

MUNICIPAL YEAR 2016/2017 - REPORT NO. 47

MEETING TITLE AND DATE:

COUNCIL MEETING
13TH JULY 2016

REPORT OF:
Chief Executive

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Agenda - Part: 1	Item: 10
Subject: Enfield Health and Wellbeing Board (EH&WB) Terms of Reference	
Wards: All	
Cabinet Member consulted: Cllr Doug Taylor	

1. EXECUTIVE SUMMARY

- 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.
- As part of the ongoing review and development of the EH&WB a revised Terms of Reference (ToR) are being presented to Council. The new version is clearer, legally compliant, and outlines the governance of the EH&WB.
- The EH&WB ToR have now been reviewed by the EH&WB and Councils Corporate Management Board (CMB), and a number of changes to the original ToR have been set out. These are designed to clarify the Board's legal duties and position as a committee of the Council.

2. RECOMMENDATIONS

That the revised EH&WB ToR are adopted by Council.

1. 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.

1.1 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) Two Enfield Youth Parliament members have been added as non-voting EH&WB members.
- (d) A protocol for substitute members has been added to the ToR.
- (e) Responsibilities - The responsibilities section have been amended to reflect the legal responsibilities of the EH&WB and give members a clearer understanding of the Boards powers and mandate.
- (f) Appendices of ToR- Appendix One has been changed to show an accurate 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 (in italics below) have been removed as these are either covered in other sections of the revised ToR or they are no longer required.
 - *Responsibilities of Members of the Enfield Health and Wellbeing Board (EH&WB)*
 - *Procedure for speaking at Health and Wellbeing Board Meetings*
 - *How to request a deputation to the Health and Wellbeing Board*
 - *How to find out the dates of the Health and Wellbeing Board meetings*

2. ALTERNATIVE OPTIONS CONSIDERED

None

3. REASONS FOR RECOMMENDATIONS

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

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

4.1 Financial Implications

None

4.2 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.

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. A 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.

4.3 Property Implications

None

5. KEY RISKS

- The risk of not agreeing the revised version of the EH&WB ToR, is that the EH&WB board will be operating under its current ToR which are outdated and include some incorrect responsibilities.
- There are no significant risks to the revised version of the EH&WB ToR being adopted.

6. IMPACT ON COUNCIL PRIORITIES

An EH&WB with accurate ToR will support the delivery of the following council priorities an explanation of this is provided below under the relevant sections.

Fairness for All

An effective EH&WB will mean that there is a strong partnership between health providers in Enfield, ensuring that residents from across Enfield are able to receive high quality joined up health services.

Growth and Sustainability

The growth and suitability of Enfield is reliant on a healthy population who are able to contribute to the borough particularly as a workforce and a EH&WB that is functioning correctly is important in achieving this.

Strong Communities

The EH&WB is a public meeting allowing Enfield residents to have a greater understanding of health and wellbeing related issues that are on the EH&WB work plan, in order to create a more informed community. The revised ToR also has two seats for 'Enfield Youth Parliament' reps as part of the non-voting membership, this will ensure that Enfield's youth community are engaged in the Health and Wellbeing agenda.

7. EQUALITIES IMPACT IMPLICATIONS

Corporate advice has been sought in regard to equalities and an agreement has been reached that an equalities impact assessment is neither relevant nor proportionate for the approval of this report to agree the ToR for the EH&WB. EQIAs will be considered and undertaken as appropriate on the various work streams undertaken by the group.

8. PERFORMANCE MANAGEMENT IMPLICATIONS

None

9. HEALTH AND SAFETY IMPLICATIONS

None

10. HUMAN RESOURCES IMPLICATIONS

None

11. PUBLIC HEALTH IMPLICATIONS

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

- Ensuring the best start in life
- Enabling people to be safe, independent and well and delivering high quality health and care services
- Creating stronger, healthier communities
- Reducing health inequalities – narrowing the gap in life expectancy

- Promoting healthy lifestyles

12. Background Papers

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