

To: Selection and Member Services Committee – 27
November 2013

From: Roger Gough, Cabinet Member, Education, Learning and
Skills
Geoff Wild, Director of Governance and Law

Subject: Proposed amendments to the Terms of Reference of the
Health and Wellbeing Board to allow the co-option of
members

Classification: Unrestricted

Summary:

This report asks the Selection and Member Services Committee to amend the terms of reference of the Health and Wellbeing Board (HWB) to enable it to co-opt non-voting members.

1. Background

1.1 At its meeting on 20 November 2013, the HWB will consider asking the Selection and Member Services Committee to amend the terms of reference for HWB to enable the co-option of non-voting members. This report is written on the basis that the HWB will resolve to ask this Committee to amend the terms of reference. The relevant minute from the meeting of the HWB will be circulated to members of this Committee before its meeting on 27 November 2013.

2. Financial Implications

2.1 There are no financial implications arising from the co-option of members.

3. Bold Steps for Kent and Policy Framework

3.1 The HWB is a board of commissioners charged with encouraging integrated working with partners in Kent and works with existing partnerships to ensure the most appropriate mechanism is used to deliver service improvement in health, social care and in reducing health inequalities. It therefore contributes to the following priorities:

- Improve how we procure and commission services
- Empower social service users through increased use of personal budgets.

4. Equalities Implications

4.1 There are no direct equalities implications arising from the co-option of members to the HWB as every proposal for a co-option would be considered on its own merits.

5. Legal Implications

5.1 Section 194 of the Health and Social Care Act 2012 specifies that each upper tier local authority must establish a HWB Board for its area. The legislation and regulations have been drafted with the deliberate intention of allowing flexibility for local authorities and their partners to set up and run health and wellbeing boards that suit local circumstances

5.2 The County Council formally established the HWB with effect from 1 April 2013 at its meeting on 28 March 2013.

5.3 The membership of HWB board was agreed as

- The Leader of Kent County Council or his nominee*
- Corporate Director for Families and Social Services*
- Director of Public Health*
- Cabinet Member for Adult Social Care & Public Health
- Cabinet Member for Business Strategy, Performance and Health Reform (now updated to Cabinet Member for Education and Health Reform)
- Cabinet Member for Specialist Children's Services
- Clinical Commissioning Group representation: up to a maximum of two representatives from each consortium (e.g. Chair of CCG Board and Accountable Officer)*
- A representative of the Local HealthWatch*
- A representative of the NHS Commissioning Board Local Area Team*
- Three elected Members representing the District/Borough/City Councils (nominated through the Kent Council Leaders.

* denotes statutory member of the HWB.

5.4 In addition to identifying the statutory membership of HWBs the Health and Social Care Act 2012 allows for the appointment of "*such other persons or representatives as the local authority thinks appropriate*".

5.5 This provision is not specifically included in the terms of reference of the Kent HWB.

6. Proposed Amendment to the Terms of Reference of the HWB

6.1 The HWB has, on several occasions, invited an individual with expert knowledge to contribute to its meetings and attend related events. The HWB believes this person could make a valuable contribution to the work of the board particularly in relation to the integration of health and social care services and would like to co-opt him to the board. Before any co-option could take place an amendment is required to the HWB's terms of reference.

6.2 The Selection and Member Services Committee is asked to consider an amendment to enable the co-option of this individual and to enable the HWB to co-opt any other persons who can contribute to its work in the future.

6.3 It is proposed that the following sentences be added to the paragraph on membership in the terms of reference for the HWB set out in Appendix 2 Part 5 of the Constitution.

Any other persons or representatives as the HWB considers appropriate may be co-opted with the agreement of the Board. Such co-optees will be non-voting members of the Board and their membership will be reviewed annually by the Board.

6.4 A copy of the proposed revised terms of reference is at **Appendix 1** to the report.

7. Conclusion

7.1 In order to enable the co-option of non-voting members to the HWB an amendment is required to its terms of reference.

7.2 The Health and Social Care Act 2012 allows for the appointment of "such other persons or representatives as the authority sees fit".

7.3 The HWB considers that the ability to co-opt would contribute to the achievement of its objectives.

8. Recommendation

8.1 That the terms of reference of the HWB be amended to enable the co-option of non-voting members by adding the following sentences to the paragraph on membership in the terms of reference for the HWB set out in Appendix 2 Part 5 of the Constitution.

Any other persons or representatives as the HWB considers appropriate may be co-opted with the agreement of the Board. Such co-optees will be non-voting members of the Board and their membership will be reviewed annually by the Board.

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Background Documents

- Health and Social Care Act 2012
- Report to Selection and Member Services on 14 March 2013
“Establishing the Kent HWB”
- Report to County Council on 28 March 2013 Developing Better Health
Care for Kent
- Report to HWB on 20 November 2013 – Co-option of members to the
HWB Board