



Report of: **Assistant Chief Executive, Governance and HR**

Meeting of	Date	Agenda Item	Ward(s)
Health and Wellbeing Board	14 th January 2015	Item	All
Delete as appropriate		Non-exempt	

SUBJECT: Health and Wellbeing Board – Appointment of Additional Non – voting Co-opted Members

1. Synopsis

- 1.1 Section 194 of the Health and Social Care Act 2012 (“the Act”) required Councils to establish a Health and Wellbeing Board (“HWBB”) by 1 April 2013. The objective of the HWBB is to increase the local democratic legitimacy of NHS commissioning decisions and bring together the key NHS public health and social care leaders in each local authority areas to work in partnership.
- 1.2 This report proposes two additional non-voting co-opted members be included in the membership of the HWBB.

2. RECOMMENDATIONS

- 2.1 To recommend to the Council the inclusion of representatives of the following organisations as additional non-voting members of the HWBB:
- i. The Camden and Islington NHS Trust (non-voting)
 - ii. The Whittington NHS Trust (non-voting)
- 2.2 To recommend to the Council the amendments to the HWBB’s Terms of Reference to reflect the new membership as set out in Appendix 1.

3. Background

- 3.1 Under section 194 of the Health and Social Care Act 2012 (“the Act”) the Council was required to establish a HWBB as a committee of the Council by 1 April 2013.
- 3.2. The HWBB is a committee of the Council. The statutory provisions concerning the required

membership and operation of the HWBB do not align smoothly with the existing legislation in relation to Council committees therefore the Local Authority (Public health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 (“the Regulations”) modify some of the legislation relating to committees to remedy this.

4. The Islington Health and Wellbeing Board

- 4.1 HWBBs provide new opportunities for local government to work in partnership with the NHS and their communities to understand local need, and develop a strategy to address the issues that matter to most local people.
- 4.2 The HWBB has a duty to encourage integrated commissioning across NHS, public health and local authority services in order to improve efficiency, secure better care and, ultimately, improve health and wellbeing outcomes for the local community. The HWBB is responsible for the mutual obligation on the council and NHS commissioners to undertake a Joint Strategic Needs Assessment (JSNA) and produce a Joint Health and Wellbeing Strategy (JHWS) for the borough.
- 4.3 The HWBB contains members from other statutory organisations and officers as voting and non-voting members.

5 Membership of the HWBB

- 5.1 The Health and Social Care Act 2012 sets a core membership for HWBBs that must include:
 - at least one councillor of the relevant local authority (who may be the Leader)
 - the Director of adult social services
 - the Director of children’s services
 - the Director of public health
 - a representative of the Local Healthwatch organisation
 - a representative of each relevant clinical commissioning group (CCG)
- 5.2 The Council can appoint any other members it considers appropriate however it must consult the HWBB if doing so any time after the board is established.
- 5.3 The current membership of the Islington HWBB is set out in the terms of reference of the HWBB in the Appendix 1.
- 5.4 Regulation 6 modifies the Local Government and Housing Act 1989 (section 13(1)) to enable all members of Health and Wellbeing Boards or their sub-committees to vote unless the Council decides otherwise. This means that the Council is free to decide which members of the Board should be voting members.
- 5.5 Currently the Board has two non-voting members; the CCG Director of Quality and Integrated Governance, and the representative of the Local NHS Commissioning Board who are appointed as members of the Health and Wellbeing Board for all purposes, but without the power to vote. .
- 5.6 The Board is recommended to reconsider the extent to which it wishes to involve local providers of health and social care services. Previously, the Board’s membership has been limited and providers have been included in a wider stakeholder reference group. It is now

thought appropriate to offer membership of the Board to non-voting representatives of Camden and Islington NHS Trust and Whittington NHS Trust in order to involve them directly in its decisions and to give the Board a wider and more inclusive reach.

- 5.7 The terms of reference of the Health and Wellbeing Board set out in the Council's Constitution allow the Council to appoint additional persons to the Board provided it has first consulted with the HWBB. The HWBB is also entitled to appoint additional persons as non-voting co-opted members of the HWBB. It is proposed that the HWBB recommend the appointment of the additional members to the Council as non-voting.

6. Voting and Conflicts

- 6.1 The Regulations modify the Local Government and Housing Act 1989 (section 13(1)) so that all members of HWBBs are able to vote unless the Council, having first consulted the HWBB, directs otherwise. All members of the HWBB with power to vote will be subject to the Islington Members Code of Conduct; any members not empowered to vote will not.
- 6.2 In Islington all members of the HWBB have voting rights, apart from the CCG Director of Quality and Integrated Governance and the local NHS Commissioning Board representative.
- 6.3 It is proposed that the HWBB invite two of the large local NHS providers Camden and Islington NHS Foundation Trust and the Whittington Trust to join the HWBB as full non-voting members. The Regulations require that voting arrangements, including any variation to the provision that all members of the Board including non-councillor members may vote, must be agreed by the whole Council.
- 6.4 Because they will not be entitled to vote at meetings of the HWBB, the proposed co-opted members will not be required to adhere to the Members Code of Conduct. However they should nevertheless be required declare their interests at meeting of the HWBB and adhere to a protocol in respect of their conduct, and requirements in respect of confidentiality and access to information.

7. Implications

7.1 Financial Implications

There are no financial implications arising directly from this report.

7.2 Legal Implications

Regulations permit the Council, in consultation with Health and Wellbeing Board, to determine which members of Health and Wellbeing Board should be voting members (The Local Authority (Public Health, Health and Well-being Boards and Health Scrutiny) Regulations 2013 (SI2013/218), regulation 6, (modifying section 13 of the Local Government Housing Act 1989)).

The Council can use this flexibility to designate Camden and Islington NHS Foundation Trust and Whittington NHS Trust as non-voting members of the Board.

7.3 Resident Impact Assessment

There are no resident impact implications arising directly from this report.

7.4 Environmental Implications

There are no environmental implications arising directly from this report.

Background papers:

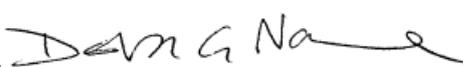
None.

Attachments:

Appendix 1 –Terms of reference

Final Report Clearance

Signed by

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Date

Received by

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Head of Democratic Services

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Date

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Appendix 1

HEALTH AND WELLBEING BOARD

Composition

- Leader of the Council
- Lead Member for Health and Wellbeing
- Lead Member for Children and Families
- GP and Chair of the Islington Clinical Commissioning Group
- GP and Joint Vice Chair of the Islington Clinical Commissioning Group
- Lay Vice-Chair, Islington Clinical Commissioning Group
- CCG Chief Operating Officer
- Corporate Director of Housing and Adult Social Services
- Corporate Director Children's Services
- Director of Public Health
- Health Watch representative (one member)
- CCG Director of Quality and Integrated Governance (non-voting)
- Local NHS Commissioning Board representative (non-voting)

[Proposed new members:

- The Camden and Islington NHS Trust (non-voting)
- The Whittington NHS Trust (non-voting)]

The Board will be chaired by the Leader of the Council.

A deputy may be appointed in respect of each member who may attend the meeting subject to the agreement of the Chair.

The Council may appoint additional persons to the Board provided it has first consulted with the Board.

The Board shall be entitled to appoint additional persons as non-voting co-opted members of the Board.

Quorum

The quorum for a meeting of the committee shall be 4 members including one CCG representative, one councillor and a representative of Health Watch.

Terms of Reference

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