



Meeting: Adjourned Annual Council **Date:** 15 May 2013

Wards Affected: All

Report Title: Establishment of the Torbay Health and Wellbeing Board

Executive Lead Contact Details: Councillor Chris Lewis, Executive Lead for Children, Schools and Families (and Chairman of Shadow Health and Wellbeing Board)
01803 207574
chris.lewis@torbay.gov.uk

Supporting Officer Contact Details: Kate Spencer, Overview and Scrutiny Lead
01803 207014
kate.spencer@torbay.gov.uk

1. Purpose and Introduction

- 1.1 The purpose of this report is to establish the Torbay Health and Wellbeing Board as a Committee of the Council.
- 1.2 Each top tier and unitary authority is required by the Health and Social Care Act 2012 to have its own health and wellbeing board. Board members will collaborate to understand their local community's needs, agree priorities and encourage commissioners to work in a more joined up way. As a result, patients and the public should experience more joined-up services from the NHS and local councils in the future.
- 1.3 Health and wellbeing boards are a key part of broader plans to modernise the NHS to:
 - ensure stronger democratic legitimacy and involvement
 - strengthen working relationships between health and social care, and,
 - encourage the development of more integrated commissioning of services.
- 1.4 The boards will help give communities a greater say in understanding and addressing their local health and social care needs.

2. Proposed Decision

- 2.1 That the Torbay Health and Wellbeing Board be established to comprise:

Up to five members of the Council (to be appointed by the Mayor)
Director of Adults 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

- 2.2 That the Article and Standing Orders in relation to the Health and Wellbeing Board (as set out in Appendices 1 and 2 to this report) be approved and included in the Constitution of Torbay Council.
- 2.3 That, where the Chairman of the Board is an elected member of Torbay Council, the position attracts a special responsibility allowance of £3,265 and the Members Allowances Scheme be amended accordingly, subject to the recommendations of the Independent Remuneration Panel.
- 2.3 **Reason for Decision**
- 2.4 To establish the Health and Wellbeing Board for Torbay in accordance with the Health and Social Care Act 2012.
- 2.5 The purpose of the Health and Wellbeing Board is:
- 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.
-

Supporting Information

4. Position

- 4.1 The Health and Social Care Act 2012 requires that the Council must establish a Health and Wellbeing Board for its area.
- 4.2 Health and Wellbeing Boards are forums where leaders from the health and care system work together to improve the health and wellbeing of their local population and reduce health inequalities.
- 4.3 A Shadow Health and Wellbeing Board has been operating in Torbay for almost two years. The Board has developed its Joint Health and Wellbeing Strategy (which was agreed by the Council at its meeting in February 2013). The Board has also considered how it will operate once it becomes a statutory body and this work has been facilitated by the Local Government Association.
- 4.4 Regulations relating to the operation of the health and wellbeing boards have been published. The majority of the rules that govern council committees will apply to health and wellbeing boards with the main exceptions being:
- 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
- 4.5 Taking account of the Act, the Regulations and the discussions which have been held with the Shadow Board, an Article and set of Standing Orders have been drafted for

inclusion in the Council's Constitution and are attached as Appendices 1 and 2 respectively.

- 4.6 It is proposed that the membership of the Board remains as that set out by the statutory requirements with four councillor representatives, namely:

Up to five members of Torbay Council
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

- 4.7 It falls to the Mayor to appoint the (up to) five councillor representatives on the Board.

- 4.8 It is up to the local authority to determine the voting arrangements at meetings of 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.

- 4.9 It is recommended that the position of Chairman of the Board, where the Chairman is an elected member of Torbay Council, attracts a special responsibility allowance. This allowance will only apply if an elected member of Torbay Council is appointed as Chairman and the member is not in receipt of any other special responsibility allowance. The Independent Remuneration Panel has been asked for their recommendations on the level of allowance. The figure of the allowance recommended is the same as the special responsibility allowance for the Chairman role of similar committees. Should the Panel disagree with the figure recommended a further report will be submitted to a future Council meeting.

5. Possibilities and Options

- 5.1 It is a statutory requirement that the Council establishes a Health and Wellbeing Board and the operation of that Board is also mainly set out in statute.

- 5.2 The Council could determine to appoint more members to the Board than the statutory minimum. However, the Shadow Board believe that, at least during its first year of operation, the statutory minimum should be retained. The wider range of stakeholders involved in promoting health and wellbeing will be invited to attend the Health and Wellbeing Forum which will be held twice a year to discuss specific issues with the Joint Health and Wellbeing Strategy.

- 5.3 The Council can also determine the voting arrangements for the Board. However, the proposals within the Standing Orders follow the guidance published by the Local Government Association and the Association of Democratic Services Officers.

6. Equal Opportunities

- 6.1 The proposal to establish the Torbay Health and Wellbeing Board does not impact on any groups with protected characteristics within the Equality Act 2010.

- 6.2 However, as public bodies, both the Council and the Clinical Commissioning Group have to comply with the Public Sector Equalities Duty. Therefore it will be essential

that the Board looks at how the decisions it makes and the services that are provided affect people who share different protected characteristics. This will help to ensure access to services meets the needs of the Torbay community whilst addressing any equality concerns.

7. Public Services (Social Value) Act 2012

7.1 The Public Services (Social Value) Act 2012 is not applicable as no procurement is being undertaken.

8. Consultation

8.1 No specific consultation has been carried out on the establishment of the Health and Wellbeing Board. However, discussions have been held with stakeholder organisations and with other local authorities within the region. The proposed make-up of the Torbay Board is not out-of-line with proposals elsewhere.

9. Risks

9.1 Whilst the Council is required by statute to establish a Health and Wellbeing Board the implications, and therefore the risks, of not doing so are not articulated. How the Board is established is left mainly to local choice.

9.2 The risks of not establishing a Health and Wellbeing Board are that the benefits of integrating health and social care (which have developed since the establishment of the Care Trust) could be diminished following the health services reforms which came into place on 1 April 2013.

Appendices

Appendix 1 Article – Health and Wellbeing Board

Appendix 2 Standing Orders in relation to the Health and Wellbeing Board