

Report to HEALTH AND WELLBEING BOARD

Health and Wellbeing Board – terms of reference

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Purpose of the Report

A review of the Council Constitution was largely completed in 2020 and final matters, including a refresh of the terms of reference of the Health and Wellbeing Board, are being submitted to the Council meeting on 24th March 2021.

Requirement from the Health and Wellbeing Board

1. That the draft revised terms of reference of the Health and Wellbeing Board be noted and supported;
2. The terms of reference be further reviewed by the Board in March 2022.

Health and Wellbeing Board – terms of reference**1. Background**

- 1.1 A review of the Council Constitution was largely completed in 2020. A small number of residual matters are to be presented at the meeting of the Council on 24th March 2021, including the terms of reference of the Health and Wellbeing Board. While a report considering both the role of the Board and the terms of reference was drafted following a Board Development session held in January 2020 for consideration at the meeting of the Board scheduled in March 2020, that meeting was cancelled due to the Covid situation, with submission then being held back due to a combination of Covid and possible consideration of governance developments around health and social care generally. However, with the conclusion of the Constitution review and future arrangements still under consideration, it is now timely to present the review of the Board's terms of reference.

2. Current Position

- 2.1 The terms of reference of the Health and Wellbeing Board are contained at Part 3 (Responsibility for Functions) in the Council Constitution. A refresh exercise, focused on updating and refining content as opposed to presenting revised arrangements, has been undertaken across the Council's Constitution. The current terms of reference for the Health and Wellbeing Board are those as determined on formal establishment in 2012. This has meant that subsequent organisational and governance developments impacting on the Board have not been acknowledged and that the terms of reference are silent on certain reporting arrangements that have been introduced.
- 2.2 It should be noted the proposals in the refresh exercise are intended, and are considered to be, neutral in their effect. However, issues arising from the review for the Board to note are -
- a) The statutory functions of developing the Joint Strategic Needs Assessment (JSNA) and the Health and Wellbeing Strategy and of the promotion of integration are key elements of the terms of reference;
 - b) There are what might be regarded as secondary functions of the Board provided for in the Health and Social Care Act 2012 (the Act) that need consideration.
 - While commissioning plans as envisaged in the Act are now not required of the CCG by the Secretary of State, some commissioning plans are available through, for example, the joint health and social care commissioning arrangements with the Council. Some reporting of these might be undertaken, not least on the basis of the commitment given alongside the terms of reference of the Commissioning Partnership Board (CPB) to provide a quarterly update to the Health and Wellbeing Board, providing information on key issues considered over the last quarter, and issues on the horizon.
 - How the CCG would consult with regard to performance assessments and the annual report might be considered against what is already to be reported in the context of integrated commissioning.
 - c) The function of ensuring that the Council complies with its duties to improve public health further to s2B and 111 of the National Health Act 2006 can remain referenced in the terms of reference, but it would be suggested that this be discussed with Scrutiny and might be an issue for consideration going forward.
 - d) Prior to the Covid pandemic, the Secretary of State had determined that the Better Care Fund (BCF) Plan be signed-off by the Health and Wellbeing Board. While this can be referenced in revised terms of reference, how the BCF might be

considered in practice beyond just a sign-off might be an issue for further consideration.

- e) The 'allocation' or assumption of some degree of governance in relation to, for example, Safeguarding Boards, the Child Death Overview Panel and the CPB are not reflected in the Terms of Reference and should be referenced in revised terms of reference.
- f) With reference to the CPB and the need to initiate the quarterly reporting regime as indicated alongside that body's terms of reference, this might include updates on the Locality Plan which directs improvement in the health and care services in the Borough and so links directly with the statutory purpose of the Board in addressing the local population's health and wellbeing needs.

2.3 The proposed revised Terms of Reference for the Health and Wellbeing Board, as they would be presented in the Council's Constitution and which have been the subject of consultation with the Board Chair and Vice Chairs, are attached at Appendix 1.

2.4 On the grounds of good governance, it is suggested that the Health and Wellbeing Board receive and, if considered appropriate, review the terms of reference in March 2021 and on an annual basis thereafter.

3. Consultation

3.1 The Chair and Vice Chairs of the Board and the Council's Members' Constitution Working Group have been consulted on the content of this report.

4. Recommendation

- 4.1 The Health and Wellbeing Board is asked to
- note and support the draft revised terms of reference of the Health and Wellbeing Board;
 - agree that the terms of reference be further reviewed by the Board in March 2021.

Health and Wellbeing Board**Draft revised Terms of Reference**

1. To lead and co-ordinate system-wide actions, including those of the Council, NHS Oldham CCG and partners in assessing the health needs of the local population and to prepare and publish the statutory Joint Strategic Needs Assessment (JSNA) in accordance with s196 of the Health and Social Care Act 2012.
2. To lead and co-ordinate system-wide actions, including those of the Council, NHS Oldham CCG and partners in support of the preparation and publication of the Board's Health and Wellbeing Strategy in accordance with s196 of the Health and Social Care Act 2012.
3. Subject to direction by the Secretary of State, to approve submission of the Better Care Fund Plan to NHS England.
4. To encourage those persons and organisations holding responsibility for the commissioning or provision of any health or social care services in the Borough to work together in an integrated and/or partnership manner for the benefit of the local population.
5. To consider reports from the Commissioning Partnership Board on key issues, including the joint commissioning intentions of the Council and the CCG and the Locality Plan;
6. To be advised of further joint health and social care commissioning arrangements agreed and implemented between the Council and/or the CCG and/or other partners and be kept updated as to key issues arising.
7. To be consulted in relation to the CCG annual report and performance assessment in connection with s14Z of the NHS Act 2006.
8. To ensure that the Council complies with its duties to improve public health as set out in Sections 2B and 111 of the National Health Act 2006 as amended.
9. To undertake such oversight of local safeguarding arrangements as the Board considers appropriate and necessary.
10. To undertake, jointly with the Bury and Rochdale Health and Wellbeing Boards, such oversight of the Bury, Oldham and Rochdale Child Death Oversight Panel as the Board considers appropriate and necessary.