



ADULT SOCIAL CARE AND PUBLIC HEALTH COMMITTEE

Thursday, 18 July 2024

REPORT TITLE:	APPOINTMENT TO STATUTORY COMMITTEES, SUB-COMMITTEES, PANELS APPOINTMENT AND WORKING PARTIES 2024/25 AND APPOINTMENT OF MEMBER CHAMPION FOR DOMESTIC ABUSE
REPORT OF:	DIRECTOR OF LAW AND CORPORATE SERVICES (MONITORING OFFICER)

REPORT SUMMARY

The purpose of this report is to enable the Adult Social Care and Public Health Committee to review the continuing need for various panels, statutory / advisory committees and working parties, and to appoint members and named deputies to serve on those (including the statutory committees and panels) that are to be retained in 2024/2025, as well as appoint a Member Champion for Domestic Abuse.

The report contributes to the Active and Healthy Lives Wirral Plan 2021-2026 Priority.

The report affects wards. It is not a key decision.

RECOMMENDATION/S

The Adult Social Care and Public Health Committee is recommended to:

- (1) authorise the Monitoring Officer as proper officer to carry out the wishes of the Group Leaders in allocating Members to membership of the Statutory and Advisory Committees, Sub-Committees and Panels detailed within the report and to appoint those Members with effect from the date at which the proper officer is advised of the names of such Members.
- (2) appoint a Member Champion for Domestic Abuse.
- (3) give consideration to the proposal to appoint a cross party working group of Members to conduct a policy development review in accordance with the approach outlined at Appendix 3 of the report.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 Policy and Services Committees are required to appoint the membership of various panels, statutory / advisory committees and sub-committees, which fall under their remit at the start of each Municipal Year.
- 1.2 The role of a Member Champion is to become a focus for the Council and Committee, partners, stakeholders and communities in order to:
- i. Raise the profile of that highlighted area of the Council and Committee's functions, and in conjunction with the relevant Member(s), officers and partner(s), support community engagement activities and other related publicity campaigns;
 - ii. Liaise with members, public sector partners and other stakeholders to promote key initiatives (as appropriate and required);
 - iii. Act as an advocate for that highlighted area of the Council and Committee's functions and be required to familiarise themselves with related matters.
 - iv. Seek out and share best practice from other areas of the UK;
 - v. Periodically present reports to the members of their Committee or other committees (as necessary and requested) setting out the actions taken and how those actions have contributed to the success and promotion of that highlighted area of the Council and Committee's functions;
 - vi. Present, as appropriate, research papers and suggest new initiatives and ideas relating to highlighted area of the Council and Committee's functions for consideration by the Committee(s) or Council.
- 1.3 Appointment to the Joint Strategic Commissioning Board Sub-Committee enables it to exercise delegated authority on behalf of the Council in respect of pooled funding arrangements with the NHS.
- 1.4 Appointment to Joint Health Scrutiny Committee arrangements ensures that Wirral Council is able to engage in effective Overview and Scrutiny of the Integrated Care System at a Cheshire and Merseyside Level.
- 1.5 The key drivers for refreshing policy development work at Committees is the move to a Whole Council Election Scheme in May 2023 and the new four-year Council Plan agreed by Council on 4th December 2023. The Council Plan provides an opportunity to establish a new way of strategically 'working together' across the organisation to deliver the Council Plan vision '*working together to promote fairness and opportunity for people and communities*' and the associated Council Plan enabling and delivery themes:

Enabling Theme:

- Working together to create a more efficient, effective and accessible Council.

Delivery Themes:

- Working together to improve early help for children and families.
- Working together to promote independence and healthier lives.
- Working together to deliver people-focused regeneration.
- Working together to protect our environment.
- Working together to create safe, resilient and engaged communities.

2.0 OTHER OPTIONS CONSIDERED

2.1 The option of not appointing to the Discharge from Guardianship by Wirral Council under the Mental Health Act 1983 Panel would result in the Council not fulfilling its statutory duties.

2.2 The Joint Strategic Commissioning Board Sub-Committee could consist of a different number of Members on a politically proportionate balance.

2.3 Policy Development

2.4 Potential options which the Committee could investigate, and potential consequences, include:

2.5 Not conducting policy development work. However, policy development work is clearly stated in The Council's Constitution and not conducting this type of work can be viewed by the sector as being indicative of wider governance and service failure issues (it is also considered good practice). Given the new Council Plan has now been approved, Members now have a clear strategic framework to conduct effective policy development work. It is important as it engenders transparency and enables the Council to be accountable to residents. It can help the Council achieve best value; support further improvement and best practice; and enable locally adopted, enforceable recommendations and policies which deliver better outcomes for the wider community.

3.0 BACKGROUND INFORMATION**The Discharge from Guardianship by Wirral Council under the Mental Health Act 1983 Panel**

3.1 The Discharge from Guardianship by Wirral Council under the Mental Health Act 1983 Panel was retained during 2022/2023 with full delegated authority.

3.2 The Committee is asked to appoint three or more members and named deputies from the Adult Social Care and Public Health Committee, as necessary, to serve on the Discharge from Guardianship by Wirral Council under the Mental Health Act 1983 Panel for the 2024/25 municipal year.

Appointment of Members to the Joint Strategic Commissioning Board Sub-Committee

- 3.3 A Sub-Committee of three (3) or more members of the Adult Social Care and Public Health Committee, subject to political balance, to sit in common or jointly with representatives of the National Health Service and to exercise delegated authority on behalf of the Council in respect of:
- (a) pooled funding arrangements with the NHS or other governmental bodies;
 - (b) the place based health and care arrangements as may be provided for by legislation; and
 - (c) such other commissioning, strategic design quality and performance of health and care services across the Borough of Wirral, including the outcomes and quality of those services, within the terms of reference of the Adult Social Care and Public Health Committee, that the Committee may from time to time determine shall be the responsibility of the Sub-Committee.

Appointment of Member Champion for Domestic Abuse

- 3.6 Member Champions associated with the pledges of the Wirral Plan were created in 2015 to support Cabinet Portfolio holders and were brought to an end in 2019.
- 3.7 Champions for three specific areas, prompted by the involvement of outside agencies and requests, have existed for several years in respect of an Armed Forces Champion, Heritage Champion and the Domestic Abuse Champion.
- 3.8 With the introduction of the committee system, some roles will automatically continue or be subsumed into the chairing role, such as the Armed Forces Champion being the Mayor and the Risk Champion being the Chair of Audit and Risk Management Committee.
- 3.9 The Adult Social Care and Public Health Committee is asked to appoint a Member Champion for Domestic Abuse.

Cheshire and Merseyside Integrated Care Services Joint Health Scrutiny Committee

- 3.10 In response to the establishment of Integrated Care Systems in England under the Health and Care Act 2022, a standing Joint Health Scrutiny Committee was established across Cheshire and Merseyside, hosted by Knowsley Council, to ensure that effective Overview and Scrutiny could take place as the Integrated Care System was established.
- 3.11 The standing Joint Health Scrutiny Committee was for an initial 18-month period, but Chief Executives across Cheshire and Merseyside have agreed to its continuation for a further 12 months. Therefore, the Committee is asked to agree to continue to appoint two members to it, on a politically proportionate basis aggregated across Cheshire and Merseyside. For Wirral, this is 1 Labour and 1 Conservative.

Joint Health Scrutiny Arrangements

- 3.12 The Health and Social Care Act 2012 and the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 came into effect on 1 April 2013 revising existing legislation regarding health scrutiny.
- 3.13 Ultimately the regulations place a requirement on relevant scrutiny authorities to reach a view on whether they are satisfied that any proposal that is deemed to be a substantial development or variation is in the interests of the health service in that area, or instead, that the proposal should be referred to the Secretary of State for Health. Where such proposals impact on more than one local authority area, each authority's health scrutiny arrangements must consider whether the proposals constitute a substantial development or variation or not. The regulations place a requirement on those local authorities that agree that a proposal is substantial to establish, in each instance, a joint overview and scrutiny committee for the purposes of considering it. As a result a protocol has been established to deal with the proposed operation of such arrangements for the local authorities of Cheshire and Merseyside and is attached at Appendix 1 to the report.
- 3.14 The procedure for appointing members and declaring changes as 'substantial' are detailed within the protocol at Appendix 2.
- 3.15 Political Group Leaders are asked to appoint three members to the Joint Health Scrutiny Committee, politically balanced to accord with Wirral Council's proportionality. However, there is a requirement for the joint committee itself to be politically balanced, therefore depending on which other authorities are part of the Joint Committee, the members Wirral need to appoint may not accord with the political balance of the Council. Under these circumstances, Political Group Leaders would be asked to re-appoint based on the required political makeup of the Joint Committee.

Policy Development Work

Purpose

- 3.16.1 The purpose of policy development work is to achieve positive outcomes for local people by undertaking a thorough, targeted examination of the council's service provision and procedures (or those services or activities carried out by external organisations which affect the Borough of Wirral or any of its inhabitants). However, it is not possible to examine every service or activity in detail, so it is important for the Policy and Service Committees to prioritise and plan its work programme for the year to be taken forward through the committee, or a dedicated task and finish group.

Scope

- 3.16.2 The Council's Constitution (Part 4, Section 4) states that the Policy and Services Committees are to adopt policy development working practices when undertaking their functions to review the Council's actions or to review or

otherwise scrutinise outside bodies and processes. The Policy and Services Committees may conduct policy development to:

- Review decisions made or actions taken by the Authority in so far as they have a direct impact on the role or functions of the Committee and the Committee can make recommendations to the relevant Committee on policies, budget and service delivery.
- Undertake reviews and make recommendations on services or activities carried out by external organisations which affect the Borough of Wirral or any of its inhabitants where this does not fall within the role or remit of another service committee or where it relates to cross cutting issues, including the review and monitoring of contractual and operational performance of shared service partnerships, joint ventures and outside organisations to which the Council makes a resource contribution, focusing on examination of the benefits of the Council's contribution and the extent to which the body concerned makes a contribution to the achievement of the Council's priorities as outlined in the Council Plan 2023 - 2027.

Process

3.16.3 A suggested process for determining and prioritising policy development topics is outlined at Appendix 1. This includes:

- **Identify potential issues –**

- Consulting with all Members of Policy and Service Committees, Senior Leaders and Council Officers.
- Looking at Wirral Council Plan priorities, Directorate Business Plans, the Forward Plan of the Council, as well as the MTFs.
- Considering events and decisions in the Council's calendar that could require an input from scrutiny, such as setting budgets.
- Reviewing the Council's risk register - analysis of risk registers on an ongoing basis will mean that scrutiny can understand what the impacts might be if risks are likely to occur, and what steps can be taken to mitigate.
- Evaluating previous Council performance and identifying any follow-up work required to previous scrutiny work.
- Carrying out work to engage with local people, for example through surgeries, local media, opinion surveys and online forums.
- Reviewing customer complaints to identify any reoccurring themes.

- **Prioritise topics**

- Identify and prioritise potential scrutiny topics, considering the resources they would require and the level of impact they could achieve.

- **Plan policy development and scrutiny work** - Decide which policy topics to review and include them in the work programme.

- **Review and evaluate** - Review progress and evaluate outcomes to demonstrate the value added.

3.16.4 For every item on the policy development work programme, it should be clear:

- What is the issue/activity/project under consideration?
- What would the Policy and Service Committee be asked to do?
- What are the reasons for/expected benefits of policy development in this area?

- Strategic considerations (aligned to the new Council Plan and underpinning strategic framework).
- Is there a specific deadline for the piece of work?

4.0 FINANCIAL IMPLICATIONS

- 4.1 No allowance or other remuneration shall be paid to Member Champions for performing the role.
- 4.2 Whilst expenses may be met for engagements with outside bodies or public occasions as approved by the relevant lead officer or the Committee, there are no direct financial implications to as a result of these recommendation.
- 4.3 Appointment to the Joint Scrutiny Committee does not include entitlement to a Special Responsibility Allowance but travel and subsistence is covered by the Members' Allowances Scheme.
- 4.4 The continuation of a standing Cheshire and Merseyside ICS Joint Health Scrutiny Committee requires a contribution towards the temporary appointment of a Scrutiny Manager. This was approximately £10,000 per authority for the initial 18-month period.

5.0 LEGAL IMPLICATIONS

- 5.1 Under Section 23 of the Mental Health Act 1983 as amended an order for discharge can be made in respect of a patient who is subject to guardianship by the responsible clinician, by the Local Social Services Authority or by the nearest relative of the patient. Should an individual who is subject to Guardianship request that the Local Social Services Authority exercise its power to discharge a Guardianship Order this function must be exercised by three or more Members of the authority.
- 5.2 There is a requirement under the Council's Constitution to appoint a Member Champion for Domestic Abuse.
- 5.3 The Health and Care Act 2022 sets out the requirement for joint arrangements between the Local Authority and the Integrated Care Board.
- 5.4 Under The Health and Social Care Act 2012 and the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 local authorities are required to establish a joint scrutiny committee for the purpose of considering consultations by a relevant NHS body or provider of NHS funded Services where such proposals impact on more than one local authority area and where more than one authority agrees that the proposal is a substantial development or variation to the health service in that area.
- 5.5 In undertaking policy development work, the Committee shall have regard to the relevant Regulations, statutory and non-statutory guidance issued by the Secretary of State and best practice as issued by the Centre for Governance

and Scrutiny (CfGS).

6.0 RESOURCE IMPLICATIONS: ICT; STAFFING AND ASSETS

6.1 There are none arising directly from this report.

7.0 RELEVANT RISKS

7.1 There is a risk that if the Council does not appoint to its statutory bodies, it will not fulfil the statutory duties requires of that body.

7.2 All relevant risks have been considered and the below working arrangements approved by Council;

- i. Member Champions will liaise as required with the relevant officer lead and the Committee Chair and Spokespersons in relation to their role and activities.
- ii. The Member Champion will follow all appropriate and applicable Council working protocols for engaging with officers, stakeholders, and the public.
- iii. The Member Champions shall not do anything that is contrary to or inconsistent with any decision or approach taken by the Committee(s) or the Council.
- iv. Where there is any confusion or difference between the Member Champion views/proposed actions and that of the Committee, the Committee's view/position shall prevail.
- v. Member Champions shall seek advice and guidance from the Council's Senior Leadership Team if they are in doubt or confusion on any issue or matter.

7.3 By not appointing Members to the Joint Health Scrutiny Committee, the views of Wirral Council and its residents will not be represented although changes will affect Wirral residents as much as in other authority's areas.

8.0 ENGAGEMENT / CONSULTATION

8.1 It is for political groups to decide how they wish to allocate their committee places and appointments.

8.2 Officers across all 9 authorities in Cheshire and Merseyside have been involved in the development and updating of the Joint Health Scrutiny protocols.

9.0 EQUALITIES IMPLICATIONS

9.1 There are none arising directly from this report.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

10.1 There are none arising directly from this report.

11.0 COMMUNITY WEALTH IMPLICATIONS

11.1 There are none arising directly from this report.

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APPENDICES

Appendix 1: Protocol for the Standing Joint Health Scrutiny Arrangements for Cheshire and Merseyside

Appendix 2: Protocol for Establishment of Joint Health Scrutiny Arrangements for Cheshire and Merseyside

Appendix 3: Policy Development Timeline and Topic Selection Process

BACKGROUND PAPERS

Previous reports on the appointment of panels, statutory / advisory committees and working parties and amendments made during the year and the Council's Constitution.

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Adult Social Care and Public Health Committee	13 June 2023
Adult Social Care and Public Health Committee	14 June 2022
Adult Social Care and Public Health Committee	7 June 2021
Council	26 May 2021
Adult Social Care and Public Health Committee	13 October 2020
Council	28 September 2020
Council	14 May 2019
Council	15 May 2018