

HEALTH AND WELLBEING BOARD



TO:	Blackburn with Darwen Health and Wellbeing Board
FROM:	Ben Aspinall
DATE:	22 nd September 2014

SUBJECT: Draft revised Health and Wellbeing Board terms of reference

1. PURPOSE

The Board agreed to review its terms of reference once it had been fully operational for 12 months in order to ensure it remains fit for purpose and continues to deliver its remit efficiently and effectively.

2. RECOMMENDATIONS FOR THE HEALTH & WELLBEING BOARD

To agree the revised terms of reference for the Board as outlined in the key issues section of this report.

3. BACKGROUND

In June 2014 the Board discussed a series of potential changes in relation to the existing terms of reference: The current terms of reference having been in place for the first 12 months of the Boards operation. A further development session in July 2014 discussed in detail membership, inclusivity, other fora, current and future means of engagement for a variety of partnerships and stakeholders.

4. RATIONALE

In its first 12 months of being fully operational the Board received several requests to review and potentially extend its current membership (which is the subject of another report and ongoing discussions). However, during the last 12 months as a result of local elections and changes to portfolios and positions, it has been necessary to make changes within the existing membership which is reflected in the revised terms of reference.

5. KEY ISSUES

Aims

The role of the Health and Wellbeing Board is to oversee and ensure the delivery of local health outcomes and drive service integration across the NHS, local government and non-NHS sectors and to ensure continued integration of all public services to achieve this. The aims of the Board are therefore:

1. To provide local accountability for improved health and wellbeing, (morbidity, mortality, quality of life) and health equity outcomes for the population of Blackburn with Darwen.
2. To promote integration and partnership working between the NHS, social care, public

health and other local services, and

3. To improve local democratic accountability.

Functions

The functions of the Health and Wellbeing Board are:

1. To provide a governance structure for local strategic planning and accountability of health and wellbeing related services and their attributable outcomes.
2. To assess the needs of the local population and lead the statutory Integrated Strategic Needs Assessment (statutorily referred to as JSNA).
3. To commission and monitor an annual local Health and Wellbeing Strategy.
4. To promote integration and partnership across areas through promoting joined-up commissioning plans across the NHS, social care and public health.
5. To support joint commissioning and pooled budget arrangements, where all parties agree this makes sense.
6. To review and comment on major plan and service redesigns of health and wellbeing related services provided by the NHS and Local Government (including the local NHS Commissioning Plan).
7. To receive and provide statutory reports relating to on the health and wellbeing of the local population.

Membership

The Blackburn with Darwen local Health and Wellbeing Board consists of:

Voting Members

15 voting members:

- Leader of the Council or his or her nominated representative
- Executive Member for Adult Social Care
- Executive Member for Children's Services
- Leader of the opposition
- Director of Adult Services (DASS)
- Director Children's Services
- Director of Public Health
- A representative of the NHS England
- Representative of local Health Watch
- 2 representatives of the Clinical Commissioning Group
- 2 Representative of the voluntary sector
- 2 representative of the community

It is for each non-council organisation to establish the means by which it elects its member to the Health and Wellbeing Board. Where changes occur, such changes should be communicated to the Board at the earliest opportunity. New Members will be subject to Code of Conduct and Governance regulations as outlined later in this document.

Invited Members

Additional members may be invited *at the discretion* of the Board to specific meetings. These are *likely* to include:

- Further representatives from the NHS Commissioning Board
- Heads of service
- Provider services representatives
- Other officers of the Council, NHS and other local health and wellbeing stakeholders as appropriate
- Executive Members of the Council

These invited members will not have voting rights.

Sub structures

The current strategic and delivery structure is built around the Local Strategic Partnership and includes the following statutory and thematic boards:

- Adult's and Children's Safeguarding Boards
- Children's Trust
- Integrated Commissioning Network
- Best start for children and young people:
- Health and work
- Safe and healthy homes and neighbourhoods
- Older people's independence and social inclusion
- Promoting health and supporting people when they are unwell

Agenda setting

The agenda will be developed by partnership representation at agenda setting meetings, membership of this group is:

- Chair of the Health and Well Being Board
- Executive Member for Health and Adult Social Care
- Clinical Commissioning Group Representative
- Voluntary Sector Representative
- Executive Director for People
- Director of Public Health.

Engagement with stakeholders

The architecture of other boards and thematic partnerships provides sufficient structure and process to allow relevant stakeholders to be involved in the Board's work. Additionally the Communication and Engagement Strategy which will include stakeholders as a key theme will be a further mechanism of engagement.

Chair and Vice Chair

The Chair will be the Leader of Blackburn with Darwen Borough Council or his or her nominated representative. This appointment is made at the Annual Council meeting or nearest Council meeting thereafter. The Vice Chair will be the Chair of the Clinical Commissioning Group (CCG) or the second nominated CCG representative who is also a voting member.

Quorum

The Board will need at least 8 voting members to be quorate – this must include at least one elected member, one CCG member and one member of either the voluntary sector or community sector. Voting members can appoint deputies with the agreement of the Chair.

Voting

Where consensus cannot be reached the matter will be decided by a simple majority of those Voting Members voting and present in the room at the time the question was put. The Chair will take the vote by show of hands. If there are an equal number of votes for and against, the Chair will have a second or casting vote.

Accountability

The Chair of the Health and Wellbeing board will regularly report to the Executive Board in relation to the Health and Wellbeing Board's contribution to the Council's strategic objectives and priorities. The Children and Health Overview and Scrutiny Committee has scrutiny powers in relation to the discharge of functions by the Health and Wellbeing Board. As such the Director of Public Health will provide regular reporting to the Health and Adults Overview and Scrutiny Committee. In addition, the Director of Public will produce an Annual Report to the Council detailing the Health & Wellbeing Board's work during the past year.

Code of Conduct, openness and accountability

All Councillors and co-opted members of Council committees are required to comply with the Code of Conduct, contained in Part 5, section 1 of the Constitution. Therefore, all *voting members* of the Health & Wellbeing Board will be required to comply with the Code of Conduct.

Part 1 of the Code sets out the general obligations of members. Part 2 of the Code requires members to comply with the requirements of the Localism Act in respect of "disclosable pecuniary interests" ('DPIs'). A member's DPIs include the member and their partner's business interests (for example their employment, trade, profession, contracts or any company with which they are associated) and wider financial interests they might have (for example assets including land and property). Part 3 of the Code requires members to comply with requirements of the Council in respect of "personal interests" and "prejudicial interests". The Code deals with the requirement for members to declare when they have a "DPI" or a "personal interests" in a matter which is to be considered at a Board meeting, and the requirement for members to withdraw from meetings in which they have a "DPI" or a "prejudicial interest" in a matter which is to be considered. Board members should note that these rules will be relevant when making decisions about contracts with service providers if these powers were delegated to the Board.

All voting non Councillor members of the Health and Wellbeing Board will be required to

complete a declaration of interest. The blank form is attached at appendix 1 for reference.

Each member's declaration of interest will be included in the Council's Register of Interest which is held for public inspection by the Councils Monitoring Officer.

Then NHS Commissioning Board (NHS England) is under a duty to issue guidance to CCGs on the exercise of their functions in relation to conflicts of interest and CCGs must have regards to such guidance. This list is not exhaustive - as non-Councillor members of board may also be bound by other codes of conduct and professional standards. It should also be noted that the public law notions of predetermination and bias will also apply.

As a matter of process, each agenda of the Health and Wellbeing Board will have "Declarations of Interest" as a Standing item.

Governance, decision making, transparency and accountability.

The Health and Wellbeing Board is a Committee of the Council established in accordance with section 102 LGA 1972. Reports before the Board requiring decision will have gone through necessary governance of the author / owner as applicable. Reports will also be clear what and to whom the recommendations apply. A full copy of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 (SI 2013/218) is available on request.

Health and Wellbeing Board meetings will be subject to the same openness and transparency rules as other Council committees established under section 102 of the Local Government Act 1972. The law requires all agendas and reports to be made available to the public five clear working days in advance of the meeting. Meetings should be held in public and the public should also be able to access any additional information that is discussed in a meeting. If a decision needs to be made in private, information associated with that decision can be exempt from these rules only in the circumstances prescribed in the Council's Access to Information rules in the Council Constitution.

Decisions made by the Health and Wellbeing Board under their core functions do not need to go on the Council's 'Register of Key Decisions' and they are not subject to the requirement to provide 28 days notice of intention to take a decision. The only exception to this will apply if the Council delegates additional specific functions to the Board. In these circumstances, the Board will need to adhere to the relevant requirements of all of the applicable legal frameworks. As Health and Wellbeing boards are non-Executive committees (they are a committee of the Council), their core functions are not subject to the Council's "Call In" procedure

Role of board members in driving the Health and Wellbeing Strategy.

There will be 2 nominated Board members who will take a lead and support role for each of the themes in the strategy. To turn the strategy into practical delivery plans each of the 5 theme leads is required to produce a written report for distribution with the agenda each time the Health and Wellbeing Board holds a committee meeting:

Best start for children and young people: lead; Arshad Rafiq, support; Cllr Frank Connor.

Health and work: Lead; Dominic Harrison, support; Dr Chris Clayton.

Safe and healthy homes and neighbourhoods: Lead Sally McIvor, support; Mark Fowell.

Promoting health and supporting people when they are unwell Lead: Dr Pervez Muzaffar,
support: Angela Allen

Older people's independence and social inclusion: Lead: Vicky Shepherd , support: Cllr
Mike Lee

Leadership and accountabilities of board members

Collective role

1. Use formal and informal networks and processes to:
 - listen to and understand the needs of local people
 - listen to those people who are delivering services to understand what's available and what's possible
 - develop this understanding into a robust health and wellbeing strategy
2. Put in place the standards, values, principles and pledges that will underpin the way we work and how we expect others to work
3. Work with the community, our partners and other stakeholders to ensure we all have a collective understanding of the health and wellbeing agenda and what we want to achieve
4. Ensure people are clear about what is expected of them and what they are accountable for
5. Hold other organisations, services and individuals to account for:
 - embracing the standards, values, principles and pledges
 - delivering what they have committed to do
6. Influence, challenge and review the intentions and plans of commissioners, providers and other boards to ensure they are in line with the health and wellbeing strategy
7. Make sure we keep our business focused on the priorities we have agreed and not get sidetracked by the detail or issues that others should deal with
8. Take collective responsibility for the decisions we have made and hold ourselves to account for seeing these through
9. Raise awareness and publically support and champion the key messages and campaigns that will raise people's aspirations and bring about the change that's needed
10. Promote the concept that health and wellbeing is everyone's business
11. Communicate, inform and educate in ways that everyone can understand
12. Provide a steer on how best to use our collective resources and make the most of the public funds available to address the health and wellbeing agenda
13. Ensure that the right systems and processes are in place to:
 - support the integration of commissioning and delivery
 - share data and good practice
 - review and monitor performance
 - develop a culture of partnership working at all levels

Individual role

1. Listen to the people in the community that we have contact with and the groups we work with and use the insight we gain from this to give feedback to the board
2. Ensure that the board's standards, values, principles and pledges are understood by the people in the organisations, groups or communities we work in
3. Where relevant, align our own organisational plans, policies and financial decisions with the board's priorities so that we can make the right contribution to delivering the strategy ...
4. ... And hold our organisations to account for what they have agreed to do
5. Use our individual networks and our political and professional expertise to communicate, promote and raise awareness of health and wellbeing issues with our communities and the organisations and people who can do something about these
6. Make sure we are fully prepared for and contribute to the debates we need to have in order to

make informed business decisions

Put aside organisational agendas and take individual ownership of the difficult decisions the board has taken, confident they will benefit the people of Blackburn and Darwen.

PURPOSE OF THE HEALTH AND WELL BEING BOARD

- 1. Make a positive impact on the health, wellbeing and quality of life of everyone in the borough**
- 2. Give strong leadership across the whole system**
- 3. Drive delivery, innovation and integration**
- 4. Make the partnership work properly**

For each of the themes the Board have agreed what this means for Blackburn with Darwen.

To make a positive impact on the health, wellbeing and quality of life of everyone in the borough - this means:

- tackling the really difficult challenges that will close the health inequalities gap
- focusing on the whole person and all the issues that have an influence on people's health and wellbeing
- concentrating on what we can do to prevent poor health and wellbeing and how we need to intervene early on in people's lives
- getting things in the system in the right shape and delivering practical improvements that people in the borough can see are making a difference
- promoting health and well being and making sure that people understand what they can do to stay well

Give strong leadership across the whole system - this means:

- knowing what needs to be done in the borough and creating the right strategy that means something to the people who live here
- making decisions about the common goals, priorities and outcomes, confident that these are realistic and achievable
- building a robust and shared agenda that we all sign up to and stick to
- communicating what needs to be done in a way that inspires people to change

Drive delivery, innovation and integration - this means:

- championing and driving the change that's needed to deliver the strategy across the whole economy
- keeping ourselves and others focused on the priorities and outcomes and pursuing these with persistence and determination
- challenging traditional thinking and ways of doing things when we know they are not working
- having the courage and giving others the confidence and freedom to be creative about what can be done differently

Make the partnership work properly - this means:

- working together as a cohesive team, knowing that that we are in it for the long term
- taking real ownership of and seeing through the collective decisions we've made
- taking the time and making effort to build the relationships and understanding that will lead to a culture of openness, transparency, collaboration and challenge
- stepping back from our individual roles and organisations and breaking down the barriers that could impede progress
- involving our communities and stakeholders and working with them to create solutions getting the most out of our collective assets and public money

6. POLICY IMPLICATIONS

It is good practice (and currently being undertaken by other Health and Wellbeing Boards) to regularly review the structure and terms of reference of public bodies in light of partnership changes and the introduction of new policy which may impact (positively or negatively) on their ability to remain fit for purpose and continue to deliver its remit efficiently and effectively.

7. FINANCIAL IMPLICATIONS

Decisions made by the Health and Wellbeing Board under their core functions do not need to go on the Council's 'Register of Key Decisions' and they are not subject to the requirement to provide 28 days notice of intention to take a decision. The only exception to this will apply if the Council delegates additional specific functions to the Board. In these circumstances, the Board will need to adhere to the relevant requirements of all of the applicable legal and financial frameworks. As Health and Wellbeing boards are non-Executive Committees (they are a Committee of the Council), their core functions are not subject to the Council's "Call In" procedure.

8. LEGAL IMPLICATIONS

There are no specific financial implications associated with the terms of reference, however the Council has established a Health and Wellbeing Board, which will operate in accordance with the Health and Social Care Act 2012, the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013, and other relevant legislation: Under section 194 of the Health and Social Care Act 2012, a health and wellbeing board is a committee of the council. Committees are established according to section 102 of the Local Government Act 1972. The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 modify certain legislation as it applies to health and wellbeing boards and also removes the requirement for health and wellbeing boards to comply with some of the legislation around committee structures and procedures. The provisions which are modified or disapplied are in the Local Government Act 1972 and the Local Government and Housing Act 1989.

The Health and Wellbeing Board is a Committee of the Council established in accordance with section 102 LGA 1972. Reports before the Board requiring decision will have gone through necessary governance of the author / owner as applicable. Reports will also be clear what and to whom the recommendations apply. A full copy of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 (SI 2013/218) is available on request.

Health and Wellbeing Board meetings will be subject to the same openness and transparency rules as other Council Committees established under section 102 of the Local Government Act 1972. The law requires all agendas and reports to be made available to the public five clear working days in advance of the meeting. Meetings should be held in public and the public should also be able to access any additional information that is discussed in a meeting. If a decision needs to be made in private, information associated with that decision can be exempt from these rules only in the circumstances prescribed in the Council's Access to Information rules in the Council's Constitution.

9. RESOURCE IMPLICATIONS

Currently none as the level of resource remains the same.

10. EQUALITY AND HEALTH IMPLICATIONS

The architecture of other boards and thematic partnerships provides sufficient structure and

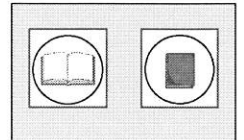
process to allow relevant stakeholders to be involved in the Board's work. Additionally the Communication and Engagement Strategy which will include stakeholders as a key theme will be a further mechanism of engagement with a wider audience.

11. CONSULTATIONS

Board Membership June and July 2014.

VERSION:	2.0.
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CONTACT OFFICER:	Ben Aspinall
DATE:	12 th September 2014
BACKGROUND PAPER:	Draft terms of reference (on Health and Wellbeing Board website). Agenda item 8.4 Executive Board February 2012: Draft terms of reference from Health and wellbeing shadow board.



BLACKBURN WITH DARWEN HEALTH AND WELLBEING BOARD REGISTER OF INTERESTS

GENERAL NOTICE OF REGISTRABLE INTERESTS

Blackburn with Darwen Borough Council's Code of Conduct (adopted 30 August 2012)

I, (full name)

a Member of Blackburn with Darwen Health and Wellbeing Board (H&WBB) GIVE
NOTICE that

Either

I have no registrable interests which are required to be declared under the Council's Code of Conduct, and I have put 'none' where I have no such interests under any heading.

Or

I have set out below under the appropriate headings my interests, and those of my spouse/civil partner (or person with whom I am living as such) of which I am aware, which I am required to declare under the Council's Code of Conduct. These include any *disclosable pecuniary interests* under sections 29 to 31 of the Localism Act 2011 and The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, and I have put '**none**' where I have no such interests under any heading.

Note:

1. *Where you consider that information relating to any of your interests is a 'Sensitive Interest' you need not include that interest provided you have consulted with the Monitoring Officer and he agrees that it need not be included. A 'Sensitive Interest' is an interest which could create or is likely to create a serious risk that you or a person connected with you may be subjected to violence or intimidation.*
2. *Where the interest is no longer a 'Sensitive Interest' you must notify the Monitoring Officer within 28 days of that change.*
3. *This form gives general guidance, but is not comprehensive. The Council's Code of Conduct gives precise requirements. The Localism Act 2011 and the Regulations named above should be referred to where necessary. Continuation sheets should be used where needed and clearly marked.*

1. Employment, Office, Trade, Profession or Vocation

You should disclose any employment, office, trade, profession or vocation carried on for profit or gain, including the name of any person or body who employs or has appointed you.

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And of your spouse/civil partner (or person with whom you are living as such) of which you are aware

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2. Sponsorship

You should declare any payment or provision of any other financial benefit (other than from the Council) made or provided within the last 12 months in respect of expenses incurred by you in carrying out your duties as a member, or towards your election expenses.

Note - This includes any payment or financial benefit from a trade union

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And of your spouse/civil partner (or person with whom you are living as such) of which you are aware

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3. Securities

You should detail any beneficial interest in securities of a body which has to your knowledge a place of business or land in the Borough of Blackburn with Darwen ("the Borough") and **either** :

- 3.1 the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital, or one hundredth of the total issued share capital of any class of shares issued; **or**
- 3.2 if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you have a beneficial interest exceeds one hundredth of the total issued share capital of that class

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And of your spouse/civil partner (or person with whom you are living as such) of which you are aware

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4. **Contracts**

You should detail any current undischarged contract made between you, or a body in which you have a beneficial interest, and the Council under which goods or services are to be provided or works are to be executed.

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And of your spouse/civil partner (or person with whom you are living as such) of which you are aware

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5. **Land, Licences and Corporate Tenancies**

5.1 Land

You should detail any beneficial interest in land with the Borough (excluding any easement, or right in or over land which does not carry the right to occupy or receive income).

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And of your spouse/civil partner (or person with whom you are living as such) of which you are aware

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5.2 Licences

You should detail any licence (alone or jointly with others) to occupy land in the Borough for a month or longer.

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And of your spouse/civil partner (or person with whom you are living as such) of which you are aware

.....

5.3 Corporate Tenancies

You should detail any tenancy where to your knowledge, the Council is the landlord and the tenant is a body in which you have a beneficial interest.

.....

And any such tenancy of your spouse/civil partner (or person with whom you are living as such) of which you are aware

.....

6. Membership of other bodies

6.1 Any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the Council.

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6.2 Any body exercising functions of a public nature of which you are a member or in a position of general control or management.

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- 6.3 Any body directed to charitable purposes of which you are a member or in a position of general control or management.

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- 6.4 Any body one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management.

.....

.....

7. Disclosure of Gifts and Hospitality

You must reveal the name of any person from whom you have received a gift or hospitality with an estimated value of at least £25 which you have received in your capacity as a member of the Council.

Date of receipt of Gift/Hospitality	Name of Donor	Reason and Nature of Gift/Hospitality

You must update the register within 28 days of receiving any further gift or hospitality with an estimated value of at least £25 by completing a continuation sheet which may be obtained from Democratic Services (01254 585369).

8. Any other registrable interests

Any other registrable interests not falling within the above sections but which you are aware and are required to be declared under the Council's Code of Conduct

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.....

9. Changes to Registered Interests

9.1. I understand that I must, within 28 days of becoming aware of any new or change in the above interests, including any change in relation to a sensitive interest, provide written notification thereof to the Council's Monitoring Officer.

9.2. I recognise that it is a breach of the Council's Code of Conduct to:

- (1) omit information that ought to be given in this notice;
- (2) provide information that is materially false or misleading;
- (3) fail to give further notices in order to
 - bring up to date information given in this notice;
 - declare an interest that I acquire after the date of this notice and have to declare

and that any breach of the Code of Conduct can be referred to the Standards Committee.

9.3 I understand that failure (without reasonable excuse) to register or disclose any disclosable pecuniary interest in accordance with section 30(1) or 31(2), (3) or (7) of the Localism Act 2011, or participating in any discussion or vote in contravention of section 31(4) of the Localism Act 2011, or taking any steps in contravention of section 31(8) of the Localism Act 2011 is a criminal offence and risks a fine not exceeding level 5 on the standard scale (currently £5,000) or disqualification as a member for a period not exceeding 5 years.

Signed:

Date:

Received:

Date:

Signed:

**Monitoring Officer
Blackburn with Darwen Borough Council**

**DECLARATIONS OF INTEREST IN
ITEMS ON THIS AGENDA**

Members attending a Council, Committee, Board or other meeting with a personal interest in a matter on the Agenda must disclose the existence and nature of the interest and, if it is a Disclosable Pecuniary Interest or an Other Interest under paragraph 16.1 of the Code of Conduct, should leave the meeting during discussion and voting on the item.

Members declaring an interest(s) should complete this form and hand it to the Democratic Services Officer at the commencement of the meeting and declare such an interest at the appropriate point on the agenda.

MEETING: **Blackburn with Darwen Health
and Wellbeing Board**

DATE:

AGENDA ITEM NO.:

DESCRIPTION (BRIEF):

NATURE OF INTEREST:

DISCLOSABLE PECUNIARY/OTHER (delete as appropriate)

SIGNED :

PRINT NAME:

(Paragraphs 8 to 17 of the Code of Conduct for Members of the Council refer)