

Open Report on behalf of Richard Wills, Monitoring Officer

Report to:	County Council
Date:	23 February 2018
Subject:	Lincolnshire Health and Wellbeing Board Membership Review

Summary:

At the Lincolnshire Health and Wellbeing Board meeting in June 2017 it was agreed that a review of the Board's membership should be undertaken to ensure the right representation is in place to drive forward the new Joint Health and Wellbeing Strategy, and to take account of wider developments across the health and care system.

A paper setting out proposals to extend the membership of the Board to include the Police and Crime Commissioner and the Chairman of the Lincolnshire Coordination Group was presented to the Board in December 2017. Approval is now being sought from Council to make the proposed appointments and make the necessary changes to the Constitution.

Recommendation(s):

That the Council approves:-

1. The appointment of the Police and Crime Commissioner for Lincolnshire together with the Chairman of the Lincolnshire Co-ordination Board as members of the Lincolnshire Health and Wellbeing Board; and
2. The associated changes to the Constitution as detailed in Appendix A.

1. Background

1.1 Statutory Context

Under section 194 of the Health and Social Care Act 2012, all upper tier and unitary authorities are required to establish a Health and Wellbeing Board (HWB) for its area. In 2013, the Lincolnshire HWB was formally established as a committee of Lincolnshire County Council. The functions of the HWB are set out in Sections 195 and 196 of the Act as set out in Appendix A.

In addition to the statutory functions listed in Appendix A, the Act also makes provision for the local authority to delegate any powers or functions exercisable by the authority to the HWB.

The Act states the statutory core membership of the HWB is to consist of:

- at least one councillor of the local authority
- the Director of Adult Social Services for the local authority
- the Director of Children's Services for the local authority
- the Director of Public Health for the local authority
- a representative of the local Healthwatch organisation for the area of the local authority
- a representative of each relevant Clinical Commissioning Group (CCG)
- such other persons, or representatives of such other persons, as the local authority thinks appropriate

County Councillor members of the HWB are directly appointed by the Leader of the Council. Additional persons may be appointed by the County Council as members of the HWB as it thinks appropriate at any point. Before any new member is appointed to the HWB, however, the HWB must be consulted. The current membership of the HWB as detailed in the Council's Constitution is shown in Appendix A.

1.2 Membership Review

At the HWB meeting in June 2017, the Board agreed to undertake a review of its membership to ensure engagement with the right key partners to enable the HWB to be the driving force for closer integration between health and care. Review was undertaken within the context of:

- National policy requiring closer integration
- the emerging priority areas for the next Joint Health and Wellbeing Strategy
- the relationships and linkages with the Sustainability and Transformation Plan (STP)
- the establishment of the Housing, Health and Care Delivery Group (a sub group of the HWB)

As part of the review, HWB members were asked to submit their views on whether the HWB membership should be extended or refreshed. In addition, desktop research was also undertaken into different membership models from elsewhere in England. A working group of the HWB, made up of representation from the County Council, CCGS and District Councils, met on 31 October 2017 to consider the findings of the review. A report, setting out the working group's proposals for extending the HWB membership was presented to the HWB on 5 December 2017, a copy of which is attached at Appendix B.

1.3 Proposed changes to HWB membership

The HWB endorsed the proposals put forward by the working group to extend core membership to:

- the Police and Crime Commissioner for Lincolnshire to enable closer joint working on key areas such as mental health, and
- the Chairman of the Lincolnshire Coordination Board to strengthen the links with the STP.

The Council is therefore requested to exercise its power under Section 194(2)(g) of the Health and Social Care Act 2012 to appoint the Police and Crime Commissioner for Lincolnshire together with the Chairman of the Lincolnshire Coordination Board to the HWB with immediate effect.

The requirement that the Council consult with the HWB is met by reason of the changes being proposed by the HWB.

As a committee of the County Council, these additions to the HWB membership will require changes to be made to the Constitution. Council is therefore asked to approve the changes to Section 7.06 in Part 2 of the Constitution as set out in Appendix A.

2. Legal Issues:

Equality Act 2010

Under section 149 of the Equality Act 2010, the Council must, in the exercise of its functions, have due regard to the need to:

- * Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act
- * Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- * Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation

Having due regard to the need to advance equality of opportunity involves having due regard, in particular, to the need to:

- * Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
- * Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it
- * Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low

The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities

Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having

due regard, in particular, to the need to tackle prejudice, and promote understanding

Compliance with the duties in section 149 may involve treating some persons more favourably than others

The duty cannot be delegated and must be discharged by the decision-maker. To discharge the statutory duty the decision-maker must analyse all the relevant material with the specific statutory obligations in mind. If a risk of adverse impact is identified consideration must be given to measures to avoid that impact as part of the decision making process

As a formal change to the Council's governance arrangements the proposals are not considered to have an adverse impact on people who share a protected characteristic compared with those who do not.

Joint Strategic Needs Analysis (JSNA and the Joint Health and Wellbeing Strategy (JHWS)

The Council must have regard to the Joint Strategic Needs Assessment (JSNA) and the Joint Health & Well Being Strategy (JHWS) in coming to a decision

As formal changes to the Council's governance arrangements there are not considered to be any implications of the proposals for the JSNA and JHWS. Although the inclusion of the additional HWB members will enable closer working on the wider determinants of health and wellbeing.

Crime and Disorder

Under section 17 of the Crime and Disorder Act 1998, the Council must exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment), the misuse of drugs, alcohol and other substances in its area and re-offending in its area

As formal changes to the Council's governance arrangements there are not considered to be any implications of the proposals for crime and disorder. Although the inclusion of the additional HWB members will enable closer working on those wider determinants of health and wellbeing which also impact on crime and disorder.

3. Conclusion

The HWB agreed to review its membership to ensure the right representation is in place to drive forward the emerging priorities in the new Joint Health and Wellbeing Strategy and to take account of wider developments across the local health and care system. In line with statutory requirements, the review has sought the views of current HWB members. The proposals put forward by the HWB require the

Council to exercise its powers to appoint additional members to the HWB and changes to the Constitution and therefore approval is required by Council.

4. Legal Comments:

The Council has the power to make the proposed appointments to the Health and Wellbeing Board

As the Health and Wellbeing Board is a Committee of the Council decisions on the membership of the Committee are reserved to the full Council

5. Resource Comments:

It can be confirmed that there are no financial implications regarding the proposed appointments to the Health and Wellbeing Board.

6. Consultation

a) Has Local Member Been Consulted?

n/a

b) Has Executive Councillor Been Consulted?

Yes

c) Scrutiny Comments

This decision has not been considered by the Scrutiny Committees

d) Have Risks and Impact Analysis been carried out?

No

e) Risks and Impact Analysis

Not applicable

7. Appendices

These are listed below and attached at the back of the report

Appendix A	Extract from Part 2 of the Constitution pages 2/44 - 2/46
Appendix B	Report to Health and Wellbeing Board

8. Background Papers

Document title	Where the document can be viewed
Health and Social Care Act 2012	http://www.legislation.gov.uk/ukpga/2012/7/contents/enacted

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