

Kent Health and Wellbeing Board

Draft Terms of Reference

Please note that these have been amended ahead of the publication of the Secondary Regulations on establishing Health and Wellbeing Boards.

Role

The Kent Health and Wellbeing Board (HWB) will lead and advise on work to improve the health and wellbeing of the people of Kent through joined up commissioning across the NHS, social care, public health and other services (that the HWB agrees are directly related to health and wellbeing) in order to secure better health and wellbeing outcomes in Kent, reduce health inequalities and ensure better quality of care for all patients and care users. The HWB has a primary responsibility to make sure that health care services paid for by public monies are provided in a cost-effective manner.

The Kent HWB also aims to increase the local democratic legitimacy in health and provide a key forum for public accountability for NHS, public health, social care and other commissioned services that relate to people's health and wellbeing.

Terms of Reference:

The HWB will:

1. Commission and endorse the Kent Joint Strategic Needs Assessment (JSNA), subject to final approval by relevant partners, if required.
2. Commission and endorse the Kent Joint Health and Wellbeing Strategy (JHWS) to meet the needs identified in the JSNA, subject to final approval by relevant partners, if required.
3. Commission and endorse the Kent Pharmaceutical Needs Assessment, subject to final approval by relevant partners, if required.
4. Review the commissioning plans for healthcare, social care (adults and children's services) and public health to ensure that they have due regard to the JSNA and JHWS, and to take appropriate action if they consider that they do not (for instance, by writing formally to the local authority leadership, Clinical Commissioning Group or the NHS Commissioning Board as appropriate, drawing attention to their reservations).
5. Have oversight of the activity of its sub committees (Clinical Commissioning Group level Health and Wellbeing Board); focussing on their role in developing Integrated Commissioning Strategies and Plans at a local level.

6. Work alongside the Health Overview and Scrutiny Committee to ensure that substantial variations in service provision by health care providers are appropriately scrutinised. The Kent HWB itself will be subject to scrutiny by the Health Overview and Scrutiny Committee.
7. Consider the totality of the resources in Kent for health and wellbeing and consider how and where investment in health improvement and prevention services could (overall) improve the health and wellbeing of Kent's residents.
8. Discharge its duty to encourage integrated working with relevant partners within Kent (e.g. at locality level). This may cover endorsing and securing joint arrangements, including integrated commissioning where agreed and appropriate. The use of pooled budgets for joint commissioning (s75), the development of appropriate partnership agreements for service integration, and the associated financial protocols and monitoring arrangements., making full use of the powers identified in all relevant NHS and local government legislation.
9. Work with existing partnership arrangements for example, Children's commissioning, Safeguarding and Community Safety, to ensure that the most appropriate mechanism is used to deliver service improvement in health, care and health inequalities.
10. Consider and advise CQC, NHS Commissioning Board, Monitor and Providers in health and social care with regards to service reconfiguration.
11. Work with Health Overview and Scrutiny and/or provide advice (as and when requested) to the County Council on service reconfigurations that may be subject to referral to the Secretary of State on resolution by the full County Council.
12. Be the focal point for joint working in Kent on the wider determinants of health and wellbeing, such as housing, leisure facilities and accessibility, in order to enhance service integration.
13. Will report to the full County Council on an annual basis on its activity and progress against the milestones set out in the Key Deliverables Plan.
14. Develop and implement a Communication and Engagement strategy for the work of the HWB; outlining how the work of the HWB will reflect stakeholders views and how the HWB will discharge its specific consultation and engagement duties. Work closely with LINKs/Local HealthWatch.
15. Represent Kent in relation to health and wellbeing issues across localities, nationally and internationally.
16. Subject to prior agreement and meeting the HWB's agreed criteria, the HWB may delegate those of its functions it considers appropriate to another committee established by one or more of the principal councils in Kent to carry out specified functions on its behalf for a specified period of time.

Membership

The Chairman will be elected by the HWB.

1. Kent County Council:

- The Leader of Kent County Council and/or their nominee*
- Cabinet Member for Adult Social Care & Public Health
- Cabinet Member for Business Strategy, Performance and Health Reform
- Cabinet Member for Specialist Children's Services
- Executive Director for Families and Social Care*
- Director of Public Health*

2. Clinical Commissioning Group representation: up to a maximum of two representatives from each consortium or to be determined by the CCG leads (e.g. Chair of CCG Board and/or Accountable Officer)*

3. HealthWatch*

4. Three elected Members representing the Kent District/Borough/City councils (nominated through the Kent Forum)

5. NHS Commissioning Board Local Area Team*

*denotes statutory member.

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Standing Orders

Please note that these Standing Orders will be revised once the Secondary Regulations have been published.

1. **Conduct.** Members of the HWB are expected to subscribe to and comply with the Kent County Council Code of Conduct. Non elected representatives on the HWB (e.g. GPs and Officers), will be for the purpose of the HWB, co-opted Members and as such, covered by the Kent Code of Conduct for any business they conduct as part of the HWB.
2. **Declaration of Pecuniary Interests.** Section 31(4) of the Localism Act 2011 (pecuniary interest in matters considered at meetings or by a single member), will not be applied to Health and Wellbeing Boards or a sub committee of a Health and Wellbeing Board. However a register of pecuniary interests will be held by the Health and Wellbeing Board, but Health and Wellbeing Board representatives will not have to leave the meeting once a pecuniary interest is declared. This will also apply to any sub committees of a Health and Wellbeing Board.
3. **Frequency of Meetings.** The HWB shall meet at least quarterly. The date, time and venue of meetings shall be fixed in advance by the HWB in order to coincide with the key decision-points and Forward Plan.
4. **Meeting Administration.** HWB meetings shall be advertised and held in public and be administered by the County Council. The HWB will consider matters submitted to it by local partners. The County Council shall give at least five clear working days' notice in writing to each member for every ordinary meeting of the HWB, to include any agenda of the business to be transacted at the meeting. Papers for each HWB meeting will be sent out five clear working days in advance. Late papers will be sent out or tabled only in exceptional circumstances. The HWB shall hold meetings in private session when deemed appropriate in view of the nature of business to be discussed. The Chair's decision on this matter shall be final.
5. **Meeting Administration of Sub Committees.** Sub Committees will be administered by a Local Authority, in the case of the CCG level Health and Wellbeing Boards, by a District Council in that area. They will be subject to the provisions stated in these Standing Orders.
6. **Special Meetings.** The Chair may convene special meetings of the HWB at short notice to consider matters of urgency. The notice convening such meetings shall state the particular business to be transacted and no other business will be transacted at such meeting.

The Chair will be required to convene a special meeting of the HWB if s/he is in receipt of a written requisition to do so signed by no less than [three] of the [Constituent Members/members] of the HWB. Such requisition shall specify the business to be transacted and no other business shall be transacted at such a

meeting. The meeting must be held within seven days of the Chair's receipt of the requisition.

7. **Minutes.** The HWB shall cause minutes of all of its meetings to be prepared recording:

- a) the names of all members present at a meeting and of those in attendance
- b) apologies
- c) details of all proceedings, decisions and resolutions of the meeting.

These minutes shall be printed and circulated to each member before the next meeting of the HWB when they shall be submitted for the approval of the HWB. When the minutes of the previous meeting have been approved they shall be signed by the Chair.

8. **Agenda.** The agenda for each meeting will normally include:

- a. Minutes of the previous meeting for approval and signing
- b. Reports seeking a decision from the committee
- c. Any item which a Member of the Committee wishes included on the agenda, provided it is relevant to the terms of reference of the Committee and notice has been given to the Clerk at least nine working days before the meeting.

The Chairman may decide that there are special circumstances that justify an item of business, not included in the agenda, being considered as a matter of urgency. He must state these reasons at the meeting and the Clerk shall record them in the minutes.

9. **Chair and Vice Chair's Term of Office.** The Chair and Vice Chair's term of office shall terminate on 1 April in each year and they shall each be reappointed or replaced by another member, according to the decision of the HWB, at the first meeting of the HWB succeeding that date.

10. **Absence of Members and of the Chair.** If a member is unable to attend a meeting, then the relevant Constituent Member shall, where possible, provide an appropriate alternate member to attend in his/her place. Where possible, the Clerk of the meeting will be notified of any absence and/or substitution within 5 working days of the meeting. The Chair shall preside at HWB meetings if s/he is present. In her/his absence the Vice-Chair shall preside. If both are absent the HWB shall appoint, from amongst its members Acting Chair for the meeting in question.

11. **Voting.** The HWB will operate on a consensus basis. Where consensus cannot be achieved the subject (or meeting) will be adjourned. The matter will then be reconsidered; if at that point a consensus can still not be reached the matter will be put to a vote. All matters to be decided by the HWB shall be decided by a simple majority of the members present, but in the case of an equality of votes, the person presiding at the meeting shall have a second or casting vote. All votes shall be taken by a show of hands unless decided otherwise by the Chair.

12. **Quorum.** A third of [Constituent Members/members] shall form a quorum for meetings of the HWB. No business requiring a decision shall be transacted at any meeting of the HWB which is inquorate. If it arises during the course of a meeting that a quorum is no longer present, the Chair shall either suspend business until a quorum is re-established or declare the meeting at an end.
13. **Adjournments.** By the decision of the Chair of the HWB, or by the decision of a majority of those present at a meeting of the HWB, meetings of the HWB may be adjourned at any time to be reconvened at any other day, hour and place, as the HWB shall decide.
14. **Order at Meetings.** At all meetings of the HWB it shall be the duty of the Chair to preserve order and to ensure that all members are treated fairly. S/he shall decide all questions of order that may arise.
15. **Suspension/disqualification of Members.** At the discretion of the Chair, any body with a representative on the HWB will be asked to reconsider the position of their nominee if they fail to attend two or more consecutive meetings without good reason or with the prior consent of the Chair or they breach the appropriate code of conduct.