

Lancashire Health and Wellbeing Board

Meeting to be held on Tuesday, 5 September 2023

Corporate Priorities:
Delivering better services;

Governance Arrangements for the Lancashire Place Partnership

(Appendix 'A' refers)

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Brief Summary

This report is provided to the Lancashire Health and Wellbeing Board to consider the future governance arrangements of the Lancashire Place Partnership. It includes the requested options appraisal (Appendix 'A') on whether the Lancashire Health and Wellbeing Board could take on a lead governance role in the Lancashire Place Partnership arrangements and concludes that whilst in its current configuration this is unlikely, the report proposes the future consideration of an additional option to consider the potential should the Lancashire Health and Wellbeing Board be reformed. The report also considers the alternative options to Place Partnership arrangements and includes a recommendation for a staged approach to develop the Lancashire Place Partnership and a period of further engagement to refine the proposals.

Recommendations

The Lancashire Health and Wellbeing Board is asked to:

- i) Approve that the Lancashire Health and Wellbeing Board and the Lancashire Place Partnership remain as separate entities at this time, acknowledging that further work and engagement needs to be undertaken to consider the potential for this in the future should there be viable options to reshape the Health and Wellbeing Board from its current form.
- ii) Consider the options appraisal (Appendix 'A') and support the preferred approach of the staged proposal as set out in the report.
- iii) Endorse and support the next steps for further engagement within the Lancashire Place upon the questions as set in section 4.

Detail

Local Context: Developing the Lancashire Place Partnership and the 'ask'

There is a shared commitment from Lancashire County Council, and the NHS Lancashire and South Cumbria Integrated Care Board to work together to organise



and deliver care together at the most appropriate level and closest to the residents we serve. The development of the Lancashire Place Partnership is at the heart of this and will be a key driving force in ensuring Lancashire residents have healthy communities, high quality services, and a health and care service that works for them.

The Lancashire Place Partnership is tasked with developing the Lancashire Place, where a consultative group of partners come together to help shape and influence the development. It has representatives of statutory commissioners and providers as well as VCFSE partners and representatives of the public and is led by an independent chair. It has helped to shape the Lancashire Place Plan and the outline of current governance as well as receiving and directing progress of delivery of the Lancashire Place priorities through the three localities of Central, East and North Lancashire.

The Lancashire Place Partnership now needs to evolve and mature into fully constituted arrangements which will allow the Lancashire Place to deliver real change so that the majority of planning and delivery of health and care services will happen in Place, with most day-to-day care for individuals and families being delivered in neighbourhoods.

At its meeting in January 2023, the Lancashire Health and Wellbeing Board requested the Lancashire Place Partnership undertake an evaluation to consider if the Health and Wellbeing Board could take on the functions of Lancashire Place Partnership. It was also asked to consider what other options would be available.

Evaluation - Should the Lancashire Health and Wellbeing Board take on the functions of the Lancashire Place Partnership?

What does the national guidance say?

- The national guidance in relation to developing Place-based Partnerships was contained in a joint publication in September 2021 between the NHS and the Local Government Association, “Thriving Places: Guidance on the development of place-based partnerships as part of statutory integrated care systems”. The guidance outlines five place-based governance arrangements that could be established by the local NHS Integrated Care Board in partnership with local authorities and other partners to jointly drive and oversee local integration.
- The guidance confirmed that it will be for system partners to determine the arrangements. It did not however, envisage the Health and Wellbeing Board ‘becoming’ or ‘being’ the place-based partnership and did not reflect this within any of the available options. Extensive research has informed us that other Places across the country have in the main adopted the position that Health and Wellbeing Boards are not the same ‘entity’ as the place-based partnerships. This thinking was also reinforced by guidance on Health and Wellbeing Boards published in November 2022 by the Department of Health and Social Care that talks about Health and Wellbeing Boards, ‘working effectively with local leaders, including place-based partnerships’.
- In terms of statutory status, the Health and Care Act 2022 has not changed the statutory status or functions of the Health and Wellbeing Board. It continues to be a committee of the local authority established by statute which must produce the



Joint Strategic Needs Assessment and the Joint Local Health and Wellbeing Strategy. It will play a role in the development of a Place plan with other partners in that Place, but it will also continue to have an assurance role in relation to how the Integrated Care Board (and other partners in the system) have helped deliver the Joint Local Health and Wellbeing Strategy.

Advantages of a joined-up model:

- Having the Health and Wellbeing Board and the Lancashire Place Partnership as the same entity would ensure that there was clear political accountability.
- It could also build upon existing legislation and the recognised body of the Lancashire Health and Wellbeing Board, ensuring that there was momentum with regards to partner engagement and delivery of priority areas.
- Given both its statutory basis and accountability for a very large, pooled fund (circa £192 million which is likely to grow with the increasing use of the Better Care Fund), the Lancashire Health and Wellbeing Board, undertaking the functions of the Lancashire Place Partnership, could be the ultimate driving force for true integrated working within Lancashire and could be a powerful integrated decision-making forum.

Constraints of a joined-up model:

- With the exception of the Better Care Fund, the Health and Wellbeing Board itself is not constituted as a decision-making body to take decisions on the spending of NHS monies on behalf of NHS commissioning bodies, even if those bodies are represented by individuals on the Health and Wellbeing Board. The Integrated Care Board may not be able to or may not wish to delegate functions to the local authority or Health and Wellbeing Board.
- As the Health and Wellbeing Board is a statutory committee of the local authority, constituted to exercise local authority functions, it would be prevented from operating as a joint committee between partner organisations. It could act as a consultative forum of all partners; however, this would limit development potential of the Partnership itself over time.
- The Board is required to provide both a strategic and an assurance role and ought not therefore to be performing a commissioning and delivery role as a place-based partnership, overseeing its own performance by way of assurance. There is a strong argument therefore for there to be some distinction between the strategic and assurance function of the Health and Wellbeing Board from the transactional and delivery function of a place-based partnership. This could mean in practice that the Health and Wellbeing Board focuses on the wider determinants of health in terms of developing priorities and seeks assurance upon progress against the strategy and plans.
- The size of the Lancashire Place and the scale and volume of additional material that would go through the single Board may render it ineffective, failing on both its statutory functions and also in being able to obtain measurable benefits for the residents of Lancashire.
- Although the Health and Wellbeing Board as a statutory committee of the local authority can invite a wide range of partners in the Place to be members, it must still operate within the confines of its statutory role and remains subject to the local authority's corporate rules and regulations. Given that this Committee



would be a local authority owned and managed committee, it may find it harder to offer the same opportunity to create a new space owned by all partners to further their joint work.

What is the conclusion?

- Based on both the national guidance and the weighting of both advantages and constraints there is a clear rationale to keep the Health and Wellbeing Board, (as currently constituted) and the Lancashire Place Partnership as separate entities and for the Lancashire Health and Wellbeing Board not to take on the functions of Lancashire Place Partnership at this time.
- However, what is evident from this options appraisal is that further work needs to be undertaken to provide clarity upon the roles and functions of both the Lancashire Place Partnership and the Lancashire Health and Wellbeing Board and how the two entities work effectively alongside one another to ensure that the governance arrangements are enabling us, as partners, to obtain the maximum benefit from integrated working for the residents of Lancashire.
- Whilst undertaking this additional exploratory work, it is proposed to consider whether, if recasting the Lancashire Health and Wellbeing Board from its current state to fulfil both the current statutory requirements and also the future requirements of the Lancashire Place Partnership in receiving delegations from both the NHS Lancashire and South Cumbria Integrated Care Board and Lancashire County Council, this would be a viable option for the future Place governance. It is essential that this concept is explored further with partners given that the key duties of the Health and Wellbeing Board are intrinsically linked to what is trying to be achieved through delegation, supporting the integration of health and care. Although this is not a model that has been seen elsewhere in the country, it does not mean that it is one to be avoided. It is important to acknowledge that Lancashire operates in a 2-tier system, unlike most other Integrated Care Systems, and due to the size of the population within the Lancashire Place footprint, Health and Wellbeing Partnerships have developed that sit below the executive body which have the potential of having the delivery of any such statutory functions discharged through them. In establishing a joint committee as such, it could enable the functions of the Health and Wellbeing Board to be discharged with greater power and influence which in turn will strengthen the democratic mandate in future arrangements.

Whilst this report is initially providing this recommendation to the Lancashire Health and Wellbeing Board, who requested the evaluation, it is intended that the content of this report also be taken to the NHS Lancashire and South Cumbria Integrated Care Board and shared more widely with Lancashire County Council as the two statutory partners for their information.

What is the alternative approach?

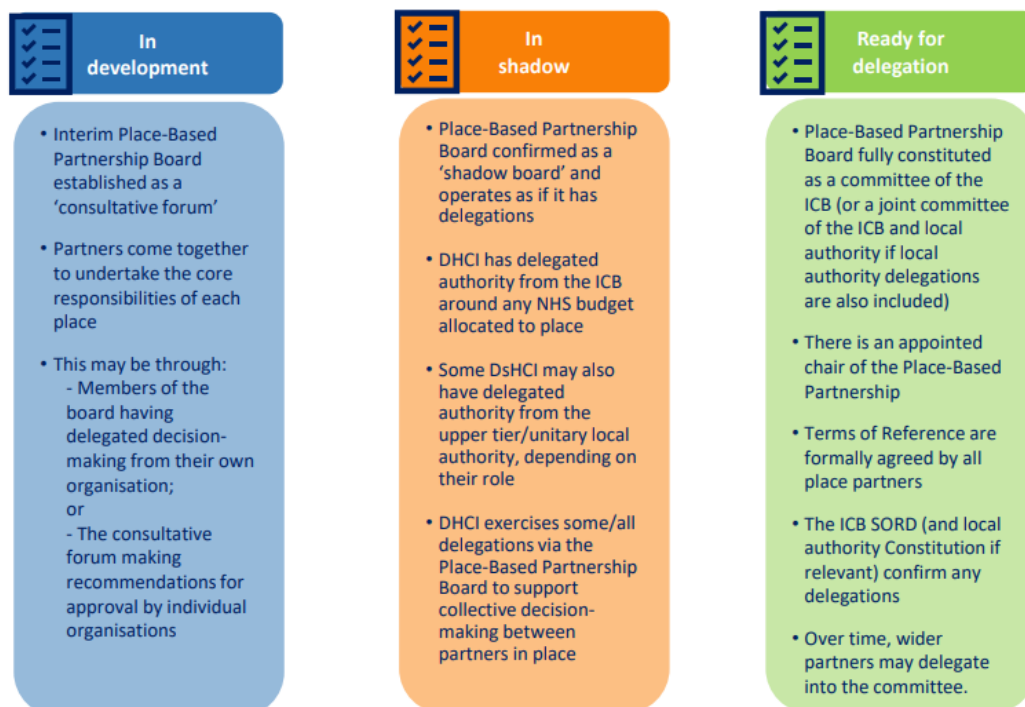
In recommending that the Lancashire Health and Wellbeing Board and the Lancashire Place Partnership remain as separate entities at this time and acknowledging that further work is needed to see if this option is viable should the Health and Wellbeing Board be reshaped from its current form, there needs to be consideration of alternative options of what place-based governance arrangement



the Lancashire Place Partnership takes. To ensure that this is considered in the appropriate context, it is worth recognising that the Place Integration Deal has been approved by the NHS Lancashire and South Cumbria Integrated Care Board at their Board meeting on 5 July 2023 and also endorsed at Lancashire County Council’s Cabinet meeting on 6 July 2023. This Deal sets out a way in which the NHS Lancashire and South Cumbria Integrated Care Board will operate with its four Places, recognising that there is a two-three-year development journey ahead.

Whilst at this stage it is the NHS Lancashire and South Cumbria Integrated Care Board that have taken the decision through this Deal to delegate some NHS budgets to Place, it is expected that Lancashire County Council will also undertake a similar process of delegating some functions to Place, although both the timelines and specific functions are yet to be determined. The governance should provide assurance to both the NHS Lancashire and South Cumbria Integrated Care Board and Lancashire County Council that any such arrangements will enable delegation to Place safely and effectively, protecting organisational interests and responsibilities as well as promoting closer and more integrated ways of working.

Within the Place Integration Deal, it acknowledges that there is room for Places to evolve and mature their decision making and governance arrangements and sets out three stages of development as being: ‘in development’, ‘in shadow’ and ‘ready for delegation’.



We anticipate all places should have reached this phase by April 2024



The Lancashire Place is currently within the 'in development' stage, with the Lancashire Place Partnership acting as a consultative forum. This staged process would see it evolve to 'in shadow' once the following have been completed:

- a) the Director of Health and Care Integration for Lancashire has delegated authority from the NHS Lancashire and South Cumbria Integrated Care Board around any NHS budget delegated to Place, and
- b) the Lancashire Place Partnership starts to operate as if it has delegations, meaning that those NHS delegations are exercised via the Partnership to support collective decision making in the Place.

There is an expectation from the NHS Lancashire and South Cumbria Integrated Care Board that all four Places should have reached the 'in shadow' phase by April 2024. Beyond that point, there is a further iteration of maturity and governance that would see the development of committee arrangements for the Lancashire Place Partnership either as a committee of the NHS Lancashire and South Cumbria Integrated Care Board or as a joint committee if local authority delegations are also included.

When considering the options available to Place with regard to governance, this proposed development route makes use of most of the place-based governance options indicated in the national guidance. To ensure due diligence, an options appraisal has been completed on all of these from a Lancashire Place perspective and is contained at appendix A. The outcome of this options appraisal concurs with the proposed approach as set out in the Place Integration Deal - considering that both statutory partners within the Lancashire Place, (NHS Lancashire and South Cumbria Integrated Care Board and Lancashire County Council), have indicated their intentions to pool funds. Therefore, this paper recommends that the option that would give the Lancashire Place Partnership the best opportunity to drive real change would be to establish a joint committee. It is yet to be determined whether this could also take on the functions of the Lancashire Health and Wellbeing Board, should it be reformed.

To implement this option and establish a joint committee of the NHS Lancashire and South Cumbria Integrated Care Board and Lancashire County Council, extensive engagement will need to be undertaken with both representatives from the statutory organisations and also wider partners as to how they would be able to influence and shape collaborative working across the Lancashire Place.

Within Lancashire County Council specifically:

- It would need to be established which powers the joint committee would be exercising, and then, depending on that, the appropriate approval route through the council's decision-making process, including potentially both Cabinet and Full Council.
- A comprehensive set of terms of reference would need to be clearly drafted outlining the agreed powers to be exercised and agreement sought upon membership which will all need approval and sign off from potentially both Cabinet and Full Council.



Within the NHS Lancashire and South Cumbria Integrated Care Board:

- Discussions would need to be held with the Chief Executive Officer and Chair and their Board prior to any formal proposal being developed and thereafter approved which would require changes to the NHS Lancashire and South Cumbria Integrated Care Board constitution and scheme of reservation and delegation.
- A comprehensive set of terms of reference would need to be clearly drafted outlining the agreed powers to be exercised and agreement sought upon membership which will all need approval and sign off from the Board.
- It is anticipated that any such discussions would involve all four Places within the Lancashire and South Cumbria footprint to ensure consistency of approach. It would also need to be agreed between the statutory partners as to how decisions would be made within the formal framework of a joint committee.

In the short-term, implementing this option may therefore be unattainable as establishing a joint committee of the NHS Lancashire and South Cumbria Integrated Care Board and Lancashire County Council will take some time and the Partnership itself will need to mature into this position. As the Partnership is on a developmental journey, incremental steps towards the ultimate governance position should be taken.

The recommendation is that the pragmatic option would be to take a staged approach to the implementation of governance options which will enable the partnership to mature properly, at a sensible pace, with systems and processes around it that support the current phase of development.

The proposal would be:

STAGE 1 – ‘In development’ – partners come together in the consultative forum currently in Place which undertakes further engagement upon the outstanding option of the Lancashire Health and Wellbeing Board being reshaped and the Lancashire Place Partnership taking on these functions and also delivers a robust plan to move into further stages.

STAGE 2 – ‘In shadow’ – the Place starts to operate as if it had delegations, and as and when the Director of Health and Care Integration receives delegation from the NHS Lancashire and South Cumbria Integrated Care Board around any NHS budget delegated to Place that this is exercised via the Place to support collective decision making (Delegated authority to individual director).

STAGE 3 – ‘Ready for Delegation’ – The Place is fully constituted as a Committee of the NHS Lancashire and South Cumbria Integrated Care Board.

STAGE 4 – ‘Evolving into a Joint Committee’ – The Place develops further into a Joint committee of the NHS Lancashire and South Cumbria Integrated Care Board and Lancashire County Council, which could, subject to further exploration and engagement also replace the functions of a recast Lancashire Health and Wellbeing Board.



This proposal indicates a phased approach, however the timescales for this phasing will be determined within the Lancashire Place and with the two statutory partners. It is noted however that all Places in Lancashire and South Cumbria are aiming to achieve 'in shadow' by 1 April 2024.

Next steps

Having considered the range of options in this paper, the following issues requiring further exploration by officers prior to recommendations being taken to Cabinet and Full Council as necessary, have arisen:

- Whether there is scope and available resource, if necessary, to move from stage 2 to stage 4, omitting stage 3 as outlined within the preferred option.
- Exploration as to how the Better Care Fund could be managed in stage 1 and beyond, given that it is listed within phase 1 of the NHS Lancashire and South Cumbria Integrated Care Board delegations to Place and whether any changes are needed.
- The interface of the Lancashire Health and Wellbeing Board and the Lancashire Place Partnership and how the two entities can work together across the Lancashire Place.
- Whether, if recast from its current state, the Lancashire Health and Wellbeing Board could be replaced by a joint committee which could fulfil the requirements of the Health and Wellbeing statutory functions and also act as a joint committee of the NHS Lancashire and South Cumbria Integrated Care Board and Lancashire County Council to receive delegations.
- The construct of the Lancashire Place Partnership, for example, whether a change of membership is required and/or changes to the Terms of Reference to reflect progression towards stage 2 of the preferred option.
- Consideration as to how all of this will work within a 2-tier system involving colleagues within District Councils.
- The development of an internal process within Lancashire County Council which would enable resource to be delegated into Place and the impact upon any timescales of implementing stage 4.

It is proposed that further engagement activity take place with statutory and non-statutory partners to consider these and other issues, in order to inform future decisions of the Health and Wellbeing Board and, where necessary, Cabinet and Full Council, as well as the NHS Lancashire and South Cumbria Integrated Care Board. It is anticipated that a firm decision upon the future governance of the Lancashire Place be taken by December 2023 to enable a progressive move towards implementation. There will, however, be work undertaken in parallel commencing with immediate effect to ensure that the Lancashire Place is operating as effectively as possible with current and developing arrangements.



Appendices

Appendix 'A' is attached to this report. For clarification they are summarised below and referenced at relevant points within this report.

Appendix	Title
Appendix 'A'	Options Appraisal

