



Open Report on behalf of David Coleman, Monitoring Officer

Report to:	County Council
Date:	15 September 2023
Subject:	Changes to the Constitution - Lincolnshire Health and Wellbeing Board Membership

Summary:

In September 2022, the Council agreed changes to the Terms of Reference for the Lincolnshire Health and Wellbeing Board (HWB) to take account of the formal introduction of Integrated Care Systems (ICSs) from July 2022 as required by the Health and Care Act 2022.

As part of the ICS arrangements, the County Council and NHS Lincolnshire Integrated Care Board (ICB) are required to establish an Integrated Care Partnership (ICP) as a joint committee. As Lincolnshire is a coterminous area, it was agreed to align, where possible, the HWB and ICP including mirroring the membership and review again, in 2023, as arrangements mature.

Approval is now being sought from the Council to proposed amendments to the HWB membership emerging from the review and for the necessary changes to be made in the Constitution.

Recommendation(s):

That the Council:

1. Approves the proposal put forward by the Lincolnshire Health and Wellbeing Board to change its membership:
 - a. to reduce the number of County Councillors by two
 - b. to reduce the number of NHS representatives by four
2. Approves the amendments to the Constitution set out in Appendix A.

1. Background

1.1 Under Section 194 of the Health and Social Care Act 2012, all upper tier and unitary authorities are required to have a Health and Wellbeing Board (HWB) for their authority's 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 section 195 and 196 of the Act as follows:

- To encourage persons who arrange for the provision of any health and social care services in the area to work in an integrated manner.
- To provide advice, assistance or other support, as it thinks appropriate, for the purpose of encouraging joint commissioning.
- To prepare and publish a Joint Strategic Needs Assessment (JSNA) on the local population.
- To prepare and publish a Joint Health and Wellbeing Strategy.

1.2 In addition to the statutory functions listed above, the Act also makes provision for the local authority to delegate any powers or functions exercisable by the authority to the HWB. No formal powers have to date been delegated.

1.3 In May 2021, the Council agreed to extend membership of the HWB to include both the chairs and chief executives of the NHS provider organisations. This formed part of arrangements to enable the HWB to fulfil the role for the area of an Integrated Care Partnership Board in preparation for the introduction of statutory Integrated Care Partnerships as part the formalisation of Integrated Care Systems.

1.4 From July 2022, the Health and Care Act 2022 required the establishment in each area in England of an Integrated Care System (ICS) including two new statutory bodies:

- An Integrated Care Board (ICB) (replacing Clinical Commissioning Groups) bringing the NHS together locally to improve population health and care.
- An Integrated Care Partnership (ICP) as a joint committee between the upper tier local authorities and the ICBs in the area with specific responsibility for preparing an integrated care strategy for the ICS footprint.

The Health and Care Act 2022 also requires the HWB to play a formal role as a consultee in certain matters within the remit of the ICB.

1.5 The Lincolnshire ICS boundary is coterminous with Lincolnshire County Council meaning in our local system there is one ICP and one HWB. Given this situation, the local ambition was to, where possible, align the HWB and ICP including having mirrored membership. The creation of the ICP as a joint committee of the Council was approved by full Council in September 2022. It was envisaged that the membership of the HWB would be reviewed again in 2023 as arrangements matured.

- 1.6 As part of the annual review of the HWB's terms of reference, NHS partners asked to reduce the number of NHS representatives on the HWB to ensure efficient use of capacity. As a consequence, at the HWB meeting on 13 June 2023 the Board endorsed proposals to reduce the number of county councillors on the HWB by two and the number of NHS representatives by four. If the Council approves the proposals, the Constitution will require amendment. The necessary amendments for approval are set out in Appendix A (The membership shown in Appendix A is limited to core membership. It does not include the associated members. The decision on whether or not to allow associate membership is a matter for the HWB itself).
- 1.7 The review also identified that representation from the care sector is a significant gap on both the HWB and ICP. Therefore, from September 2023 the HWB has offered associate membership (N.B associate members do not have voting rights at HWB meetings) to the Lincolnshire Care Association (LinCA). This addition will ensure the care sector is able to play an active part in supporting improvements and innovation across the health and care system to help deliver the priorities in the Joint Health and Wellbeing Strategy and the Integrated Care Strategy.

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 to those who do not.

Joint Strategic Needs Assessment (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 and Wellbeing Strategy (JHWS) in coming to a decision.

As a formal change to the Council's governance arrangements, the proposals are not considered to have any implications for the JSNA and JHWS.

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 a formal change to the Council's governance arrangements, the proposals are not considered to have any implications for crime and disorder.

3. Conclusion

The Council is invited to approve the proposals of the HWB to amend its membership and accordingly to approve the amendments to the Council's Constitution shown in Appendix A.

4. Legal Comments:

The Report seeks approval to amend the membership of the Health and Wellbeing Board which is a committee of the County Council.

The recommendation is lawful and within the remit of the full Council.

5. Resource Comments:

It can be confirmed that there are no financial implications regarding the proposed changes to the Lincolnshire 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 a Scrutiny Committee

d) Risks and Impact Analysis

No

7. Appendices

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

Appendix A	Extract from Part 2 of the Constitution (published 09 December 2022) – pages 2/45 – 2/46 with proposed amendments
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8. Background Papers

The following background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report.

Background Paper	Where it can be viewed
Report to full Council dated 21 May 2021 "Council Constitution – Changes to the Lincolnshire Health and Wellbeing Board Terms of Reference and Membership to Incorporate the Functions of the Integrated Care Partnership Board"	Agenda for Council on Friday, 21st May, 2021, 10.30 am (moderngov.co.uk)
Report to full Council dated 27 September 2022 "Council Constitution - Changes to the Lincolnshire Health and Wellbeing Board Terms of Reference"	Agenda for Council on Tuesday, 27th September, 2022, 10.00 am (moderngov.co.uk)
Report to Lincolnshire Health and Wellbeing Board dated 13 June 2023 "Lincolnshire Health and Wellbeing Board Terms of Reference and Membership Review"	Agenda for Lincolnshire Health and Wellbeing Board on Tuesday, 13th June, 2023, 2.00 pm (moderngov.co.uk)

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