

Cabinet

Meeting to be held on 8 December 2016

Report of the Head of Health Equity, Welfare & Partnerships

Electoral Divisions affected: All

Pan Lancashire Health and Wellbeing Governance Arrangements

(Appendices 'A' and 'B' refer)

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Executive Summary

Earlier in the year Lancashire Leaders Group agreed that work should be undertaken to move to a new model of Health and Wellbeing Board governance, in the form of a single Health and Wellbeing Board for Lancashire, with five local area health and wellbeing partnerships, reflecting the local area health economies across Lancashire.

A Summit was held on 26th July 2016, which allowed existing Health and Wellbeing Board members from across Lancashire, to explore how their statutory responsibilities could be jointly delivered in line with the proposed model. Subsequently, joint proposals and terms of reference have been drafted for approval by each of the upper tier authorities in Lancashire. These are set out for approval in this report.

Recommendation

That Cabinet:

- Notes the proposals for a new pan-Lancashire model for Health and Wellbeing Board governance set out in this report;
- Notes the draft terms of reference for the proposed Pan Lancashire Health and Wellbeing Board and Local Health and Wellbeing Partnerships, (Appendices A and B), which will be finalised during the shadow operation period and presented to Annual Council for formal adoption;
- Notes that the new pan-Lancashire model will operate in shadow form between January and March 2017 in accordance with the draft terms of reference; and
- Supports the principles for the new pan-Lancashire model for Health and Wellbeing Board governance arrangements for adoption and implementation from May 2017

Background and Advice

Health and Wellbeing Boards (HWBs) are a key element of the Health and Social Care Act 2012 as a means to deliver improved strategic co-ordination across the NHS, social care, children's services and public health. HWBs are required to assess the needs and assets of the local population through joint strategic needs assessment, produce a joint health and wellbeing strategy that addresses these needs and builds on any assets, influence commissioning plans of organisations and promote joint commissioning and integrated provision.

Statutory responsibility for the provision of HWBs sits with upper tier authorities; which for Lancashire are Blackburn with Darwen (BwD) Borough Council, Blackpool Borough Council and Lancashire County Council.

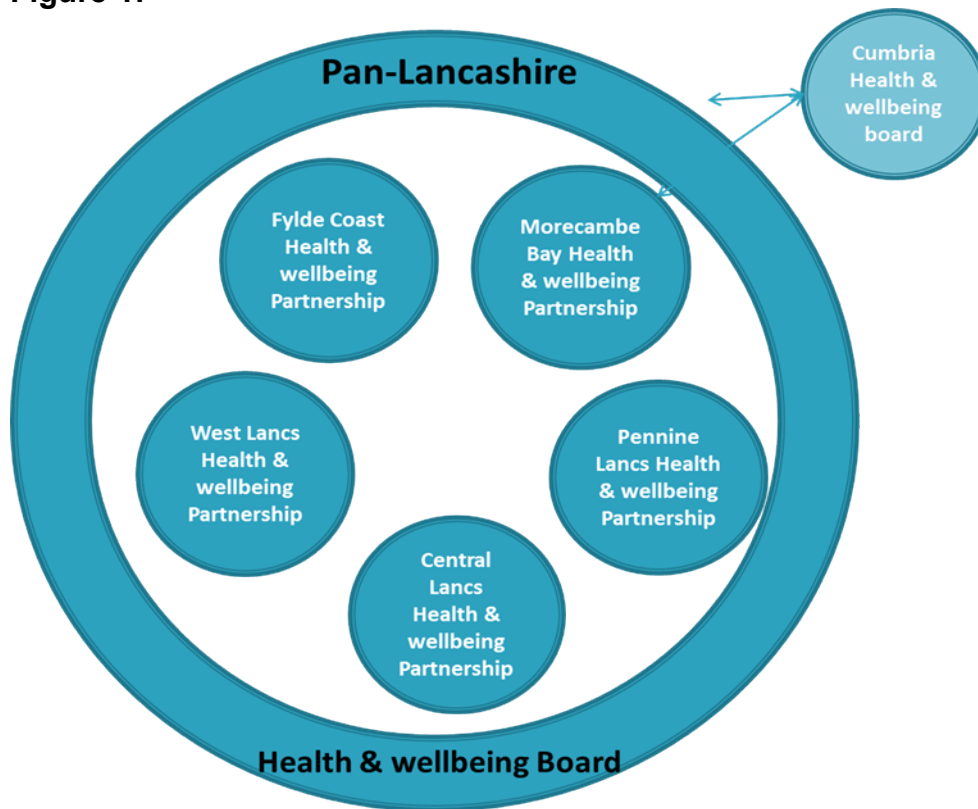
The health and wellbeing "system" is changing at both pan-Lancashire level and at a local delivery level, in line with the Five Year Forward View for the NHS, national Sustainability and Transformation Plan (STP) agenda and the Combined Authority approach for Lancashire.

In light of these changes, the Leaders and Chief Executives from each of the Lancashire local authorities have worked together to design a new model for HWB governance for the pan-Lancashire footprint.

The model reflects a need to ensure robust accountability of system changes linked to the Lancashire and South Cumbria STP delivery and service reconfigurations and as such aligns itself to the delivery footprints for the STP. The agreed model, presented in Figure 1 below, takes the form of a single HWB for the pan-Lancashire footprint, with five local area health and wellbeing partnerships (LHWBPs), reflecting the local health economies across Lancashire (Pennine, Central, West, Morecambe Bay and Fylde Coast)

The model has been designed to provide the strongest collective influence and governance across the new emerging health and wellbeing system.

Figure 1:



The first step to implementing the new governance model is for the upper tier authorities, who currently hold the statutory HWB duties, to develop a joint framework for delivering these responsibilities.

A summit was held on 26th July, with 64 delegates attending from across the HWBB's. Delegates were given an overview of the changing landscape for health and wellbeing and the future governance model that had been agreed through Lancashire Leaders. Participants considered the statutory role and responsibilities of HWBBs and how these duties could be delivered through the new model, in particular;

- Governance and democratic influence
- Promoting integration
- Joint strategic needs assessments and health and wellbeing strategies
- Membership

Senior representatives from the three upper-tier authorities developed the recommendations from the Summit into a proposal for consideration by Lancashire Leaders. This included draft terms of reference for a Pan Lancashire HWB and for the LAHWPs (See Appendices A and B).

Lancashire Health and Wellbeing Board received further opportunity to comment and review the proposals through reports presented between September and November 2016.

The proposals have been subject to legal appraisal, to ensure their lawfulness and were reported back to Lancashire Leaders on 18 November 2016. The key points for consideration are highlighted below.

Key Issues and Risks

The key issues relating to the new model of HWB governance are as follows;

Joint Strategic Needs Assessment (JSNA) and Joint Health and Wellbeing Strategies (JHWS):

Under the new model it is proposed that a pan-Lancashire JSNA/JHWS be introduced with the inclusion of chapters for each of the five local areas, to highlight local priorities and assets.

This will require the statutory duty for developing a JSNA/JHWS be delegated to the pan-Lancashire HWB, by the upper tier authorities, but in doing so there will be clear stipulations that local area needs and priorities be adequately reflected through appendices or chapters.

The rationale for this is:

- This work is already developed through the Lancashire and South Cumbria public health intelligence network, which includes representatives from Lancashire, BwD and Blackpool
- The Lancashire and South Cumbria intelligence group can jointly agree what JSNA programme would be, they could lead across patch, with key topics/areas of focus being planned with engagement from all three statutory bodies
- This will allow the identification of key pan-Lancashire issues, that would benefit from a coordinated approach, whilst recognising there are local distinctions which can be identified for delivery at the local footprint level

Promoting Integration (including Better Care Fund):

Feedback from the Summit recommended that:

- There should be a common set of goals and ambitions for integration
- There is a need for a pan-Lancashire strategic framework but local influence for local delivery
- The HWB could “rise above” organisation boundaries and encourage what is right for people and the area - outcome focused, rather than organisational focus

It is therefore, recommended that the statutory duty for promoting integration should sit with the pan-Lancashire HWB on the proviso that the pan-Lancashire HWB set out ambitions and principles for integration, which are implemented across all levels of delivery, including at locality and neighbourhood level where relevant– this would be developed through full engagement with all areas.

Arrangements in relation to the development and approval of Better Care Fund (BCF) plans will be defined during 2017, when the future direction of travel of the Fund both from a national Government point of view and a Lancashire and South Cumbria STP point of view is known and understood. In considering this and feedback from the Summit the following recommendations are made:

- That the development and sign off for BCF plans for 2017/18 be conducted under the current statutory HWB arrangements
- That the framework for signing off BCF plans for 2018 onwards is reviewed, when agreement has been reached with regards to the operation of BCF within the Lancashire and South Cumbria Change Programme and the national direction of travel is confirmed

Membership:

Feedback from the Summit suggested that:

- Core Membership for the pan-Lancashire HWB should be as small as possible to enable productive discussions to take place
- A core membership should be prescribed for the LHWBPs, with the flexibility to co-opt other members as locally relevant
- A balance of elected member, public sector and VCFS representation was needed
- Providers should be represented at the local area partnership level, rather than pan-Lancs.

These views are reflected in the initial draft membership proposals included in the Appendices, although these are subject to further consideration.

Governance and Democratic Influence (including terms of reference):

In order to ensure that both the pan Lancashire HWB and LHWBP's operate effectively, take meaningful decisions and have productive discussions, that decision making processes are robust and transparent and that public and community engagement is key.

- Terms of reference have been developed for the pan-Lancashire HWB and the five LHWBPs, in conjunction with legal representatives, to formalise the recommendations of the HWB Summit held in July 2016. The draft terms of reference are shown at Appendices A and B. These will be finalised during the shadow phase and brought to each authority for decision as appropriate
- Ways of working between the pan-Lancashire HWB and LHWBPs will be considered during the shadow phase and reflected in the final terms of reference.
- Chairs/vice chairs from the LHWBPs should give updates on behalf of their group to the pan-Lancashire HWB, and will be expected to report back to their groups on key issues emerging from the pan-Lancashire Board

- The Board and partnerships operate a named deputy system, to ensure decisions can be taken in the absence of formal members

Timescales for implementation:

It is recommended that the new model be implemented from the start of the new municipal year. As such the following path to implementation is recommended.

November to January 2016	<ul style="list-style-type: none"> • Draft Terms of reference endorsed by Lancashire Chief Executives and Lancashire Leaders • Council (upper tier) approval through Cabinet/Executive and Full Council • Continue engagement with statutory HWBs on the new proposals • Statutory boards build relationships with local area partnerships, potentially through joint meetings/workshops to begin to identify membership; ways of working; key priorities etc.
January to March 2017	<ul style="list-style-type: none"> • Operate in shadow form with members agreed and in place • Finalising of terms of reference for each group, taking feedback from Cabinets/Executives and Full Councils • Communications on ways of working from May 2017 • Existing statutory HWBs will meet, including signing off Better Care Fund Plans for 2017/18, in March 2017 (subject to national timescales)
1st April 2017 – June 2017	<ul style="list-style-type: none"> • Final terms of reference for pan-Lancashire HWB and LHWBPs agreed by the three partner authorities in May 2017 and formally transfer statutory powers from existing three HWBs • Inaugural meetings of new HWB and LHWBPs • Formal agreement of chair and vice-chair

Review:

Once enacted, the approach will be reviewed after twelve months, with any proposals for change being brought back to the Lancashire Leaders for consideration, with any changes to be agreed by the three partner authorities.

Consultations

A summit was held in July 2016, with 64 delegates attending from across the HWBs. Delegates considered the statutory role and responsibilities of HWBs and how these duties could be delivered through the new model.

The proposals have been considered by a number of number of groups including the Shadow Lancashire Combined Authority, Lancashire Chief Executives and by the current HWBs

Implications:

This item has the following implications, as indicated:

Policy

As set out above, the new model of health and wellbeing board governance will have implications for the way in which statutory health and wellbeing board functions are delivered at a local level, including those that directly affect policy making such as Joint Strategic Needs Assessment and Joint Health and Wellbeing Strategy.

Financial

There are no specific financial requirements associated with this report. Any future implications associated with these arrangements will be presented to the Board along with detailed plans in respect of the Better Care Fund.

Legal

There is a requirement under section 194 of the Health and Social Care Act 2012 (“the Act”) for local authorities to establish HWBs. HWBs are governed under local government legislation and are regarded as ‘committees of the Council’ (section 102 Local Government Act 1972).

Although HWBs are ‘committees of the Council’ they may, if delegated, exercise Executive functions. There is a duty on HWBs under the Act to encourage integrated working and gives responsibility for developing the JSNA and JHWS. There are also other specific powers and responsibilities of HWBs in the Act and the in Local Government and Public Involvement in Health Act 2007.

Section 101 of the Local Government Act 1972 allows for two or more Local Authorities to exercise functions jointly through a joint committee and Section 198 of the Act allows two or more HWBs to make arrangements for any of their functions to be exercised jointly or by a sub-committee of the Boards.

The pan-Lancashire HWB will be required to comply with the above requirements under the Acts and the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013. Each upper tier authority with statutory health and wellbeing functions must formally delegate specific functions to the newly established pan-Lancashire HWB. The establishment and membership of the pan-Lancashire HWB will be under section 194 of the Act. The members of the Board will be required to comply with duties and restrictions relating to Disclosable Pecuniary Interests under the Localism Act 2011.

The arrangements and relationships between the pan-Lancashire HWB and the five LAHWPs relating to the exercise of the functions will need to be adequately reflected in the Terms of References of the Board and the Partnerships.

Resource

Administrative support arrangements for the pan Lancashire HWB will be agreed between the upper tier authorities

To date there has been input into the development of these proposals from legal, finance and public health departments. It is anticipated that there will be a continued requirement for officer support from these departments for this programme of work.

Risk management

Risk management implications are highlighted above.

List of Background Papers

Paper	Date	Contact/Tel
<u>Development of a Pan Lancashire Health and Wellbeing Board</u>	24 October 2016	Clare Platt/ clare.platt@lancashire.gov.uk
<u>Development of a Pan Lancashire Health and Wellbeing Board</u>	2 September 2016	

Reason for inclusion in Part II, if appropriate

N/A