



Report to Council

Report of: Chief Executive

Date: 6 February 2019

Subject: Changes to the Constitution : Terms of Reference of the Health and Wellbeing Board

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Summary:

This report provides details of proposed changes to the Terms of Reference for the Health and Wellbeing Board, and consequential changes to Article 9 and Part 3 of the Council's Constitution.

Recommendations:

That the Council approves the changes to the Terms of Reference for the Health and Wellbeing Board, as set out in Appendix B to this report, and gives authority for consequential amendments to be made to the Council's Constitution, as outlined in the report.

Background Papers:

None

Category of Report: OPEN

Statutory and Council Policy Checklist

Financial & Commercial implications
NO – Cleared by Ann Hardy
Legal implications
YES – Cleared by Nadine Wynter
Equality of Opportunity implications
YES – Cleared by Diane Owens
Tackling Health Inequalities implications
YES
Human rights implications
N/A
Environmental and Sustainability implications
N/A
Economic impact
N/A
Community safety implications
N/A
Human resources implications
N/A
Property implications
N/A
Area(s) affected
None
Relevant Scrutiny Committee if decision called in
N/A
Is the item a matter which is reserved for approval by the City Council?
YES
Press release
NO

1. Introduction

- 1.1 This report provides details of proposed changes to the Terms of Reference for the Health and Wellbeing Board, and consequential changes to Article 9 and Part 3 of the Council's Constitution.

2. Background

- 2.1 The Council has established, as a statutory committee, a Sheffield Health and Wellbeing Board under the Health and Social Care Act 2012. The role and membership of the Board is detailed in Article 9 (The Audit & Standards Committee and the Health & Wellbeing Board) of the Council's Constitution, and its Terms of Reference are set out in section 3.3.5 of Part 3 (Responsibility for Functions) of the Constitution.
- 2.2 To ensure that the Constitution is kept up to date, where changes are required these are submitted to Full Council for approval.
- 2.3 In addition, the Director of Legal and Governance, in consultation with the Lord Mayor, has delegated authority to make any minor and consequential drafting changes to the Constitution.

3. Proposed Changes and Reasons

- 3.1 The current Terms of Reference of the Health and Wellbeing Board were approved by the Board at its meeting held on 27th July 2017. They were the product of a substantial review of the Board's purpose, membership and ways of working, undertaken over the end of 2016 and start of 2017, which confirmed the Board's commitment to focusing on the wider determinants of health and wellbeing in Sheffield and expanding the membership of the Board to support its work.
- 3.2 The Board's Terms of Reference make provisions for an annual review. In light of the review of the Board undertaken in 2016/17 having given existing members the opportunity to put forward their views, it was agreed with the Co-Chairs of the Board that this next review of the Terms of Reference should aim to test how the new approach is bedding in, by canvassing the views of the new members. This review was undertaken during the autumn of 2018.
- 3.3 Following this review a paper was produced for the Health & Wellbeing Board's Public Meeting in December 2018, setting out the findings of the review and a range of proposals for changes to the Terms of Reference. This paper is appended for information (Appendix A).

3.4 The Board discussed this paper during their meeting and were supportive of the proposals made within it, with the following alterations and additions:-

- That text be added to the section covering the Role and Function of the Board reflecting the Board's role in relation to the Better Care Fund. The discussion suggested this be included within paragraph 1.6, however this has instead been incorporated as an additional paragraph 1.9.
- That membership of the Board be revised as follows:-
 - To include the Executive Director, Place, Sheffield City Council, and the Cabinet Member for Neighbourhoods and Community Safety.
 - Remove the place for a Housing Association voice.
 - To include a 2nd VCF place.
 - The academic place be retained but it be recommended that the appointee be a student representative from one of the city's universities.
 - To discuss with the Executive Director, People Services, Sheffield City Council, whether to include a place for an educational expert, possibly from the Schools Forum.
 - To include formalisation of the Accountable Care Partnership's representation.

Discussions with the Executive Director for People Services have led to agreement that an additional place for an educational expert is not necessary.

- That no changes be made to the section covering the Role of a Health & Wellbeing Board Member.

3.5 The proposed changes to the Board's Terms of Reference are set out in Appendix B to this report. The Council is asked to approve the updated Terms of Reference and authorise consequential changes to be made to the Constitution. These consequential changes will be to incorporate the Terms of Reference in section 3.3.5 of Part 3 (Responsibility for Functions), replacing the current Terms of Reference, and amending section 9.2.1 (Composition) of Article 9 to reflect the revisions made to the membership of the Board.

4. **Legal Implications**

4.1 As set out in the main body of the report and in Appendix B, the Health and Social Care Act 2012 places a number of statutory functions on the Health and Wellbeing Board. The proposed changes to the Board's Terms of Reference will assist it to fulfil those functions.

4.2 Except where delegated by Council as indicated at paragraph 2.3, variations to the Constitution may only be made by Full Council.

4.3 Under section 9P of the Local Government Act 2000, the Council must prepare a constitution and keep it up to date. It must be available to the public and, under the Local Government Transparency Code 2015, be published on the Council's website. The proposed changes in this report will bring parts of the Constitution up to date to comply with the legislation.

5. **Financial & Commercial Implications**

5.1 There are no financial implications.

6. **Equality of Opportunity Implications**

6.1 As a public sector organisation the Council has a number of statutory duties with regards to equality. The Council must consciously think about its statutory duties, both in the way we behave as an employer and when we develop and review policy and set our budgets.

6.2 We know that, in general, those who live in the more deprived areas of Sheffield live shorter lives than those in the more affluent parts; and there is also a significant difference in the length of time that people can expect to live in good health. These health inequalities are not only apparent between people of different socio-economic groups and geographic distribution, they can also exist between groups with different protected characteristics (under the Equality Act 2010), including some BAME communities and those with learning disabilities.

6.3 As set out in paragraphs 1.2 and 1.3 of the Terms of Reference of the Health and Wellbeing Board (see Appendix B), the role of the Board includes (a) developing and maintaining a vision for a city free from inequalities in health and wellbeing and (b) being the system leader for health & wellbeing, acting as a strong and effective partnership to improve the commissioning and delivery of services across the NHS and the Council, leading in turn to improved health and wellbeing outcomes and reduced health inequalities for the people of Sheffield.

6.4 The proposed changes to the Board's Terms of Reference will assist it to fulfil those roles.

7. **Recommendations**

7.1 That the Council approves the changes to the Terms of Reference for the Health and Wellbeing Board, as set out in Appendix B to this report, and gives authority for consequential amendments to be made to the Council's Constitution, as outlined in the report.

Chief Executive

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