

MUNICIPAL YEAR 2015/2016

MEETING TITLE AND DATE
Health and Wellbeing Board
21 April 2016

Agenda - Part: 1	Item: 7
Subject: Enfield Health and Wellbeing Board (EH&WVB) Terms of Reference	
Wards: N/A	
Cabinet Member consulted: Cllr Taylor	
Approved by: Bindi Nagra	

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1. EXECUTIVE SUMMARY

1. Enfield's Health and Wellbeing Board (EH&WB) was set up in April 2013 as a committee of the Council under section 102 of the local Government Act 1972. This was consistent with the requirements of the Health and Social Care Act 2012.
2. As part of the ongoing review and development of the EH&WB, Board members agreed that a review of the terms of reference is undertaken. A revised Terms of Reference is being presented to the EH&WB which is clearer, legally compliant, and outlines the governance of the EH&WB.
3. The EH&WB Terms of Reference have now been reviewed by individual EH&WB members and Councils Corporate Management Board (CMB), and a number of changes to the original Terms of Reference have been set out. These are designed to clarify the Board's legal duties and position as a committee of the Council.

2. RECOMMENDATIONS

- (a) Agree to recommend the revised Terms of Reference of the EH&WB are adopted by Full Council.

3. BACKGROUND

- (a) EH&WB was set up in April 2013 as a committee of the Council under section 102 of the local Government Act 1972. This was consistent with the requirements of the Health and Social Care Act 2012.
- (b) Since its establishment, the EH&WB has continued to meet at least five times a year on a formal basis, with informal development sessions also held throughout the year. However, to date there has been no formal reporting to the Council on the work of the Board.

4. ALTERNATIVE OPTIONS CONSIDERED

No alternatives considered.

5. REASONS FOR RECOMMENDATIONS

The EH&WB has not been reviewed since it was established in April 2013. A number of changes to the original Terms of Reference (ToR) are proposed in order to ensure that the ToR better reflects the legal role and powers of the Board.

Key amendments to the original ToR (outlined below)

- (a) Job title- Director of Schools and Children's Services has now been changed to Director of Children's Services
- (b) Director of Environment will not be a full member but will attend as necessary
- (c) Responsibilities- The responsibilities section has been amended to reflect the legal responsibilities of the EH&WB and give members a clearer understanding of the Boards powers and mandate.
- (d) Conduct- reference to the speaking Protocol has been removed from this section.
- (e) Appendices- Appendix One has been changed to show an updated EH&WB Structure Chart as well as providing governance information on the EH&WB in the context of it being a Council committee. Other appendices including:

1. *Responsibilities of Members of the Enfield Health and Wellbeing Board (EH&WB)*
2. *Procedure for speaking at Health and Wellbeing Board Meetings*
3. *How to request a deputation to the Health and Wellbeing Board*
4. *How to find out the dates of the Health and Wellbeing Board meetings*

Have been removed as there is no longer the need for them now the EH&WB is a fully established forum.

6. COMMENTS OF THE DIRECTOR OF FINANCE, RESOURCES AND CUSTOMER SERVICES AND OTHER DEPARTMENTS

6.1 Financial Implications

N/A

6.2 Legal Implications

Health and Wellbeing Boards (HWBs) were established under section 194(1) of the Health and Social Care Act 2012 and all local authorities have been under a statutory duty to establish an HWB since April 2013.

The statutory duties of an HWB include: to encourage integrated working in the provision of health and social care services; the preparation of a joint strategic needs assessment; the preparation of a joint health and wellbeing strategy; and the publication of a pharmaceutical needs assessment.

The duty to establish and delegate functions to an HWB is one for the local authority, in other words for full council.

The statutory membership of an HWB is set out at section 194(2) of the Health and Social Care Act 2012.

Section 194(8) of the Health and Social Care Act 2012 states that 'the Health and Wellbeing Board may appoint such additional persons to be members of the Board as it thinks appropriate.' Under subsection 9, once an HWB has been established, a local authority must consult the Board before appointing another person under (g) above.

The regulations governing HWBs are the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 ('the regulations'). These regulations state at Regulation 2 that Section 101 of the Local Government Act 1972 ('the 1972 Act') applies to Health and Wellbeing Boards with some amendments, which means, for example, that the duty to have political balance on committees does not apply to HWBs.

In summary, the regulations give considerable flexibility to local authorities in making the arrangements for their HWBs. An HWB is a committee of the council not of the Cabinet, and it is for the council to determine its powers beyond its statutory duties. The membership of the HWB is to an extent determined by statute. However, once the HWB is established it can appoint further members that better allow it to deliver on its ToR. Although the Council can appoint further members as well, it must consult the HWB before making the appointment. While the legislation and guidance make no reference to reductions in membership it would be advisable to consult the HWB before reducing the membership of the Board.

The proposals set out in this report comply with the above legislation.

7. KEY RISKS

Not relevant

8. IMPACT ON PRIORITIES OF THE HEALTH AND WELLBEING STRATEGY

A EH&WB with revised ToR will support the delivery of all the Health and Wellbeing Strategy Priorities (below).

- 8.1** Ensuring the best start in life
- 8.2** Enabling people to be safe, independent and well and delivering high quality health and care services
- 8.3** Creating stronger, healthier communities
- 8.4** Reducing health inequalities – narrowing the gap in life expectancy
- 8.5** Promoting healthy lifestyles

9. EQUALITIES IMPACT IMPLICATIONS

Not relevant

10. Background Papers

Appendix (a): Updated version of the EH&WB Terms of Reference
Appendix (b): Original version of the EH&WB Terms of Reference