

Constitution Committee

Date of Meeting: 06 April 2021

Report Title: Proposed changes to the Cheshire East Health and Wellbeing Board Terms of Reference.

Senior Officer: Nichola Thompson, Director of Commissioning

1. Report Summary

- 1.1. Recent changes within the Council's senior management team and the forthcoming introduction of the new Committee decision making system, require changes to the wording of the membership section of the Health and Wellbeing Board's Terms of Reference (ToR). These Terms of Reference are included within the Council's Constitution.
- 1.2. The report summarises the proposed changes to the ToR and seeks the endorsement of the Constitution Committee of those changes, prior to them being presented to Council. The draft revised ToR (with tracked changes indicating the wording alterations) are attached as Appendix One.
- 1.3. The Cheshire East Health and Wellbeing Board approved the changes at its meeting on Tuesday 23rd March.

2. Recommendations

- 2.1. That the Constitution Committee consider and endorse the suggested amendments to the Cheshire East Health and Wellbeing Board ToR as set out below:
- 2.2. That the Acting Director of Adult Social Services be included as a core voting member of the Health and Wellbeing Board and the Interim Director of Children's Services a core non-voting member;

2.3. That the wording regarding the nomination of Councillors to sit on the Health and Wellbeing Board be amended as shown in paragraph 5.1 of the draft amended ToR;

2.4. That the amended references to the naming of the Scrutiny Committee in paragraph 4.6 of the draft ToR be accepted.

3. Reasons for Recommendations

3.1. To ensure the ToR are fit for purpose as the Council introduces changes to its senior management team and a new decision-making structure.

4. Other Options Considered

4.1. Not applicable

5. Background

5.1. The Cheshire East Health and Wellbeing Board's Terms of Reference are usually reviewed at the Annual General Meeting every two years. They were last reviewed in 2020 so are not due for review until next year, 2022. However recent senior management personnel changes and the forthcoming introduction of the Committee System impacts upon the membership section (paragraph 5.1) of the current ToR and thus require these to be updated.

5.2. With the departure of the former Executive Director of People (Mark Palethorpe) an interim arrangement has been put in place to cover the roles of Director of Adult Social Services (DASS) and the Director of Children's Services (DCS).

5.3. The existing ToR include the post of Executive Director of People as a core voting member of the Board and acting as both the DASS and DCS. These two posts are both required to be members of a Health and Wellbeing Board by the Health and Care Act 2012, the legislation that set out how the Boards would function. The Council's interim arrangements to cover these posts are for two separate post holders, Jill Broomhall as Acting Director of Social Services and Ged Rowney as Interim Director of Children's Services.

5.4. It is proposed that whilst these interim arrangements are in place the DASS is added as a Core Voting Member of the Board and the DSC as a core non-voting member. If both were added as voting members the voting balance on the Board would be weighted in favour of the Council.

5.5. With regard to the implications of the introduction of the Committee system, these impact upon the membership of Councillors on the Board. The current

Terms of Reference state that the Leader of the Council will nominate the three Councillors who will join the Board. This will not be possible under the new arrangements.

- 5.6. It is therefore proposed to simplify the wording and state that three councillors will be nominated by Cheshire East Council, leaving the Council to determine how those Councillors are selected.
- 5.7. Further changes to membership may be required when the Council's new permanent senior management arrangements are finalised and the outcomes of the changes to NHS organisations brought about by the NHS 'Integration and Innovation' White Paper are concluded.
- 5.8. A change to the wording in paragraph 4.6 of the ToR has been made to reflect the new Scrutiny Committee arrangements that are being introduced.
- 5.9. If endorsed by the Constitution Committee, the proposed changes will be taken before the next meeting of Council for sign off as required by the Council's Constitution.

6. Implications of the Recommendations

6.1. Legal Implications

- 6.1.1. **The Health and Wellbeing Board is a committee of the Council under S102 (1) of the Local Government Act 1972.** In terms of legal requirements, section 194 of the Health and Social Care Act 2012 prescribes the requirements for establishment of Health and Wellbeing Boards. Nothing that is happening in relation to the proposed changes is affected per se.
- 6.1.2. Section 15 of the Local Government and Housing Act 1989 imposes a duty on Councils to review the representation of different political groups on bodies to which the Council makes appointments but Regulation 7 of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 disapplies the political proportionality requirements in relation to Health and Wellbeing Boards. This means that it is up to individual Councils to decide the approach to Councillor membership on their Health and Wellbeing Boards.
- 6.1.3. In addition, the Council appoints or nominates Members to a variety of statutory bodies, or informal or consultative bodies that are not Council Committees or Sub-Committees of the Council and the political balance rules do not apply to these bodies.

6.2. Finance Implications

6.2.1. There are no financial implications.

6.3. Policy Implications

6.3.1. In the light of the recent Government White Paper 'Innovation and Integration: working together to improve health and social care for all', the role of the Health and Wellbeing Board is likely to become more important, particularly in relation to the Cheshire and Merseyside Integrated Care System.

6.4. Equality Implications

6.4.1. The Health and Wellbeing Board has an important role in relation to identifying and working to address inequality that impacts upon people's health. The Joint Health and Wellbeing Strategy sets out the Board's priorities and this includes reducing health inequalities and addressing the wider determinants of health.

6.5. Human Resources Implications

6.5.1. Not applicable

6.6. Risk Management Implications

6.6.1. Not applicable

6.7. Rural Communities Implications

6.7.1. There are no direct implications for rural communities.

6.8. Implications for Children & Young People/Cared for Children

6.8.1. There are no direct implications for children and young people.

6.9. Public Health Implications

6.9.1. There are no direct implications for public health.

6.10. Climate Change Implications

6.10.1. Not applicable

7. Ward Members Affected

7.1. Not applicable

8. Appendices

8.1. The draft revised Terms of Reference are attached as Appendix One.

9. Contact Information

9.1. Any questions relating to this report should be directed to the following officer:

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