the Board on 1 April 2013. Information was gathered from all members of the Board and assessed against the Development Tool for health and wellbeing boards which sets out key issues against which boards can measure their level of preparedness and, moving forward, their effectiveness.
- 3.2 A development session was held with members of the Board on 14 March 2013 to discuss the findings from the review and the mechanisms which need to be put in place to ensure that the Health and Wellbeing Board is successful in the coming year(s).





- 3.3 In the meantime, the Regulations relating to the operation of health and wellbeing boards have now been published. It has been confirmed that the boards will be appointed as local authority committees. The majority of the rules that govern council committees will apply to health and wellbeing boards with the main exceptions being that:
  - Council officers are able to serve as members of the boards
  - Voting restrictions have been removed so that all non-elected members of the boards can vote
  - Political proportionality rules do not need to be applied.
- 3.4 Taking account of the Act and the Regulations that establish health and wellbeing boards, an Article (setting the scene) and a set of Standing Orders (the rules governing the operation of the Board) have been drafted and are attached as Appendices 1 and 2 respectively.

<u>Article</u>

3.5 Whilst the majority of the information included within the draft Article comes from statute, the Purpose of the Torbay Health and Wellbeing Board has been written based on the discussions at the development session.

### Standing Orders

- 3.6 The Standing Orders in relation to the Health and Wellbeing Board put together the relevant elements from the other sets of Standing Orders in operation by the Council.
- 3.7 The following paragraphs set out some of the items within the Standing Orders which the Board may wish to consider.
- 3.8 It is proposed that the <u>membership of the Board</u> remains as that set out by statutory requirements, at least for the first year of operation. It will fall to the Mayor to appoint the four councillor representatives on the Board.
- 3.9 It is up to the local authority to determine the <u>voting arrangements</u> at the Board. However, the Standing Orders have been drafted based on the guidance prepared by the Local Government Association and the Association of Democratic Services Officers with decisions being reached by consensus if possible and one member: one vote applying if not.
- 3.10 The Council's <u>Code of Conduct for Members</u> applies to all members of the Health and Wellbeing Board meaning that, amongst other things,:
  - All members must notify the Council's Monitoring Officer of "disclosable pecuniary interests" on taking office
  - All members must disclose a disclosable pecuniary interest at a meeting where any matter to be considered relates to that interest and are prohibited from taking part in discussions or voting on that matter

3.11 Newcomers to public sector (and in particular local government) governance may welcome a briefing on these issues as part of the health and wellbeing development programme. Similarly non-councillor members of the board may be bound by other codes of conduct and professional standards. Therefore, it is proposed that prior to the first meeting of the Board, a development session on ethics and probity be held.

# **Practicalities**

- 3.12 A range of practical issues were discussed at the development session some of which were resolved and some which were identified as needing further discussion.
- 3.13 The Health and Wellbeing Board will meet six times per year (at least initially). The main purpose of the meeting will be to examine in detail specific priorities within the Joint Health and Wellbeing Strategy which are classed as outliers. The information which will be considered will be:

Information to include:

- Evidence base (including any findings from Health Scrutiny Board and regulators)
- National policy stance
- Local policy stance
- Resource base

Challenge by Board:

- Is the evidence in the Joint Strategic Needs Assessment complete enough? Do we know the impact on each sector of the community?
- Are the actions within the Joint Health and Wellbeing Strategy the right ones?
- What needs to change locally to meet the outcomes required by the Board?
- What can the Board do to promote integrated working to support this priority?

#### Attendees:

To be confirmed – e.g. commissioners, providers, voluntary sector (service user voice to be communicated via Healthwatch Torbay)

3.14 In order to generate the Work Programme for the Board a set of standard items will be considered at each meeting:

Organisational Updates:	Information to include:
<ul> <li>Public Health</li> <li>Adult Social Care</li> <li>Children's Services</li> <li>Clinical Commissioning Group</li> <li>Healthwatch</li> </ul>	<ul> <li>Achievements since last meeting</li> <li>Challenges for the next three months</li> <li>Action required by partners</li> </ul>
Outcome Updates:	Information to include:
<ul> <li>Children have the best start in life</li> <li>A healthy life with a reduced gap in life expectancy</li> <li>Improved Mental Health and Wellbeing</li> </ul>	<ul> <li>Performance against targets</li> <li>Achievements since last meeting</li> <li>Challenges for the next three months</li> <li>Action required by partners</li> </ul>

Potential updates to JSNA/JHWS
Action by Board:
<ul> <li>Identification of outlier "Priorities" for further detailed consideration at future meetings of the Board</li> </ul>

- 3.15 A draft Work Programme is set out at Appendix 3. Provisional dates for meeting are included although these are currently being consulted on to ensure maximum attendance.
- 3.16 The Health and Wellbeing Forum will continue to meet twice a year. As set out in the Strategy, the Forum recognises that the range of influence on people's health and wellbeing stretches to a large number of organisations operating in Torbay from within the following sectors:

Criminal Justice	Economic Regeneration
Housing	Voluntary Sector
Culture and Leisure	Children and Young People
Older People	Health and Social Care Providers

- 3.17 Discussions at the Forum will be based around one outcome per meeting and will inform the delivery plan for that outcome. Going forward it is hoped that the Forum can be used by a range of executive boards to reduce duplicated engagement processes.
- 3.18 In ensuring a joined up approach to engagement, it is proposed that the development session prior to the second meeting is around transparency and openness (including legislative requirements, public engagement at meetings of the Board and exploring sensitive issues prior to public discussions).
- 3.19 The outstanding issues which need to be considered going forward are:
  - Relationship between Health and Wellbeing Board and other bodies (including the pathways for the referral of "issues of concern")
    - Health Overview and Scrutiny Committee
    - Local Safeguarding Boards
    - Policy Development Groups
    - Joined Up Cabinet
    - Stronger Communities Board
    - Local Enterprise Partnership
    - Police Commissioner
  - Infrastructure to support the Board (via Joint Commissioning Management Group or otherwise)
  - Preparation of delivery plans and/or single local outcomes framework
  - Communications and Engagement Strategy

# 4. Relationship to Joint Strategic Needs Assessment

4.1 This report is about the mechanics of the Board's operation and as such does not specifically relate to the Joint Strategic Needs Assessment.

# 5. Relationship to Joint Health and Wellbeing Strategy

5.1 This report is about the mechanics of the Board's operation and as such does not specifically relate to the Joint Health and Wellbeing Strategy.

# 6. Implications for future iterations of the Joint Strategic Needs Assessment and/or Joint Health and Wellbeing Strategy

6.1 Space will need to be allocated within the Work Programme to refresh and/or revision of the Joint Strategic Needs Assessment and the Joint Health and Wellbeing Strategy.

# Appendices

- Appendix 1 Article relating to the Torbay Health and Wellbeing Board
- Appendix 2 Standing Orders in relation to the Torbay Health and Wellbeing Board
- Appendix 3 Draft Work Programme

# **Background Papers:**

The following documents/files were used to compile this report:

Health and Social Care Act 2012

The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013

Health and Wellbeing Boards: A practical guide to governance and constitutional issues (Local Government Association and Association of Democratic Services Officers) (March 2013)

Torbay's Health and Wellbeing Strategy 2012-2015

# Agenda Item 4 Article [x] – Health and Wellbeing/Board dix 1

(References: Health and Social Care Act 2012 and The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013)

# [x].01 Establishment of the Health and Wellbeing Board

The Council will establish a Health and Wellbeing Board for its area. The Board will be a committee of the local authority.

# [x].02 Purpose of the Torbay Health and Wellbeing Board

To agree the long-term strategy for improving the health and wellbeing of the people of Torbay.

To oversee the implementation of the Joint Health and Wellbeing Strategy.

To promote integration throughout the health and wellbeing system to ensure delivery against the Board's priorities.

#### [x].03 Membership of the Health and Wellbeing Board

(As set out in the Health and Social Care Act 2012)

(a) The Health and Wellbeing Board must include:

At least one member of Torbay Council (nominated by the Mayor) Director of Adult Social Services Director of Children's Services Director of Public Health A representative of Healthwatch Torbay A representative of South Devon and Torbay Clinical Commissioning Group

- (b) The Mayor may be a member of the Board.
- (c) The National Health Service Commissioning Board must appoint a representative to join the Health and Wellbeing Board for the purpose of participating in its preparation of the Joint Strategic Needs Assessment and the Health and Wellbeing Strategy.
- (d) In considering a matter that relates to the exercise (or proposed exercise) of the commissioning functions of the NHS Commissioning Board within Torbay and if the Health and Wellbeing Board so requests, the NHS Commissioning Board must appoint a representative to join the Health and Wellbeing Board for the purpose of participating in its consideration of the matter.
- (e) The person appointed under sections (c) and (d) above may, with the agreement of the Health and Wellbeing Board, be a person who is not a member or employee of the NHS Commissioning Board.
- (f) After consultation with the Health and Wellbeing Board, Torbay Council may appoint such additional persons to be members of the Board as it thinks appropriate.
- (g) The Health and Wellbeing Board may appoint such additional persons to be members of the Board as it thinks appropriate.

# **Torbay Council – Constitution**

# [x].04 Functions of the Health and Wellbeing Board

- (a) For the purpose of advancing the health and wellbeing of the people in its area, to encourage those who arrange for the provision of any health or social care services in the area to work in an integrated manner.
- (b) In particular, to provide such advice, assistance and support as it thinks appropriate for the purpose of encouraging the making of arrangements under Section 75 (Arrangements between NHS bodies and local authorities) of the National Health Service Act 2006 in connection with the provision of such services.
- (c) To encourage those who arrange for the provision of health-related services in its area to work closely with the Health and Wellbeing Board.
- (d) To encourage those who arrange for the provision of any health or social care services in its area and those who arrange for the provision of any health-related services in its area to work closely together.
- (e) To exercise the functions of Torbay Council and South Devon and Torbay Clinical Commissioning Group under sections 116 (Health and social care: joint strategic needs assessments) and 116A (Health and social care: joint health and wellbeing strategy) of the Local Government and Public Involvement in Health Act 2007, namely:
  - Preparation of a Joint Strategic Needs Assessment; and
  - Preparation of a Joint Health and Wellbeing Strategy
- (f) In accordance with regulations, to assess needs for pharmaceutical services in Torbay and publish a statement of its first assessment and of any revised assessment.
- (g) To give the Council its opinion on whether the local authority is discharging its duty under section 116B (Duty to have regard to assessments and strategies) of the Local Government and Public Involvement in Health Act 2007.

# [x].06 Proceedings at the Health and Wellbeing Board

Meetings of the Health and Wellbeing Board will be held in accordance with the appropriate Standing Orders set out in Part 4 of Torbay Council's Constitution.



### Standing Orders in relation to the Health and Wellbeing Board

#### Interpretation

In applying these Standing Orders to meetings of the Health and Wellbeing Board and its sub-committees references to "members" refers to all members of the Health and Wellbeing Board irrespective whether they are elected councillors or not.

#### 1. Introduction

- 1.1 The Council will appoint a Health and Wellbeing Board in accordance with Article [x].
- 1.2 The Board may appoint sub-committees. The Board and its sub-committees may appoint working groups.

#### 2. Membership

- 2.1 The composition of the Health and Wellbeing Board is set out in Part 3 of this Constitution.
- 2.2 The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 disapply Sections 15 and 16 of the Local Government and Housing Act 1989. Therefore, the membership of the Health and Wellbeing Board does not need to reflect the political balance of the local authority.

#### 3. Chairman/Woman

- 3.1 The Health and Wellbeing Board will elect a Chairman/woman at the first meeting of the Municipal Year.
- 3.2 The Board may at any time appoint a Vice-chairman/woman.
- 3.3 In the absence of the Chairman/woman (and Vice-Chairman/woman, if appointed) at any meeting, a Chairman/woman for that meeting shall be elected.
- 3.4 The person presiding at any meeting of the Board may exercise any power or duty of the Chairman/woman.

### 4. Order of Business

- 4.1 The order of business at meetings of the Health and Wellbeing Board will be:
  - (i) To elect a person to preside at the meeting, if the Chairman/woman and Vice-Chairman/woman is absent.

- (ii) To deal with any business required by statute to be dealt with before any other business.
- (iii) To approve as a correct record the minutes of the last meeting of the Board.
- (iv) To receive any declarations of interest from the members of the Board.
- (v) To deal with any business from the last meeting.
- 4.2 Business falling under items (i), (ii) or (iii) in Standing Order 4.1 shall not be displaced although the remaining order of business may be varied by the Chairman/woman.
   (This Standing Order may not be suspended)

### 5. Voting

- 5.1 Decisions at the Health and Wellbeing Board will be reached by consensus where possible.
- 5.2 However, in the event that consensus cannot be reached, each member of the Board will have a single vote.
- 5.3 Standing Order A19 in relation to Council Meetings also applies to meetings of the Health and Wellbeing Board.

### 6. Substitutions and Permanent Changes in Membership

- 6.1 All members of the Board are asked to make every effort to attend meetings of the Board. This will provide consistency and thus effectiveness. However, it is acknowledged that in some circumstances members may not be able to attend and therefore the following standing orders apply in making substitutions.
- 6.2 Substitutions of elected members are permitted subject to the requirement of Standing Order B2 in relation to Committee and Sub-committee Meetings.
- 6.3 Substitutions of other members of the Board is permitted provided notice of the variation has been delivered to the Governance Support Manager before the commencement of the meeting or adjourned meeting. Substitutes should be of a sufficiently senior level to act on behalf of the permanent member.
- 6.4 Substitutes shall be counted when determining whether a meeting is quorate.
- 6.5 The Mayor, the Clinical Commissioning Group, Healthwatch Torbay and the NHS Commissioning Board may change their representatives on the Board at any stage providing that written notification is supplied to the Governance Support Manager.

### 7. Quorum

(The quorum is the minimum number of members necessary to conduct the business of the Board)

7.1 A meeting of the Health and Wellbeing Board will be not be quorate unless at least four members of the Board are present.

# 8. Attendance at Board meetings

8.1 The Mayor and any councillor may attend and speak at any meeting of the Health and Wellbeing Board, its sub-committees or working groups where they are not a member, unless those bodies resolve to suspend Standing Order 8.1 in whole or in part.

PROVISION FOR MEMBERS OF CCG AND HEALTHWATCH TO ATTEND AND SPEAK?

- 8.2 For the avoidance of doubt Standing Order 8.1, shall not entitle the Mayor or any councillor (even if they are a member of that committee or subcommittee) to remain in the room during the consideration of any matter in relation to which he/she has a disclosable pecuniary interest as defined in the Code of Conduct for Members.
- 8.3 Under no circumstances shall a councillor attending a meeting under this Standing Order 8.1 be entitled to propose or second motions (or amendments) or vote at the meeting.
- 8.4 Standing Order A25 (Members' conduct) shall apply to councillors attending meetings under this Standing Order 8.
- 8.5 A member's attendance under Standing Order 8 shall be recorded in the attendance record for the meeting concerned. However, it shall be the responsibility of members attending under the Standing Order to ensure that their attendance is recorded in the attendance record circulated at the meeting.

# 9. Application of Standing Orders in relation to Council Meetings to meetings of the Health and Wellbeing Board

9.1 The following Standing Orders in relation to Council Meetings will apply to meetings of the Health and Wellbeing Board:

A3	Extraordinary Meetings
A4	Time, place and arrangement of meeting
A11	Duration of meeting
A15	Motions without notice
A19	Voting
A20 (except A20.2)	Minutes
A21	Record of attendance
A22	Exclusion of public
A25.2-A25.6	Members' conduct
A26	Disturbance by members of the public

A27	Use of cameras and tape and video recorders
A28	Prohibition of smoking, alcohol and drugs at meetings
A29	Suspension and amendment of Standing Orders
A30	Interpretation

9.2 In applying these Standing Orders to meetings of the Health and Wellbeing Board and its sub-committees references to "the Council" shall be deemed to be references to "the Board" (or "the sub-committee", as appropriate) and references to the Chairman/woman of the Council and/or Vicechairman/woman of the Council shall be deemed to be references to the "Chairman/woman of the Board/sub-committee" and/or "Vicechairman/woman of the Board/sub-committee.

# 10. Application of Standing Orders in relation to Access to Information to meetings of the Health and Wellbeing Board

10.1 The following Standing Orders in relation to Access to Information will apply to meetings of the Health and Wellbeing Board:

E1	. Scope
E2	Additional rights to information
E3	. Rights to attend meetings
E4	Notices of meeting
	Access to agenda and reports before and during a
	meeting
E6	. Supply of copies
E7	Access to minutes etc. after a meeting
E8	. Background papers
E9	. Summary of public's rights
E10	Exclusion of access by the public to meetings
	. Exclusion of access by the public to reports
	Access to information - members

# 11. Application of the Code of Conduct for Members to the Health and Wellbeing Board

11.1 The Code of Conduct for Members applies to all members of the Health and Wellbeing Board.

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Information to include:	<ul> <li>Achievements since last meeting</li> <li>Challenges for the next three months</li> <li>Action required by partners</li> </ul>	Information to include:	<ul> <li>Performance against targets</li> <li>Achievements since last meeting</li> <li>Challenges for the next three months</li> <li>Action required by partners</li> <li>Potential updates to JSNA/JHWS</li> </ul>	Action by Board:	Identification of outlier "Priorities" for further detailed consideration at future meetings of the Board	Information to include:	<ul> <li>Evidence base</li> <li>National policy stance</li> <li>Local policy stance</li> <li>Resource base</li> </ul>	Challenge by Board:	<ul> <li>Is the evidence in the Joint Strategic Needs Assessment complete enough? Do we knowed the impact on each sector of the community?</li> <li>Are the actions within the Joint Health and Wellbeing Strategy the right ones?</li> <li>What needs to change locally to meet the outcomes required by the Board?</li> <li>What can the Board do to promote integrated working to support this priority?</li> </ul>	Attendees:	To be confirmed
Organisational Updates:	<ul> <li>Public Health</li> <li>Adult Social Care</li> <li>Children's Services</li> <li>Clinical Commissioning Group</li> <li>Healthwatch</li> </ul>	Outcome Updates:	<ul> <li>Children have the best start in life</li> <li>A healthy life with a reduced gap in life expectancy</li> <li>Improved Mental Health and Wellbeing</li> </ul>			Examination in detail of specific priorities	(הובאוסתאול ותפווווופת חל תוב התפות)				
Standard Items:											

Torbay Health and Wellbeing Board – Work Programme 2013/2014

Development Etl Session:		Meeting 4	
	Ethics and probity	Development	To be determined
•••	Seven Principles of Public Life Council Code of Conduct NHS Commissioning Board guidance to CCGs on conflicts of interest Professional standards and accountability Predetermination and bias		
Board meeting: Pri Up	Priority 11: Support people with long term conditions Update on development issues	Board meeting:	"Priority" to be identified from consideration of Outcome Updates Refresh of Joint Strategic Needs Assessment
Meeting 2		Meeting 5	To be determined
Development Tri Session	Transparency and openness	Development Session	
•••	Legislative requirements Public engagement at meetings of the Board Exploring sensitive issues prior to public discussions		
Board meeting: "P	"Priority" to be identified from consideration of Outcome Updates	Board meeting:	"Priority" to be identified from consideration of Outcome Updates
Meeting 3		Meeting 6	To be determined
Development To Session	To be determined	Development Session	
Board meeting: "P	"Priority" to be identified from consideration of Outcome Updates	Board meeting:	"Priority" to be identified from consideration of Outcome Updates
			Refresh of Joint Health and Wellbeing Strategy

Jpdates from:	Health Scrutiny Board	<ul> <li>Stronger Communities Board</li> </ul>	<ul> <li>Children's Safeguarding Board</li> </ul>	<ul> <li>Adults' Safeguarding Board</li> </ul>	
Information U					

		<ul> <li>Achievements since last meeting of the Forum</li> <li>Challenges for the next six months</li> </ul>
	Outcome 2: A healthy life with a reduced	Framework for discussion
	gap in me expectancy	<ul> <li>What is currently happening to ensure this Outcome?</li> <li>How can we work better together?</li> <li>What will success look like?</li> <li>How will we measure it?</li> </ul>
		Action from the Forum:
		Delivery Plan (Outcomes Framework) revisited, revised and agreed by the Health and Wellbeing Board
		Delivery Plan monitored as a standard item at each meeting of the Board
Forum 2	Progress Report from Board	Information to include:
		<ul> <li>Achievements since last meeting of the Forum</li> <li>Challenges for the next six months</li> </ul>
	Outcome 3: Improved mental health and	Framework for discussion
>	MeliDeirig	<ul> <li>What is currently happening to ensure this Outcome?</li> <li>How can we work better together?</li> <li>What will success look like?</li> <li>How will we measure it?</li> </ul>
		Action from the Forum:
		Delivery Plan (Outcomes Framework) revisited, revised and agreed by the Health and Wellbeing Board
		Delivery Plan monitored as a standard item at each meeting of the Board