

By: **Ben Watts, General Counsel**

To: **Health and Wellbeing Board**

Date: **26 February 2020**

Subject: **Amendment to the Terms of Reference of the Kent Health and Wellbeing Board**

Classification: **Unrestricted**

Past Pathway of paper **Not applicable**

Future Pathway of paper **Not applicable**

Summary: This report invites the Kent Health and Wellbeing Board (KHWB) to consider a change to its Terms of Reference to enable the Leader of the County Council to nominate the Member representatives of Kent County Council on the Kent Health and Wellbeing Board and update the Officer representation in line with the current structure.

Recommendations:

1. The KHWB is asked to agree an amendment to the Terms of Reference of the HWB to:
 - a. enable the Leader of Kent County Council to nominate the Council's elected Member representatives; and
 - b. update the statutory Kent County Council Officer representation in line with the Council's current structure.

1.1 The Terms of Reference for the Kent Health and Wellbeing Board specifies that the Kent County Council's representation on the Kent Health and Wellbeing Board comprise:

- (a) The Leader of Kent County Council and/or their nominee*.
- (b) Deputy Leader of Kent County Council.
- (c) Corporate Director, Social Care, Health and Wellbeing*.
- (d) Director of Public Health*.
- (e) Cabinet Member for Adult Social Care and Public Health.
- (f) Cabinet Member for Children.

(*denotes statutory member of the KHWB)

1.2 In accordance with these Terms of Reference there are four elected Members of KCC on the KHWB. To most appropriately align KCC's

executive functions and responsibilities with the functions and role of the KHWB, it is proposed to amend the Board's Terms of Reference to enable the Leader to nominate the most appropriate elected Members to serve on the Board. Accordingly, in place of specifying that the Deputy Leader, the Cabinet Member for Adult Social Care and Public Health and the Cabinet Member for Children are members of the Board, it is proposed that in addition to the Leader and his/her nominee that the Leader be able to nominate three elected Members to serve on the Board.

- 1.3 In addition, the health and Social Care Act 2012 names the 'director of adult social services' and the 'director of children's services' as a statutory member¹. At the time of the original Terms of Reference being agreed, these were combined in the single role of Corporate Director, Social Care, Health and Wellbeing. This role no longer exists and there is a separate 'Corporate Director Adult Social Care and Health' and 'Corporate Director Children, Young People and Education.' There is a need to update the Terms of Reference accordingly to ensure the Board continues to conform to the statutory requirements.
- 1.4 The intention is therefore to amend the section of the Terms of Reference dealing with the KCC Membership (as set out in 1.1 above) to read as follows:
 - (a) The Leader of Kent County Council and/or their nominee*.
 - (b) Three elected Members of Kent County Council nominated by the Leader of Kent County Council.
 - (c) Corporate Director Adult Social Care and Health*.
 - (d) Corporate Director Children, Young People and Education*.
 - (e) Director of Public Health*.

(*denotes statutory member of the KHWWB)

2. Financial Implications

- 2.1 There are no financial implications arising from the update to the membership.

3. Legal Implications

- 3.1 Section 194 of the Health and Social Care Act 2012 specifies that each upper tier local authority must establish a health and wellbeing 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.

¹ Section 194, <http://www.legislation.gov.uk/ukpga/2012/7/part/5/chapter/2/crossheading/health-and-wellbeing-boards-establishment>

- 3.2 The County Council formally established the Kent HWB with effect from 1 April 2013 at its meeting on 28 March 2013.
- 3.3 The membership of HWB 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).

- 3.4 An amendment to the Terms of Reference was subsequently agreed in November 2013 to enable the co-option of non-voting members to the KHWB.
- 3.5 As the proposed changes are consequential upon the exercise of the executive function within KCC as it relates to the portfolios of Cabinet and the Management Structure as agreed by Council, and makes no changes to the substantive powers and responsibilities of the Board, the Terms of Reference as amended do not require the approval of full Council and will take effect immediately the Board agrees the recommendation.

4. Equalities Implications

- 4.1 There are no direct equalities implications arising from the proposed amendment to the Terms of Reference.

5. Recommendation

- 5.1 The KHWB is asked to agree an amendment to the Terms of Reference of the HWB to:
- a. enable the Leader of Kent County Council to nominate the Council's elected Member representatives; and
 - b. update the statutory Kent County Council Officer representation in line with the Council's current structure.

6. Background Documents

6.1 None.

Report Author	Relevant Director
Ann Hunter Principal Democratic Services Officer ann.hunter@kent.gov.uk 03000 416287	Benjamin Watts General Counsel benjamin.watts@kent.gov.uk 03000 416814