

<b>A summary table of the duties and powers introduced by the Health and Social Care Act 2012 relevant to JSNAs and JHWSs</b>					
	CCGs	Local Authority	NHS Commissioning Board	Local Healthwatch	Health and Wellbeing Board
<b>LOCAL DEMOCRATIC LEGITIMACY – POWERS AND DUTIES</b>					
<b>Establishment and membership of health and wellbeing board</b>					
Representation or participation to Health and Wellbeing Board (HWB)	X (those whose area is covered)	X <sup>^</sup>	X (participation in JSNA and JHWS)	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*			
Duty to publish the JHWS	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	X*	X*			X
Power to delegate any local authority function (except scrutiny) to the HWB		X			X (to exercise the delegated function)
<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 any relevant function)	X (in exercising any relevant function)	X (in exercising any relevant commissioning functions)		
Duty to encourage integrated working:					X
• between commissioners of health services and commissioners of social care services					
• 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				

Power to provide NHSCB with opinion on whether a published commissioning plan has taken proper account of the JHWS (copy must also be supplied to the relevant CCG)					X
Duty to review how far the CCG has contributed to the delivery of any JHWS to which it was required to have regard and consult HWB on this	X				X
Duty in conducting the performance assessment, to assess how well CCG has discharged duty to have regard to JSNA and JHWS and to consult HWB on its view on CCGs contribution to delivery of any JHWS to which it was required to have regard (when conducting its annual performance assessment of the CCG)			X		X
Other duties, which can be contributed to through the JSNA and JHWS					
Duty to exercise functions with a view to securing continuous improvement in quality of services	X				
Duty to act with a view to secure continuous improvement in outcomes achieved	X				
Duty to exercise functions with regard to need to reduce inequalities between patients in outcomes and access to services	X		X		
Duty to when exercising their functions promote the involvement of patients, their carers and representatives in decisions about the provision of health services to the patient	X				
Duty to when exercising their functions promote innovation in the provision of health services	X				
Duty to exercise functions with a view to securing integration in the provision of health services, and the provision of health and social care services, or health and health-related services, to improve the quality of the services or reduce the inequalities between patients in outcomes of and or access to, services	X		X		
Notes:					
X* duty must be discharged via HWB					
X^ this includes the directors of adult social services, children's services, public health and elected representatives nominated by the Leader, Mayor or in some cases the local authority itself					
*** health services, health-related services, and social care services are defined in s.195 of the Health and Social Care Act 2012					
health services means services that are provided as part of the health service in England where the health service has the same meaning as in the NHS Act 2006					
social care services means services that are provided in pursuance of the social services functions of local authorities (within the meaning of the Local Authority Social Services Act 1970)					
health-related services means services that may have an effect on the health of individuals but are not health or social care services					