

WIRRAL SHADOW HEALTH & WELLBEING BOARD

Meeting Date	14 December 2011	Agenda Item	4
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Report Title	Terms of Reference for Wirral Shadow Health & Wellbeing Board
Responsible Board Member	Fiona Johnstone Director of Public Health

Link To Shadow HWB Function	Board development		✓	
	JSNA/JHWS			
	Health and social care integrated commissioning or provision			
Equality Impact Assessment Required & Attached	Yes	No	N/A	✓
Purpose	For approval	✓	To note	To assure

Summary of Paper	The attached document provides the initial terms of reference, including membership of the Wirral Shadow Health & Wellbeing Board		
Financial Implications	Total financial implication	New investment required	Source of investment (e.g. name of budget)
	£ n/a	£ n/a	£ n/a
Risks and Preventive Measures	The remit of the Shadow Health & Wellbeing Board may change over time as the Health & Social Care Bill passes through Parliament, or as the Board develops during its shadow year. To ensure these terms of reference remain fit for purpose they will be reviewed on an annual basis, or as required by the Board in response to development.		
Details of Any Public/Patient/Service User Engagement	These Terms of Reference will be published in the public domain on the meetings website for the Council.		
Recommendations/Next Steps	<ol style="list-style-type: none"> 1. Publication of agreed Terms of Reference 2. Review suggested at 6 and 12 months during shadow year 3. Agreement of any sub-committees of the Board, in particular the Joint Strategic Needs Assessment Executive Board. 		

Report History		
Submitted to:	Date:	Summary of outcome:
Development session of Shadow Health & Wellbeing Board	21/09/11	It was agreed that the Board would not operate as a commissioning board. As a result it was agreed to extend the core membership to include Portfolio holder for Social Care and Inclusion; Portfolio holder for Children's Services and Lifelong Learning; Chief Executive, Voluntary & Community Action Wirral; Chief Executive,

		Wirral University Teaching Hospital NHS Foundation Trust; Chief Executive, Wirral Community NHS Trust; Chief Executive, Cheshire & Wirral Partnership Trust; Chief Executive, Clatterbridge Centre for Oncology NHS Foundation Trust
Development session of Shadow Health & Wellbeing Board	17/11/11	Agreed the draft terms of reference and amended to describe the additional membership as co-opted.
List of Appendices	1. Terms of Reference for Wirral Shadow Health & Wellbeing Board	

Publish On Website	Yes	✓	Private Business	Yes	
	No			No	✓

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WIRRAL SHADOW HEALTH & WELLBEING BOARD TERMS OF REFERENCE

1. Background

- 1.1 The formation of the Health & Wellbeing Board has arisen from the fact that the Health and Social Care Bill currently making its way through Parliament will expand local authorities' responsibilities for ensuring integration in the approach to health and social care provision in its area, and (subject to the final legislation) will require the establishment of a formal Board. The initial draft Terms of Reference were agreed by Council Cabinet on 23rd June 2011 to enable the first development meeting of the Shadow Board to take place.
- 1.2 The Bill, if passed as currently drafted, will transfer to local authorities and the commissioning consortia in their area the existing duty in the NHS Act 2006 requiring local authorities and PCTs to produce a Joint Strategic Needs Assessment. To this is added a further duty requiring the local authority and the commissioning consortia to prepare a joint health and wellbeing strategy, which is a "strategy for meeting the needs included in the [JSNA] by the exercise of functions of the authority, the NHS Commissioning Board or the consortia". In preparing this strategy consideration must be given to the extent to which the needs could be met more effectively by arrangements under Section 75 of the NHS Act 2006 [arrangements between local authorities and NHS bodies] rather than in any other way.
- 1.3 The JSNA and the joint health and wellbeing strategy are then given effect by another new requirement that local authorities and the commissioning consortia must have regard to the JSNA and the strategy when exercising any relevant functions and by a power on local authority Health and Wellbeing Boards to give their local authority an "opinion" on whether the authority is fulfilling the requirement to have regard to the JSNA and the strategy when performing its functions.
- 1.4 The Health and Wellbeing Board is the new body which will carry out the local authority functions in relation to the JSNA and the joint health and wellbeing strategy. It will be a committee of the local authority, but its membership is broad and determined in the Bill.
- 1.5 In addition to the functions already described, HWBs will have further functions in relation to encouraging integrated working, including a duty to encourage those arranging for the provision of health or social care services in their area to work in an integrated manner, and in particular provide advice, assistance etc. to encourage the making of arrangements under Section 75 of the NHS Act 2006.
- 1.6 In addition the local authority would have power to pass other functions to the HWB. This reflects the message from the government that, while the HWB functions expressly set out in the Bill are reasonably limited and largely strategic in nature, it is anticipated that they will develop a wider key role in the area in relation to health and social care. The Healthy Lives, Healthy People white paper states that the Bill gives "sufficient flexibility... for health and wellbeing boards to go beyond their minimum statutory duties to promote joining-up of a much broader range of local services for the benefit of their

local populations' health and wellbeing". It refers to the wider localism agenda in setting out a vision of local government taking "innovative approaches to public health by involving new partners", which might put HWBs as the central co-ordinating point of a network of services commissioned from different types of provider.

- 1.7 The membership of the HWB reflects the breadth of perspective needed for the preparation of the JSNA and the strategy, and to facilitate integrated working. In response to the requirement to have at least one councillor of the local authority on the Board, Cabinet at its meeting on 4th February 2011 agreed that the Wirral HWB would include all three party leaders. Other required members are the directors of public health, adult social services and children's services, representatives of each commissioning consortia and a representative of the Local Healthwatch organisation. In addition the HWB itself and the local authority (in consultation with the HWB) will have powers to include additional members. The core membership of the Shadow Health & Wellbeing board have thought carefully about the composition of our HWB to ensure that it balances the need for other perspectives with ensuring appropriate levels of control over the body's activities. The role of provider organisations is one area where, despite the Board having a commissioning focus, with appropriate transparency and controls in place, it is felt that there is a greater benefit to inclusion than to exclusion.
- 1.8 The Health & Wellbeing Board may also wish to consider establishing some working groups to take forward specific areas of work. One workstream already identified in the development plan is the need to produce a Joint Health & Wellbeing Strategy informed by our Joint Strategic Needs Assessment (JSNA). A multi-agency group called the JSNA Executive Board exists, and it is proposed that this be recognised as a sub-committee of the Health & Wellbeing Board. Any further sub-committees will be considered by the Board as it gains an understanding of how it wishes to work.

DRAFT TERMS OF REFERENCE (version 1.3) – Changes to the original draft TOR which went to Cabinet in June 2011 are shown in red.

WIRRAL HEALTH & WELLBEING BOARD

Purpose

The Shadow Health and Wellbeing Board will not be responsible for directly commissioning services, but will provide oversight, strategic direction and coordination of the following activities.

1. To oversee and implement the creation of a Wirral Health & Wellbeing Board in readiness to assume its statutory responsibilities from April 2013.
2. To propose recommendations regarding this work to:
 - Wirral Council Cabinet
 - NHS Cheshire, Warrington & Wirral Cluster PCT
 - Wirral GP Commissioning Consortia
3. To drive a collaborative approach to commissioning of improved health and care services which improve the health and wellbeing of local people.
4. To develop a shared understanding of the needs of the local community through the development of an agreed Joint Strategic Needs Assessment.
5. To seek to meet those needs through leading on the development and publication of a high-level Joint Health & Wellbeing Strategy.
6. To consider options for the development of HealthWatch in Wirral ensuring that appropriate engagement and involvement within existing patient and service user involvement groups takes place.
7. To consider and take advantage of opportunities to more closely integrate health and social care services in commissioning and provision.
8. To review the financial and organisational implications of joint and integrated working across health and social care services, ensuring that performance and quality standards of health and social care services are met, and represent value for money across the whole system.
9. To establish a key forum for local democratic accountability relating to commissioning against agreed health outcomes.
10. To consider how best the Shadow Health & Wellbeing Board can work with the Local Strategic Partnership and ensure that the relationship is productive and does not duplicate activity.
11. To identify and act on changes that may be required following the enactment of the Health and Social Care Bill in order to establish the Statutory Health and Wellbeing Board to replace the Shadow Board.

Membership

Board membership as outlined in Health & Social Care Bill	Shadow Board Membership
<p>Locally elected representatives</p> <p>Chief Executive Council</p> <p>NHS Commissioners (PBC) Representative of NHS Commissioning Board</p> <p>Director of Public Health Director of Adult Social Services Director of Children & Young People's Services</p> <p>HealthWatch</p>	<p>Core Membership</p> <p>All three party leaders</p> <p>A representative from each of the three GP Commissioning consortia</p> <p>Chief Executive Wirral Council</p> <p>A representative of the NHS Cheshire, Warrington & Wirral Cluster Board</p> <p>Director of Public Health Director of Adult Social Services Director of Children & Young People's Services</p> <p>LINKs</p> <p>Co-opted membership</p> <p>Portfolio holder for Social Care and Inclusion Portfolio holder for Children's Services and Lifelong Learning</p> <p>Chief Executive, Voluntary & Community Action Wirral</p> <p>Chief Executive, Wirral University Teaching Hospital NHS Foundation Trust</p> <p>Chief Executive, Wirral Community NHS Trust Chief Executive, Cheshire & Wirral Partnership Trust Chief Executive, Clatterbridge Centre for Oncology NHS Foundation Trust</p>

Representatives of other bodies may be invited to participate in Board discussions, or **co-opted**, to support effective decision-making. Such representatives should be invited bearing in mind the principles of fairness, equality and transparency.

The Board will be supported by appropriate administrative support provided from the public health directorate.

Meetings

Formal meetings will be held quarterly. Development sessions will also be held for Board members during the year as required.

Agendas and minutes of formal meetings of the Board will be published on the Council website.

Chair

The Leader of the Council will chair the Health & Wellbeing Board.

Decisions

Where a decision is required, that decision will be made by agreement among a majority of members present. Where a decision needs to be ratified by one or more of the statutory agencies, the ratification process will be in accordance with the agreed process within that particular agency.

Minutes

Minutes of the proceedings of each meeting of the Health & Wellbeing Board will be drawn up, circulated and agreed as a correct record at the subsequent meeting, once any required amendments have been incorporated.

Support to the health & wellbeing board

Support to the Board will be provided through [the Public Health Directorate](#).

Review

The membership and terms of reference of the Health & Wellbeing Board will be regularly reviewed (at least annually) to ensure that they remain relevant and up to date.