

HEALTH AND WELLBEING BOARD

20 FEBRUARY 2018

ESTABLISHMENT OF A NEW KENT AND MEDWAY JOINT HEALTH AND WELLBEING BOARD

Report from: Neil Davies, Chief Executive

Author: Julie Keith, Head of Democratic Services

Summary

This report seeks approval to the establishment of a Kent and Medway Joint Health and Wellbeing Board (KAMJHWB) on 1 April 2018 for an initial period of two years to secure a collaborative approach between the Kent and Medway Health and Wellbeing Boards as they contribute to the development of the Sustainability and Transformation Partnership (STP) Plans. It is proposed to constitute the Joint HWB as an Advisory Sub Committee of both Boards as provided for in the Health and Social Care Act 2012.

1. Budget and Policy Framework

- 1.1 Section 198 of the Health and Social Care Act 2012 allows two or more Health and Wellbeing Boards to establish a Joint Sub Committee of the Boards to advise them on any matter related to the exercise of their functions.
- 1.2 The proposal to establish a Kent and Medway Joint HWB constituted as an Advisory Sub Committee together with the determination of its size, membership, terms of reference and rules of procedure must be formally agreed by each Board.

2. Background

- 2.1 The Medway Health and Wellbeing Board was advised by the Chairman at its meeting on 12 September 2017 that initial discussions were underway about the possibility of establishing a Joint HWB with Kent County Council.
- 2.2 Upper tier Councils in England were each required to establish a Health and Wellbeing Board, as a Committee of the Council, under Section 194 of the Health and Social Care Act 2012. The Board must include at least one Councillor (nominated by the Leader in authorities operating executive arrangements), the Directors of Adult and Children's Services for the area, the Director of Public Health, a local Healthwatch representative and a representative of each local clinical commissioning group. There is discretion to include other people or organisations, as each local authority thinks appropriate.

- 2.3 The purpose of Health and Wellbeing Boards is to provide collective leadership to improve health and wellbeing across the local authority area. The principal functions of HWBs are set out in the Health and Social Care Act 2012 and include preparation of a Joint Strategic Needs assessment, a Pharmaceutical Needs Assessment and a Joint Health and Wellbeing Strategy which should underpin and inform commissioning decisions across health, social care and public health. A full list of the statutory powers and duties of Health and Wellbeing Boards is set out in Paragraph 1 of Appendix 1 to this report.
- 2.4 As previously reported to the HWB, during 2016, the Kent and Medway Sustainability and Transformation Plan was published and is one of forty-four STPs across England which are responding to the fundamental challenge of delivering a financially sustainable health and social care system as required in the NHS England Five Year Forward View. Following publication of The Five Year Forward View: The Next Steps, in late March 2017, Sustainability and Transformation Plans became Sustainability and Transformation Partnerships, as focus shifted from plan development to design of future service and commissioning arrangements. There is member and officer representation from KCC and Medway on the STP Programme Board and involvement in several other STP Boards and work streams.
- 2.5 The STP is now approaching a period where it will consider fundamental issues relating to future arrangements for the financing, commissioning and delivery of services across the Kent and Medway health and social care system.
- 2.6 During 2017 general agreement has been reached on the need for a single Strategic Commissioner for health across Kent and Medway, and work is underway to develop this through the STP, including determining how a strategic commissioner for health will work alongside the existing Clinical Commissioning Groups (CCGs) and newly emerging health structures. Kent County Council and Medway Council are strategic commissioners for social care and as such will be working closely with the new Strategic Commissioner for health
- 2.7 In parallel to the emerging arrangements for a Strategic Commissioner for health there is an in principle agreement to create two Accountable Care Partnerships (noting that it has recently been announced that they will be re-named Integrated Care Systems) that will sit beneath the Strategic Commissioner in Kent and Medway. In a recent publication by The Kings Fund Accountable Care Partnerships are described as alliances of NHS providers that work together to deliver care by agreeing to collaborate rather than compete. These providers include hospitals, community services, mental health services and GPs. Social Care, independent and third sector providers may also be involved. Options for the design, structure and accountability of the Kent and Medway ACPs are being explored. They are expected to deliver integrated working and provision across health and social care with flexible use of resources to deliver best outcomes. It is currently proposed there will be one ACP covering East Kent and one ACP covering West Kent, North Kent and Medway.
- 2.8 It is against this backdrop that discussions about the role of the Kent and Medway Health and Wellbeing Boards have been taking place.

3. Establishment of a new Kent and Medway Joint Health and Wellbeing Board (KAMJHWB)

- 3.1 Given the complexity of the STP, the Leader and Cabinet in Kent and the Leader and Cabinet in Medway will play an important role in overseeing local authority engagement with the STP and will be the decision-makers in the event of any proposals for reconfiguration of the way social care and public health services are commissioned and delivered.
- 3.2 The KCC and Medway Health Scrutiny Committees will also have a significant role to play. There is a duty to consult with Overview and Scrutiny when any proposal for a substantial change or variation to the health service in an area is under consideration by a “responsible person”. Any proposal for a change to the health service in Medway under STP Plans will be a matter for the Medway Health and Social Care Overview and Scrutiny Committee to consider. There may also be substantial service changes or variations affecting both Kent and Medway in which case the Joint Kent and Medway Health Scrutiny Committee will be consulted and invited to comment.
- 3.3 Separately, but in parallel, both the KCC and Medway HWBs will continue to be under a duty to discharge their statutory functions during this period of change. It is considered there would be significant merit in both Councils working together through the vehicle of their HWBs to provide a strong democratic voice in the STP discussions as the future design and delivery of health and social care services moves forward. In particular it is considered there should be a joint focus on the STP local care and prevention work streams given the responsibilities of both local authorities in social care and public health. The STP would benefit from Kent County Council and Medway Council working jointly to actively shape and develop the proposal for a System wide Strategic Commissioner and the relative roles, responsibilities and accountabilities for the emerging Accountable Care Partnerships.
- 3.4 The Health and Social Care Act provides for the HWBs of two or more local authorities to work jointly on several levels; either by exercising their functions jointly (for example by having one Kent and Medway HWB and one JSNA/HWB Strategy for the whole area) or by arranging for a Joint Sub Committee to exercise any of their functions or by setting up a Joint Sub Committee to advise them on any matter related to the exercise of their functions.
- 3.5 Following discussion between the Leaders and HWB Chairmen of both Kent County Council and Medway Council it is proposed that Kent and Medway should each continue to discharge their HWB functions separately and that a Joint Advisory Sub Committee of both HWBs would be the most appropriate vehicle for a collaborative approach on the issues emerging from the STP plans for both local authorities. This would be called the Kent and Medway Joint Health and Wellbeing Board and would operate principally to encourage persons who arrange for the provision of any health or social care services in the area to work in an integrated manner and for the purpose of advising on the development of the STP plans for Kent and Medway.
- 3.6 Draft governance arrangements for the Joint Board are set out at Appendix 1 to this report including proposed terms of reference, a proposal for the membership (voting and non-voting) and suggested rules of procedure. Each

Council will support the Board for one year following which there would be a review of the arrangements to determine if they should continue. There will be an update to the next meeting of the Medway HWB on membership issues as health colleagues will be invited to feed back on the most appropriate representation for them in light of emerging health structures under the STP.

- 3.7 Discussion has also taken place with Kent County Council regarding the balance of representation on the Kent and Medway Joint Health Overview and Scrutiny Committee. Agreement to equality of representation between Kent and Medway on this Joint Committee has been reached. An update will be reported to the Council meeting in April when the establishment of Committees and allocation of Committee seats for 2018/19 is considered. It is expected there will be four Members from each Council appointed to the Committee with effect from the beginning of the new Municipal Year.

4. Financial, legal and risk management implications

- 4.1 There will be a cost associated with establishing a Joint Advisory Sub Committee of the Kent and Medway HWBs in terms of support for the Board and meeting arrangements. This cost will be shared, with each local authority supporting the Board for one year in turn within existing resources. The Board itself will not have a budget. Any executive decisions or the determination of any matter relating to the discharge of the statutory functions of the Kent and Medway HWBs will remain a matter for each Council.
- 4.2 The scope for two or more Health and Wellbeing Boards to establish arrangements to work jointly is provided in section 198 of the Health and Social Care Act 2012. Section 198 allows for the joint exercise of functions by a Joint HWB or by a Joint Sub Committee or for the establishment of a Joint Sub Committee to advise the participating HWB's on any matter related to the exercise of their functions
- 4.3 When the Medway Health and Wellbeing Board was established in 2013 the Council permitted the Board itself to set up Advisory Sub Committees. Any proposal to delegate the functions of the Board to a Sub Committee or an Officer (or from a Sub Committee to an Officer) is subject to approval by full Council. The proposal in this report can be agreed by the Medway Health and Wellbeing Board without referral to full Council.
- 4.4. There are no risks arising from the proposal to set up joint arrangements between the Kent and Medway Health and Wellbeing Boards.

5. Recommendations

- 5.1 The Health and Wellbeing Board is asked to agree:
- (i) The establishment of a new Kent and Medway Joint Health and Wellbeing Board (KAMJHWB) constituted as an Advisory Sub Committee, with Terms of Reference and procedure rules as set out in Appendix 1 to this report;
 - (ii) That the membership of the Sub Committee should be as set out in paragraph 5 of Appendix 1 to this report.

- (iii) that the role and continuation of the KAMJHWB should be reviewed after two years
- (iv) that the Monitoring Officer should add a reference to the Sub Committee and include its Terms of Reference in the Council's Constitution under his delegation to make minor changes to the Constitution.

Lead officer contact:

Julie Keith, Head of Democratic Services, Telephone: 01634 332760

Email: julie.keith@medway.gov.uk

Appendices

Appendix 1 – Proposed Terms of Reference for the Kent and Medway Joint Health and Wellbeing Board

Background papers

None.