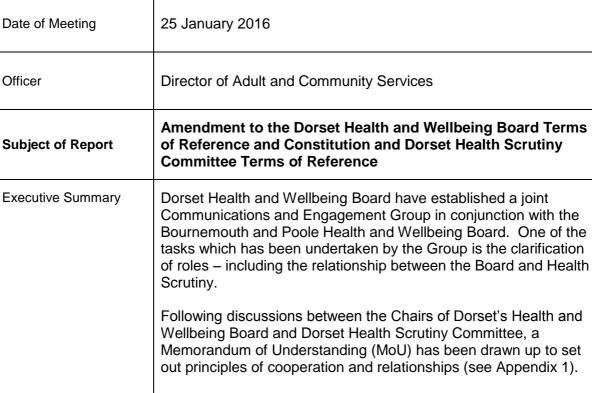
# Standards and Governance Committee

# **Dorset County Council**

Officer



The terms of reference and constitution of the Dorset Health and Wellbeing Board and the terms of reference of the Dorset Health Scrutiny Committee therefore needed to be revised to reflect the proposals within the MoU.

In addition, the Health and Wellbeing Board's Terms of Reference also need to be amended to reflect the agreement made at its meeting on 9 September that the Board will assist in the development and sign off of the Local Transformation Plan for Children and Young People's Mental Health.

The proposals outlined in this report and a draft amendment of the

#### Background Information:



	terms of reference and constitution were agreed at the Dorset Health and Wellbeing Board meeting on 9 September 2015 and the Dorset Health Scrutiny Committee on 8 September 2015.
	The amendment to the terms of reference of the Dorset Health Scrutiny Committee was subsequently approved by the County Council on 12 November 2015.
Impact Assessment:	Equalities Impact Assessment:
	Not applicable.
	Use of Evidence:
	Amendments proposed are based on good practice developed by other Health and Wellbeing Boards.
	Budget:
	Not applicable.
	Risk Assessment:
	Having considered the risks associated with this decision using the County Council's approved risk management methodology, the level of risk has been identified as: Current Risk: HIGH/MEDIUM/LOW (Delete as appropriate) Residual Risk HIGH/MEDIUM/LOW (Delete as appropriate) (i.e. reflecting the recommendations in this report and mitigating actions proposed)
	Other Implications: None.
Recommendation	That the Standards and Governance Committee:
	1 Notes the MoU set out in Appendix 1;
	2 Notes the amendment to the Terms of Reference of the Dorset Health Scrutiny Committee approved by County Council on 12 November 2015 set out in Appendix 4;
	3 Notes the commitment by the Dorset Health and Wellbeing Board to assist in the development and sign off of the Local Transformation Plan for Children and Young People's Mental Health;
	4 Recommends that the County Council approves he revised terms of reference and constitution for the Health and Wellbeing Board as set out in Appendix 2 and Appendix 3. (The Constitution has been automatically updated as it

	contains the Terms of Reference);
Reasons for Recommendation	The adoption of a Memorandum of Understanding would clarify the relationship between the Dorset Health and Wellbeing Board and the Dorset Health Scrutiny Committee.
	The inclusion of a commitment by the Dorset Health and Wellbeing Board to assist in the development and sign off of the Local Transformation Plan for Children and Young People's Mental Health strengthens the Board's role in this respect and reflects guidance from NHS England.
Appendices	<ol> <li>Memorandum of Understanding between Dorset Health and Wellbeing Board and Dorset Health Scrutiny Committee</li> <li>Revised Dorset Health and Wellbeing Board Terms of Reference</li> <li>Revised Dorset Health and Wellbeing Board Constitution</li> <li>Approved Dorset Health Scrutiny Committee Terms of Reference</li> <li>Relevant Minute Extracts:-         <ul> <li>Dorset Health Scrutiny Committee – 8September 2015</li> <li>Dorset Health and Wellbeing Board - 9 September 2015</li> <li>County Council – 12 November 2015</li> </ul> </li> </ol>
Background Papers	None.
Report Originator and Contact	Name: Ann Harris, Health Partnerships Officer Tel: 01305 224388 E mail: a.p.harris@dorsetcc.gov.uk

#### Memorandum of understanding between Dorset Health and Wellbeing Board and Dorset Health Scrutiny Committee

#### Introduction

- 1) This Memorandum of Understanding (MOU) sets out a simple framework for the working relationship between the Dorset Health and Wellbeing Board and the Dorset Health Scrutiny Committee.
- 2) This MOU specifies the ways in which these bodies will work together in delivering their respective statutory functions.
- 3) This MOU cannot override the statutory duties and powers of either of the bodies, and is not enforceable in law. However, both parties agree to adhere to the principles set out in this MOU and will show regard for each other's activities.
- 4) The MOU sets out the principles that the parties will follow in the course of day to day working relationships. The MOU may need to be supported by protocols and other documents not included in this framework which set out in more detail operational considerations of how the organisations will work together.

#### Principles of cooperation

- 5) The named parties covered by this Memorandum of Understanding agree that their working relationship will be guided by the following principles:
  - I. The need to make decisions which promote the safety, health and wellbeing of the Dorset population;
  - II. Respect for each body's independence;
  - III. The need to maintain public confidence;
  - IV. Openness and transparency;
  - V. The need to use resources efficiently and effectively.

#### Relationships

- 6) The Dorset Health and Wellbeing Board will maintain dialogue with Dorset Health Scrutiny Committee about the issues, risks and challenges involving the wellbeing of the local population in Dorset.
- 7) The Dorset Health Scrutiny Committee will share with the Dorset Health and Wellbeing Board relevant recommendations and / or information following the scrutiny of local health services, which the Health and Wellbeing Board will use to support partners and to inform future priorities.
- 8) The Dorset Health and Wellbeing Board will invite Dorset Health Scrutiny Committee members to relevant workshops and subsequent thematic discussions at Board meetings.

- 9) The Dorset Health and Wellbeing Board will share an annual summary report with the Dorset Health Scrutiny Committee, who may wish to comment on it and provide constructive feedback on the Board's priorities and performance.
- 10) The Dorset Health Scrutiny Committee will share an annual summary report with the Dorset Health and Wellbeing Board, who may wish to comment on it and provide constructive feedback on the Committee's work and performance.
- 11) The Dorset Health and Wellbeing Board will consult with and involve the Dorset Health Scrutiny Committee on both the Joint Strategic Needs Assessment and the Joint Health and Wellbeing Strategy, as appropriate.
- 12) The Dorset Health and Wellbeing Board will inform the Dorset Health Scrutiny Committee about specific proposals for changes to services that they are made aware of at an early stage, where appropriate. This will give them the opportunity to understand the reasons for the proposals, how they might improve access or quality of services, and how patients, service users and the public are engaged and consulted on the proposals.
- 13) The Dorset Health Scrutiny Committee will inform the Dorset Health and Wellbeing Board of any referrals they or Dorset County Council make to the Secretary for Health regarding proposed substantial reconfigurations of services.

#### Other areas of cooperation

- 14) The working relationship between both bodies will also include:
  - I. Cross referral of concerns;
  - II. Sharing high level / strategic information;
  - III. Seeking local resolutions to common issues.

#### **Resolution of disagreement**

15) Any disagreement between bodies will, wherever possible, be resolved at working level. If this is not possible, it will be brought to the attention of the MOU signatories who will then be jointly responsible for ensuring a mutually satisfactory resolution.

Signatories:

Chairman, Chairman,

Dorset Health and Dorset Health Scrutiny Committee Wellbeing Board

#### Terms of Reference – Dorset Health and Wellbeing Board

The Dorset Health and Wellbeing Board will:

- a) Identify outcome and investment priorities from the key groups that report to the HWB.
- b) Hold partners to account for achieving improved outcomes by developing and updating the Joint Strategic Needs Assessment and by developing and updating the Pharmaceutical Needs Assessment.
- c) Measure progress against local plans, including the Clinical Commissioning Group Strategy and the Joint Health and Wellbeing Strategy, to ensure action is taken to improve outcomes when monitoring or performance indicators show that plans are not working.
- d) Develop, approve and implement the Better Care Fund and any future developments related to the Better Care Fund, as well as anticipating future policy developments in terms of integration and system change between the NHS and local government partners.
- e) Assist in the development and 'sign off' of the Local Transformation Plan for Children and Young People's Mental Health and Wellbeing.
- f) Encourage and oversee integrated working between health and social care commissioners, including providing advice, assistance and other support to encourage commissioning, pooled budget and/or integrated provision in connection with the provision of health and social care services.
- g) Ensure that the patient / service user voice, including that of seldom heard groups and children and young people, is intrinsic to the commissioning cycle and commissioning decisions.
- h) Develop a strategic approach to tackling health inequalities in Dorset and support communities to achieve wellbeing.
- i) Provide an effective link to NHS England.
- j) Provide an effective link to local NHS commissioning decisions and strategy.
- k) Consider Equality and Diversity issues and deliver its public sector equalities duties under the Equality Act 2010.
- Work cooperatively with the Bournemouth and Poole HWB and develop opportunities to share views and expertise in the development and delivery of common goals and priorities.
- m) Liaise and cooperate with the Dorset Health Scrutiny Committee as set out under the Memorandum of Understanding agreed by both parties in September 2015.
- n) Make timely and effective decisions.

#### Membership - Total 16

#### Elected Members (3 in total)

County Council (2 Cabinet Members in total) District / Borough Council (1 representative to represent all)

#### Local Authority Officers (4 in total)

Director for Adult and Community Services DCC Director for Children's Services DCC Director of Public Health DCC / NHS District / Borough Council (1 representative to represent all)

#### NHS Representatives (7 in total)

Locality Executive Teams (GPs) (3 in total) Chairman of Dorset Clinical Commissioning Group Board Clinical Commissioning Group Accountable Officer NHS England Local NHS Provider Trust

#### Other (2 in total)

Healthwatch Voluntary Sector

#### **Dorset Health and Wellbeing Board - Constitution**

#### 1. The Purpose of the Health and Wellbeing Board (HWB)

- 1.1 The agreed purpose of the Dorset Health and Wellbeing Board is to improve health and wellbeing, reduce health inequalities and promote closer integration between social care and health services. It is recognised that this will require: shared leadership; systems integration; and the mobilisation of both local and county-wide action.
- 1.2 There is recognition that the role and functioning of the HWB is evolving and will be subject to regular review. The HWB is a committee of the County Council.
- 1.3 The HWB is to be the integrated governing board through which senior representatives of key partner organisations will:
  - **Give strategic leadership** and direction through the agreement of outcomes for health and wellbeing across Dorset, based on the Joint Strategic Needs Assessment and make recommendations for prioritising investment across organisations to deliver these outcomes through the publication of the Joint Health and Wellbeing Strategy.
  - **Drive change** through an outcomes based approach to improve health and wellbeing and reduce health inequalities for residents of Dorset recognising that many health gains come from work done outside of the NHS. The responsibility for health improvement falls to all partners. An example would be a local planning policy that supports home insulation, renewable energy initiatives, carbon reduction, the local economy and active travel schemes.
  - **Be accountable** and responsible for better outcomes for people's health and wellbeing in Dorset by facilitating collaboration and promoting integrated commissioning to support the delivery of cost effective services.

#### 2. Key areas of responsibility

- 2.1 Identify health and wellbeing needs and priorities, and coordinate the development and updating of the Joint Strategic Needs Assessment (JSNA) for Dorset and make recommendations on the development of services based on evidence from the JSNA and in accordance with the Joint Health and Wellbeing Strategy.
- 2.2 Coordinate the development and updating of the Pharmaceutical Needs Assessment (PNA) for Dorset and publish it every three years. The PNA will be used to support commissioning intentions.
- 2.3 Co-ordinate and develop effective partnership working to ensure that commissioning crosses organisational boundaries, promoting integrating working, and promoting health and wellbeing.

#### 2.4 The HWB will:

- Identify outcome and investment priorities from the key groups that report to the HWB.
- Hold partners to account for achieving improved outcomes by developing and updating the Joint Strategic Needs Assessment and by developing and updating the Pharmaceutical Needs Assessment.
- Measure progress against local plans, including the Clinical Commissioning Group Strategy and the Joint Health and Wellbeing Strategy, to ensure action is taken to improve outcomes when monitoring or performance indicators show that plans are not working.
- Develop, approve and implement the Better Care Fund and any future developments related to the Better Care Fund, as well as anticipating future policy developments in terms of integration and system change between the NHS and local government partners.
- Assist in the development and 'sign off' of the Local Transformation Plan for Children and Young People's Mental Health and Wellbeing.
- Encourage and oversee integrated working between health and social care commissioners, including providing advice, assistance and other support to encourage commissioning, pooled budget and/or integrated provision in connection with the provision of health and social care services.
- Ensure that the patient / service user voice, including that of seldom heard groups and children and young people, is intrinsic to the commissioning cycle and commissioning decisions.
- Develop a strategic approach to tackling health inequalities in Dorset and support communities to achieve wellbeing.
- Provide an effective link to NHS England.
- Provide an effective link to local NHS commissioning decisions and strategy.
- Consider Equality and Diversity issues and deliver its public sector equalities duties under the Equality Act 2010.
- Work cooperatively with the Bournemouth and Poole HWB and develop opportunities to share views and expertise in the development and delivery of common goals and priorities.
- Liaise and cooperate with the Dorset Health Scrutiny Committee as set out under the Memorandum of Understanding agreed by both parties in September 2015.
- Make timely and effective decisions.

#### 2.5 The HWB will **not**:

- Take the place of any statutory commissioning body.
- Exercise the functions of the Dorset Health Scrutiny Committee.
- Hold any budgets.
- Duplicate the role of the existing Children and Adult Safeguarding Boards.

#### 3. Membership

**3.1** The membership of the HWB shall be:

#### Elected Members (3 in total)

- County Council (2 Cabinet Members in total)
- District / Borough Council (1 representative to represent all)

#### Local Authority Officers (4 in total)

- Director for Adult and Community Services DCC
- Director for Children's Services DCC
- Director of Public Health DCC / NHS

• District / Borough Council (1 representative to represent all)

#### NHS Representatives (7 in total)

- Locality Executive Teams (GPs) (3 in total)
- Chairman of Dorset Clinical Commissioning Group Board
- Clinical Commissioning Group Accountable Officer
- NHS England
- Local NHS Provider Trust

#### Other (2 in total)

- Healthwatch
- Voluntary Sector

Total 16

- 3.2 **Substitute members**: Each Board member should nominate a substitute who can attend in their place. There will be 5 nominated substitute members to represent the District / Borough Councils, although only 1 will be in attendance at any one time, as nominated by the Board member.Only Board members or their named substitutes can attend HWB meetings in a voting capacity.
- 3.3 **Quorum:** The quorum for meetings of the HWB shall be 6, of which at least 2 must be statutory members.
- 3.4 **Review of Membership:** It is proposed that the membership is kept under review to ensure that the group is fit for purpose.

#### 4. Peer-Groups and Sub-Groups

- 4.1 Alongside the 'core' HWB, locality groups will meet in each of the six Districts / Boroughs of Dorset. Whilst the Board will assume responsibility for strategic issues and key decisions, delivery against outcomes and Joint Health and Wellbeing Strategy targets will be the responsibility of these locality groups.
- 4.2 A number of other partnerships to and fromwhich information must flow to align strategies are also fundamental to the HWB, and it is recognised that there will be a number of groups whose work will be intrinsic to the functioning of the HWB, because of their focus on delivery in key areas.
- 4.3 The nature of the interrelationships between the HWB and these various groups will need to be established as the Board evolves and appropriate links will need to be established.

#### 5. Accountability

- 5.1 The main focus of the HWB is the improvement of health and wellbeing with a reduction in health inequalities.
- 5.2 Those stakeholders with statutory responsibilities will retain responsibility for meeting their individual statutory duties and responsibilities.

#### 6. Decisions and recommendations

6.1 Decisions and recommendations will be agreed through consensus. Board members can ask for a vote if they wish. If this happens then decisions or recommendations will be agreed on the basis of a majority vote. In the event of an equality of votes the Chairman will have a second (casting) vote.

#### 7. Meetings of the HWB

- 7.1 The Board meetings will be organised and administered as follows:
  - Frequency of Meetings: The HWB will meet quarterly.
  - **Chairman and Vice-Chairman:** The Chairman of the HWB will be an elected member of the County Council. The Vice-Chairman will be drawn from the membership.
  - **Public participation:**Meetings of the Board will be held in public and the County Council's Standing Orders shall apply. For public meetings reports and agendas will be published on <u>www.dorsetforyou.com</u>. Public participation in meetings will be in accordance with the requirement of Dorset County Council's Standing Orders.
  - **Conduct of meetings:** Meetings will be open but this will be subject to review if sensitive items are under discussion.Meetings may involve workshop style methods such as small group work to promote discussion and debate.
  - **Secretariat:** Meetings will be serviced by the Chief Executive of Dorset County Council or his/her representative.
  - **Circulation of papers:** Agendas and related papers will be circulated in line with the County Council's Standing Orders for meetings held in public.

#### 7.2 The Locality representatives will participate as follows:

- Frequency of locality group meetings: The District / Borough Council locality group member and substitutes will meet quarterly, prior to each HWB meeting. The Director for Adult and Community Services, the Director for Children's Services or the Director of Public Health will attend the locality group quarterly meetings, or their appointed substitute will attend if this is not possible.
- **Participation at Board meetings:** The locality group member or substitute will have an opportunity to present at the main Board meetings.

#### 8. Responsibilities of HWB Members

8.1 The organisations that are members of this partnership are expected to:

#### Be Accountable

• Be accountable to their organisation / sector for their participation in the HWB and ensure that there is in place a robust route for two way communication.

#### **Observe GoodGovernance**

• Uphold and support the HWB decisions and be prepared to follow through on actions and decisions including observing necessary financial approval from

their organisation for HWB proposals and declaring any conflict of interest should it arise.

#### Represent and make decisions

- Be prepared to make difficult decisions based on evidence about priorities at a time when resources will be limited; and represent the HWB at events and support the agreed majority view when speaking on behalf of the HWB to other parties.
- Be willing to learn more about issues and the work of others and lead on pieces of work and act as a "champion".
- 8.2 The Members of the Board will be expected to subscribe to the seven principles of public life in their work and decision making. The principles are selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

#### 9. Review of the Terms of Reference

- 9.1 It is understood that the Terms of Reference for the Health and Wellbeing Board will evolve over time, and will require regular review.
- 9.2 The Dorset Health and Wellbeing Board will meet the obligations for Health and Wellbeing Boards set out in the Health and Social Care Act 2012and modified under the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.

#### Terms of Reference – Dorset Health Scrutiny Committee

In relation to the Committee's work on Local Authority Overview and Scrutiny of Health:

- (a) To review and scrutinise matters pertaining to the planning (including commissioning), provision and operation ofhealth services in the area of the County Council.
- (b) To make reports and recommendations to relevant NHS Bodies and/or relevant health service providers and also to the Cabinet and other relevant committees of the County Council on any matter which is reviewed or scrutinised.
- (c) To give notice to require the Cabinet or the County Council to consider and respond to anyreports or recommendations arising from the committee's work within two months ofreceipt.
- (d) Where relevant NHS Bodies and/or relevant health service providers have underconsideration any proposal for a substantial development of the health service in the areaof the County Council or for a substantial variation in the provision of such service:
- (i) to receive reports from the relevant NHS Bodies and/or relevant health serviceproviders;
- (ii) to comment on the proposal(s); and
- (iii) to report in writing to the Secretary of State where any of the circumstances set outin paragraph 23(9) of the Local Authority (Public Health, Health and WellbeingBoards and Health Scrutiny) Regulations 2013 apply.
- (e) To arrange for its functions under the 2013 Regulations to be discharged by an Overviewand Scrutiny Committee of another local authority where that Overview and ScrutinyCommittee would be better placed to undertake the functions and the other authorityagrees.
- (f) In accordance with regulation 30 of the Local Authority (Public Health, Health andWellbeing Boards and Health Scrutiny) Regulations 2013, to appoint joint committees withother local authorities to exercise relevant functions under the said Regulations.
- (g) From time to time, as appropriate, to appoint a task and finish group consisting of membersof the Committee to consider specific local issues relating to the overview and scrutiny ofhealth.
- (h) To liaise and cooperate with the Dorset Health and Wellbeing Board as set out under the Memorandum of Understanding agreed by both parties in September 2015.

#### Membership – Total 12:

6 members of the County Council, or such higher minimum number which isnecessary to achieve representation from the three main political groups based on the politicalbalance rules. Every effort being made so that each represents an area of the county whichcoincides with the district/borough council area in which their County Council electoral division islocated, ie one County Council member to represent each of the following areas:Christchurch, East Dorset, North Dorset, Purbeck, West Dorset and Weymouth and Portland.

1 member representing each of the 6 District/Borough Councils in Dorset.

### **Minute Extracts**

#### Dorset Health Scrutiny Committee - 8 September 2015

# Memorandum of Understanding Between Dorset Health and Wellbeing Board and Dorset Health Scrutiny Committee

65.1 The Committee considered a report by the Director for Adult and Community Services outlining a Memorandum of Understanding between the Dorset Health and Wellbeing Board and Dorset Health Scrutiny Committee which set out the principles of cooperation and relationship.

#### **Resolved**

66.1 That the memorandum of understanding between the Dorset Health and Wellbeing Board and Dorset Health Scrutiny Committee be adopted;

#### RECOMMENDED

(i) That, subject to approval by the Standards and Governance Committee (26 October 2015) and County Council, the Terms of Reference of the Dorset Health Scrutiny Committee be amended to include "Liaise and cooperate with the Dorset Health and Wellbeing Board as set out under the Memorandum of Understanding agreed by both parties in September 2015".

#### Dorset Health and Wellbeing Board - 9 September 2015

# Memorandum of Understanding between Dorset Health and Wellbeing Board and Dorset Health Scrutiny Committee

75.1 The Board considered a report by the Director for Adult and Community Services, Dorset County Council that sought members' approval to establish a memorandum of understanding (MoU) between Dorset Health and Wellbeing Board and Dorset Health Scrutiny Committee. The MoU would give greater clarification of roles and set out principles of co-operation and relationships between the two parties.

#### **Resolved**

76.1 That the memorandum of understanding between the Dorset Health and Wellbeing Board and the Dorset Health Scrutiny Committee be adopted.
76.2 That, subject to the approval by the Standards and Governance Committee (26 October 2015) and County Council, the Terms of Reference of the Dorset Health and Wellbeing Board be amended to include "Liaise and co-operate with the Dorset Health Scrutiny Committee as set out under the memorandum of understanding agreed by both parties in September 2015".

#### County Council - 12 November 2015

#### **Reports of Overview and Scrutiny Committees**

#### **Resolved**

64.1 That the Terms of Reference of the Dorset Health Scrutiny Committee be amended to include "Liaise and co-operate with the Dorset Health and Wellbeing Board as set out under the Memorandum of Understanding agreed by both parties in September 2015.

# Urgent Item - Local Transformation Plan for Children and Young People's Mental Health and Wellbeing

68.1 The Chairman informed the Board that guidance published by NHS England in August 2015 required Clinical Commissioning Groups, working with partner agencies, to produce a Local Transformation Plan explaining how mental health and wellbeing services for children and young people would be improved in their area. The Plan had to be signed off by Health and Wellbeing Boards and submitted by 18 September 2015. It was therefore necessary to consider the Local Transformation Plan as an urgent item before the next meeting of the Board due to the timetable for the completion and submission of the Plan.

68.2 The Board considered an urgent report by the NHS Dorset Clinical Commissioning Group (CCG) and the Commissioning and Procurement Manager outlined the work being led by the Children's Joint Commissioning Group (which included DCC, Bournemouth and Poole Local Authorities and CCG) to draft a pan-Dorset Local Transformation Plan. The report sought the Board's consideration and sign off of the Plan within the tight timescales that had been set.

68.3 Members reviewed the report and a member commented that Immediate Access to Psychological Services related to service not training as indicated within the report.

68.4 In response to a question, the Commissioning and Procurement Manager stated that the bid to fund training programmes by Child and Adolescent Mental Health Services (CAMHS) into schools was unsuccessful, but the work would continue.

#### **Resolved**

69.1 That the Director for Children's Services be nominated to sign off the plan, after consultation with the Chairman of the Health and Wellbeing Board, to ensure its submission on the 18September 2015.

69.2 That Emotional Wellbeing and Mental Health be added to the forward plan for the Board to include the Local Transformation Plan, the Service Improvement Implementation Plan and the draft Pan-Dorset Children's Emotional Wellbeing and Mental Health Strategy.

69.3 That, to avoid ambiguity within the Health and Wellbeing Board's Terms of Reference in regards to the Plan, and subject to the approval by the Standards and Governance Committee (26 October 2015) and County Council, the Terms of Reference of the Dorset Health and Wellbeing Board be amended to include "To assist in the development and 'sign off' of the Local Transformation Plan for Children and Young People's Mental Health and Wellbeing".

#### **Recommendation**

70. That the Standards and Governance Committee (and subsequently the County Council approve amendment to the Terms of Reference of the Dorset Health and Wellbeing Board to include "To assist in the development and 'sign off' of the Local Transformation Plan for Children and Young People's Mental Health and Wellbeing".