

# Health and Wellbeing Board

Monday 24 March 2014

3.00 pm

Ground Floor Meeting Room G01C - 160 Tooley Street, London  
SE1 2QH

## Supplemental Agenda No. 1

### List of Contents

Item No.	Title	Page No.
14.	<b>GOVERNANCE REVIEW</b> To agree terms of reference for a review of partnership arrangements for the health and wellbeing board.	1 - 8

#### Contact

Everton Roberts on 020 7525 7221 or email: [everton.roberts@southwark.gov.uk](mailto:everton.roberts@southwark.gov.uk)  
Webpage: <http://www.southwark.gov.uk>

Date: 18 March 2014

<b>Item No.</b> 14.	<b>Classification:</b> Open	<b>Date:</b> 24 March 2014	<b>Meeting Name:</b> Health and Wellbeing Board
<b>Report title:</b>		Governance Review - Health and Wellbeing Board	
<b>Wards or groups affected:</b>		All	
<b>From:</b>		Kerry Crichlow, Director of Strategy and Commissioning, Children's and Adults' Services	

## RECOMMENDATION

1. The board is requested to:

Agree terms of reference for a review of partnership arrangements for the health and wellbeing board (paragraph 17 of the report) and any related governance matters where appropriate.

## SUMMARY

2. In April 2013 the council took on new responsibilities for public health and a local statutory health and wellbeing board (HWB) in line with the Health and Social Care Act 2012. Appendix 1 sets out current strategic partnership arrangements.
3. In Southwark, a shadow HWB was put in operation ahead of the 1 April 2013. A key outcome from the shadow arrangements was that partnership arrangements relating to health and wellbeing should be kept under regular review to ensure they remain fit for purpose and that partners were maximising the opportunities arising from the new responsibilities.
4. The review is being proposed within the context of increasing expectations of the role of the board within the national health and care system landscape at varying levels of health and social care policy. The outcome of the review is likely to have implications for the for future partnership and governance arrangements for the board and local partnership infrastructure as a whole.
5. A proposed review of the HWB is in the context of the board being established now for one year, and with the increasing range of responsibilities and expectations that have been placed upon it by national government (see Appendix 2 for further details). The review seeks to ensure that the relationship between the HWB and other partnership bodies is working in line with expectations (as formally set out in the Health and Social Care Act 2012 and around any local policy expectations) and to identify opportunities for new ways of working and/or reducing duplication of effort should it exist. The review will seek to learn from best practice in other areas and test whether current arrangements are able to respond to the breadth and depth of responsibility in the most efficient and effective way – ultimately through the test of whether it can improve health and wellbeing outcomes for local people.

6. From a council perspective, it is also timely to review current arrangements as 2014/15 represents the start of a new four year electoral cycle within the council, following local elections in May.

## **BACKGROUND INFORMATION**

7. HWBs are statutory bodies introduced as part of the NHS reforms outlined in the Health and Social Care Act 2012. The Act requires HWBs to:
  - Encourage integrated working “for the purposes of advancing the health and wellbeing” of local people, and in particular the use of National Health Service Act 2006 powers to pool health budgets
  - Produce a joint strategic needs assessment
  - Develop a local health and wellbeing strategy
8. Locally, we have maintained that the board’s overarching objective is to improve the health and wellbeing of the local population and reduce health inequalities by enabling better health and wellbeing outcomes. At the heart of the review will be the ongoing test that our local configuration is enabling maximum impact on improved outcomes for residents through effective partnership working.
9. The HWB sits within complex landscape of statutory and partner arrangements. In the board’s capacity as a committee of the council there are clear governance requirements as to its functioning and relationship with cabinet and scrutiny, there is increasing national expectations around the alignment of planning between clinical commissioning groups (CCG) and HWBs, and more recently relationships with providers and their trust boards.
10. HWBs are the most recent addition to local area partnership arrangements, which currently includes Safer Southwark Partnership, children and adult safeguarding boards and the Children and Families’ Trust. In addition, there are several supporting working groups, such as Southwark and Lambeth Integrated Care (SLIC) governance and delivery boards, primary and community care delivery working groups, a range of commissioning boards and statutory bodies such as scrutiny committees – with all relating to, or having an effect on, health and care.
11. Further, since HWBs were set up, they have acquired a number of duties and expectations, such as producing a pharmaceutical needs assessment, approving joint strategic plans under the Winterbourne Concordat, and CCGs are required to have regard to its opinion of the CCG commissioning plans.
12. A significant role of the HWB going forward will be the delivery of the local vision for integration – Better Care, Better Quality of Life – which underpins arrangements for the use of the Better Care Fund (BCF) for 2014/15 and 2015/16 and future section 75 arrangements between the local authority and CCG. Making this vision real presents many challenges for future commissioning and delivery arrangements at both strategic and operational levels. Within the scope of BCF commissioning and delivery arrangements are the work areas of SLIC developments for both frail elderly and long term conditions (LTC); Southwark Primary and Community Care Strategy steering group, which is leading implementation of neighbourhood primary care transformation; Guys’ and St Thomas’s Trust local service reforms through its

service delivery board; and transformation of social care services across both children's and adults' services, as well as significant reforms to learning disability provision. The HWB partnership arrangements, and supporting health and wellbeing strategy, need to bring these developments together to ensure there is a single Southwark voice at a strategic, commissioning and operational level particularly in relation to the integration of health and social care.

13. Consideration needs to be given to the interface between adults' and children's safeguarding boards and the HWB. The HWB needs to ensure that local developments in regard to the new strategy, joint strategic needs assessment and future strategic and commissioning decisions that affect our most vulnerable residents involve, as appropriate, safeguarding board chairs.

## **KEY ISSUES FOR CONSIDERATION**

14. At the heart of immediate and future partnership arrangements for the board is the need to provide leadership oversight, challenge and assurance on the local integration agenda of health and social care. This will include shared decision-making around how local resources are best used to deliver improved outcomes and value for money for residents, and within a context of raised expectations and significant budget reductions across all partner services and provision.
15. National expectations and local plans for integration are all at different stages of development and partnership arrangements will need to evolve accordingly.
16. The review of partnership arrangements seeks to identify strengths, opportunities, duplication and where things need to change to deliver the requirements on and expectations of the local health and care system.
17. This paper therefore asks the HWB to agree proposed terms of reference. These are as follows:
  - To assess current partnership arrangements within the context of current and anticipated requirements on HWB
  - To examine the totality of the local partnership infrastructure and identify strengths and opportunities, duplication, and where the local partnership structure needs clarity or would benefit from change
  - To test current arrangements against best practice governance models to identify what it may mean for future arrangements in particular reporting, processes and delegated authority including relevant links to local health scrutiny responsibilities as appropriate.
18. It is proposed that the review is conducted by an independent expert of health and wellbeing governance and is undertaken using a range of approaches. This will include documentation such as key plans and strategies, interviews with system leaders and partnership chairs, and approach of the board so far in relation to recent requirements and integration developments (i.e. Better Care Fund, CCG planning requirements, and requirements of public health).
19. It is anticipated that the review will identify a number of recommendations to underpin decisions and next steps for future partnership arrangements and where relevant supporting governance configurations. A report will be brought to

the first HWB board meeting the new council in summer 2014.

### **Policy implications**

20. The outcome of this work is likely to have implications for the future governance arrangements for both the board itself and the wider partnership infrastructure. This includes how other bodies and partnerships take proper account of the health and wellbeing strategy, 'regard' of the joint strategic needs assessment and the boards' decisions in relation to services related to, or having an effect on, health and care.

### **Community and equalities impact statement**

21. Reducing health and wellbeing inequalities is a key objective of the HWB. The ability of the board to effectively undertake this function will be included in the review of governance arrangements.

### **Legal implications**

22. As set out in the report the role of the HWB is evolving rapidly. Further and additional duties and expectations are coming from central government. Facing these challenges, it is timely to review the governance arrangements, so that going forward HWB (and its constituent bodies), develop a shared understanding as to their responsibilities and decision making arrangements.

### **Financial implications**

23. The financial implications of the proposed review will be met within existing council resources.

### **REASONS FOR URGENCY**

24. As stated in paragraph 4 of the report the review is being proposed within the context of increasing expectations of the role of the board within the national health and care system landscape at varying levels of health and social care policy. The outcome of the review is likely to have implications for the future partnership and governance arrangements for the board and local partnership infrastructure as a whole.
25. As part of this review process it is intended that a further report is brought to the first meeting of the board of the new municipal year. This further report will underpin the decision making and governance arrangements going forward. It is therefore essential that the review is underway as soon as possible to enable the review findings and conclusions to be reported to the board's first meeting of the new municipal year.

### **REASONS FOR LATENESS**

26. It was not possible to complete the internal consultation process and finalise the report by the deadline for the health and wellbeing board agenda despatch.

**BACKGROUND PAPERS**

Background Papers	Held At	Contact
Health and Social Care Act	<a href="http://webarchive.nationalarchives.gov.uk/20130805112926/http://healthandcare.dh.gov.uk/category/public-health/hwb/">http://webarchive.nationalarchives.gov.uk/20130805112926/http://healthandcare.dh.gov.uk/category/public-health/hwb/</a>	Elaine Allegretti 020 7525 3816

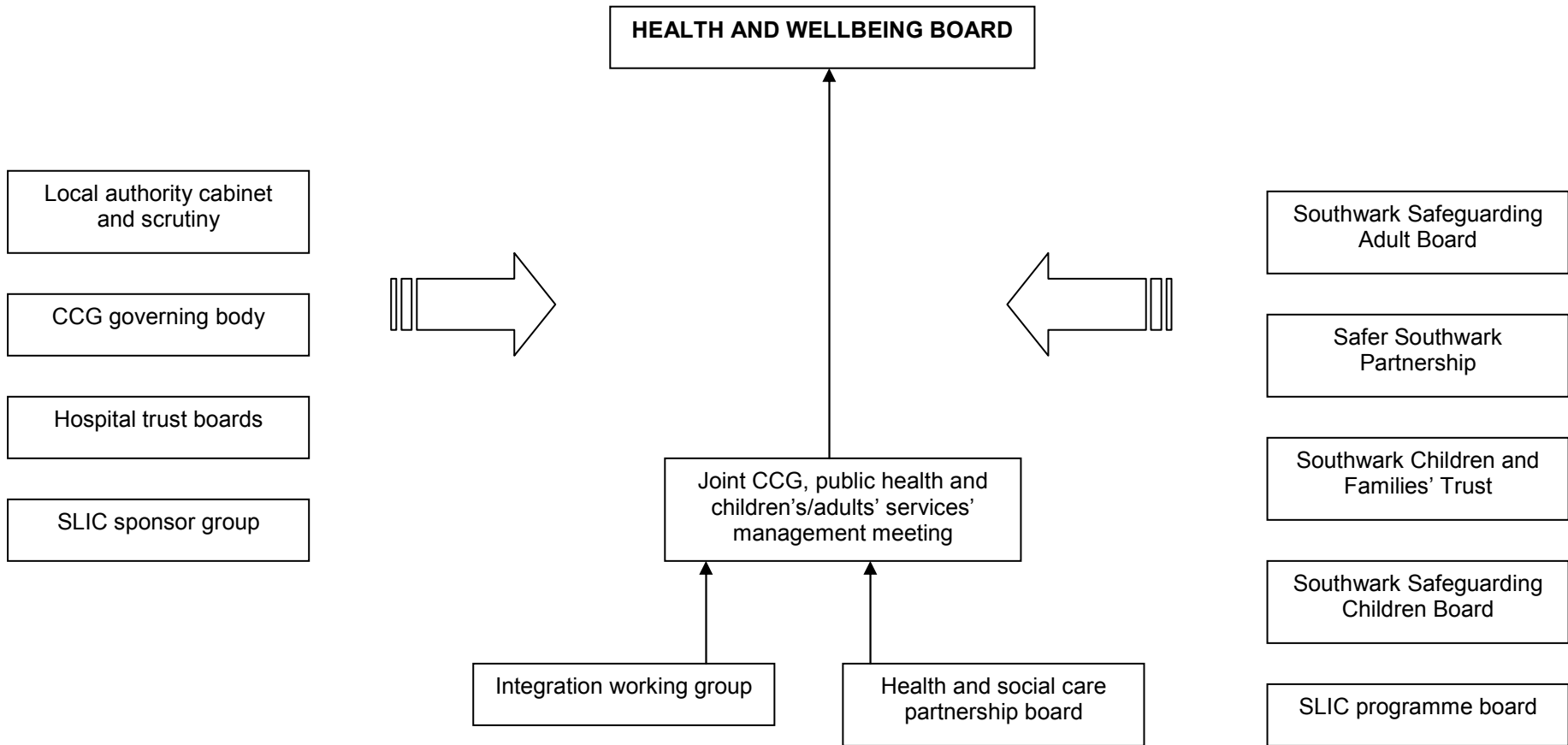
**APPENDICES**

No.	Title
Appendix 1	Current governance arrangements
Appendix 2	Summary table of duties and powers introduced by the Health and Social Care Act 2012 relevant to JSNAs and JHWSs

**AUDIT TRAIL**

<b>Lead Officer</b>	Kerry Crichlow, Director of Strategy and Commissioning Children's and Adult Services	
<b>Report Author</b>	Elaine Allegretti, Head of Strategy and Performance Children's and Adults' Services; Stephen Gaskell Head of Performance and Partnerships, Corporate Services	
<b>Version</b>	Final	
<b>Dated</b>	14 March 2014	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments Included</b>
Director of Legal Services	No	No
Strategic Director of Finance and Corporate Services	No	No
<b>Date final report sent to Constitutional Team</b>		17 March 2014

CURRENT GOVERNANCE ARRANGEMENTS



A summary table of the duties and powers introduced by the Health and Social Care Act 2012 relevant to JSNAs and JHWSs						
	CCGs	Local Authority	NHS Commissioning Board	Local Healthwatch	Health and Wellbeing Board	
<b>LOCAL DEMOCRATIC LEGITIMACY – POWERS AND DUTIES</b>						
Establishment and membership of health and wellbeing board						
Representation or participation to Health and Wellbeing Board (HWB)	X (those whose are X*)	X*	X (participation in JSNA and JH)	X		
Power to appoint additional members to the board as deemed appropriate		X (with duty to consult HWB if appointing after establishment)			X	
Power for two or more HWBs to exercise their functions jointly					X	
<b>Functions of health and wellbeing board</b>						
Duty to cooperate with the HWB in the exercise of its functions	X					
Power for HWB to request information for the purposes of enabling or assisting its performance of functions from:	X (duty to provide)	X (duty to provide)		X (duty to provide)	X (power to request)	
• the local authority	X*	X*				
• certain members or those they represent with a duty to provide	X*	X*				
Duty to prepare assessment of needs (JSNA) in relation to LA area and have regard to guidance from Secretary of State	X*	X*	X (to participate)		X	
Duty to prepare a JHWS for meeting needs included in JSNA in relation to LA area and have regard to guidance from Secretary of State	X*	X*	X (to participate)		X	
Duty to involve third parties in preparation of the JSNA:	X*	X*			X	
• Local Healthwatch					X	
• people living or working in the area					X	
• for County Councils - each relevant DC					X	
Duty to involve third parties in preparation of the JSWS:	X*	X*			X	
• Local Healthwatch					X	
• people living or working in the area					X	
Power to consult any persons it thinks appropriate in preparation of the JSNA	X*	X*			X	
Duty to have regard to the NHS Commissioning Board mandate in developing the JSNA and JHWS	X*	X*			X	
Duty to consider flexibilities under the NHS Act 2006 when developing JHWS	X*	X*			X	
Duty to publish the JSNA	X*	X*			X	
Duty to publish the JHWS	X*	X*			X	
Power to include in the JHWS a statement of views on how the commissioning of health and social care services, and wider health-related services**, could be more closely integrated – i.e. the ability for the JHWS to look more broadly than health and social care in relation to closer integration of commissioning						
Power to delegate any local authority function (except scrutiny) to the HWB	X*	X*			X	
<b>Impact of duties on other associated functions</b>						
Duty to have regard to relevant JSNA and JHWS in the exercise of relevant functions	X (in exercising an	X (in exercising any fu	X (in exercising any relevant commissioning functions)		X (to exercise the delegated funct	
Duty to encourage integrated working:						
• between commissioners of health services and commissioners of social care services					X	
• in particular to provide advice, assistance or other support for the purpose of encouraging use of flexibilities under the NHS Act 2006						
Power to encourage close working (in relation to wider determinants of health):					X	
• between itself and commissioners of health-related services						
• between commissioners of health services or social care services and commissioners of health-related services						
<b>Alignment of commissioning plans</b>						
Power of the HWB to give its opinion to the local authority which established it on whether the authority is discharging its duty to have regard to relevant JSNA and JHWS					X	
Duty to involve HWB in preparing or significantly revising the commissioning plan - including consulting it on whether the plan has taken proper account of the relevant JHWS	X				X	
Duty to provide opinion on whether the commissioning plan has taken proper account of the JHWS					X	
Power to also write to NHSCB with that opinion on the commissioning plan (copy must also be supplied to the relevant CCG)					X	
Duty to include a statement of the final opinion of the relevant HWB in the published commissioning plan	X					





**HEALTH AND WELLBEING BOARD AGENDA DISTRIBUTION LIST (OPEN)  
MUNICIPAL YEAR 2013/14**

**NOTE:** Amendments/queries to Everton Roberts, Constitutional Team, Tel: 020 7525 7221

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Dr Patrick Holden	1		
Councillor Peter John	1	<b>Others</b>	
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Gordon McCullough	1		
Catherine McDonald	1		
Professor John Moxham	1		
John Sutherland	1		
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Dr Amr Zeineldine	1	<b>Total:</b>	<b>40</b>
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		<b>Dated:</b> 7 January 2014	