

<b>MAYOR AND CABINET</b>		
<b>Report Title</b>	Mayoral response to the comments of the Healthier Communities Select Committee on the implications of the Health and Social Care Bill	
<b>Key Decision</b>	No	Item No.
<b>Ward</b>	All	
<b>Contributors</b>	Executive Director for Community Services	
<b>Class</b>	Part 1	Date: 20 June 2012

## 1. Purpose

- 1.1 This report sets out the response to comments on the implications of the Health and Social Care Bill, made by the Healthier Communities Select Committee at its meeting on 20 September 2011.

## 2. Recommendations

It is recommended that the Mayor:

- 2.1 Notes the response from the Executive Director for Community Services to the comments from the Healthier Communities Select Committee as set out in paragraphs 5.2 to 5.5.1.
- 2.2 Agree that this report should be forwarded to the Healthier Communities Select Committee.

## 3. Policy Context

- 3.1 On 27 March 2012, the Health and Social Care Bill gained Royal Assent and became law.
- 3.2 The Act will result in significant structural changes for the NHS, local authorities and local areas including the establishment of Clinical Commissioning Groups, statutory Health and Wellbeing Boards and local Healthwatch organisations and the transfer of the majority of public health functions to the local authority.
- 3.3 Lewisham's vision in regard to Health and Wellbeing is outlined in *Shaping our future* – Lewisham's Sustainable Community Strategy which establishes the overarching vision for Lewisham and the priority outcomes which need to be achieved to make this vision a reality. One of these priority *Healthy, active and enjoyable* specifically focuses on the health of local citizens and directs activity so that '*people can actively participate in maintaining and improving their health and wellbeing*'.

- 3.4 The Council is also committed to improving the health and wellbeing of its citizens and identifies *Active, Healthy Citizens* as one of its corporate priorities.
- 3.5 The Health and Social Care Act requires Health and Wellbeing Boards to produce a joint Health and Wellbeing Strategy which looks to address local health and wellbeing needs identified in the local Joint Strategic Needs Assessment. Lewisham's joint Health and Wellbeing Strategy is in the process of being developed.

#### **4. Background**

- 4.1 On 20 September 2011, the Healthier Communities Select Committee considered an officer report outlining the detail and progress of the Health and Social Care Bill, the local implications and preparation for its accession. After considering the report, the Committee took further evidence from the Executive Director for Community Services, the Director of Public Health, the Head of Joint Commissioning for Lewisham Council and NHS Lewisham and the Head of System Management for the Lewisham Business Support Unit, NHS South East London.
- 4.2 The Healthier Communities Select Committee made four comments for referral to Mayor and Cabinet. These comments were initially considered at Mayor and Cabinet on 26 October 2011. At this meeting the Mayor resolved that the views of the Committee be received and that the Executive Director for Community Services be asked to respond to the referral once the Health and Social Care Bill became law.

#### **5. Response to the Healthier Communities Select Committee**

- 5.1 The HCSC made the following comments for referral to Mayor and Cabinet. Following each comment is the response.
- 5.2 *The Committee notes that the Bill amends section 244 of the NHS Act so that the powers the Act confers apply to the local authority rather than to an overview and scrutiny committee. The Committee notes that local authorities may choose to continue to operate their existing overview and scrutiny arrangements or put in place other arrangements. The Committee comments that its current terms of reference extend beyond being a Health Overview and Scrutiny Committee: for example, it has scrutinised library arrangements and adult education during this administration. The Committee considers that the current health scrutiny arrangements should continue, so that (i) the democratic accountability of the Health and Well Being Board is assured, and (ii) the "critical friend" role of the Committee supports the development of a robust health and well being strategy for Lewisham.*

- 5.2.1 **Response:** The Executive Director for Community Services agrees that Lewisham's Healthier Communities Select Committee's remit extends beyond those of Health Overview and Scrutiny and, in so far as the Council agrees to the current committee structure, welcomes the continuation of the existing health scrutiny arrangements to help assure the democratic accountability of the Health and Wellbeing Board and to act a 'critical friend' in developing Lewisham's Health and Wellbeing Strategy.
- 5.3 *The Committee recommends that the founding principles of the NHS should guide all decisions of the Health and Well Being Board. The founding principles of the NHS are: (i) that it meets the needs of everyone, (ii) that it is free at the point of delivery, (iii) that it be based on clinical need, not the ability to pay.*
- 5.3.1 **Response:** The Executive Director for Community Services agrees with this recommendation in so far as the Board influences and oversees the work of the NHS at a local level. In other areas of its remit, most notably Adult and Children's Social Care, the Board's role and decisions will require it to consider and operate under different rules and principles.
- 5.4 *The Committee recommends that, as an executive Committee of the Local Authority, the Health and Well Being Board should publish its meeting times and decisions on the Council website and that the meeting papers should be available via the Council's Calendar of meetings, and that, in the interim, these provisions should extend to the operation of the Shadow Health and Well Being Board.*
- 5.4.1 **Response:** The Executive Director for Community Services agrees with this recommendation. All papers for the Shadow Health and Wellbeing Board are currently available on the Lewisham Strategic Partnership website ([www.lewishamstrategicpartnership.org.uk](http://www.lewishamstrategicpartnership.org.uk)). Once the statutory Board is established its meetings times, papers and decisions will be published on the Council website.
- 5.5 *The Committee recommends that the Chair of the Shadow Health and Well Being Board considers inviting a trade union representative, drawn from local branches of the health trade unions, to be a member of the Shadow Health and Well Being Board, and, subsequently, a member of the Health and Well Being Board.*
- 5.5.1 **Response:** The Executive Director for Community Services does not support the Board's recommendation in regard to inviting a trade union representative to be a member of the Shadow Health and Wellbeing Board. The Council and its health partners already have effective policies and procedures in place to ensure that unions are involved in and consulted upon issues which affect their members. The membership of the Health and Wellbeing Board will be determined in line with the requirements of the Health and Social Care Act 2012

which specifies who has to be a member and who can make decisions in regards to new members.

## **6. Financial Implications**

There are no direct financial implications arising from this response.

## **7. Legal Implications**

7.1 The Constitution provides that the Executive respond to reports and or recommendations by the overview and Scrutiny Committee.

7.2 The Health and Social Care Act establishes a number of new duties and powers for local authorities. A full report will be produced by the Head of Law in due course.

## **8. Crime and Disorder Implications**

There are no direct crime and disorder implications arising from this response.

## **9. Equalities Implications**

There are no direct equalities implications arising from this response.

## **10. Environmental Implications**

There are no environmental implications arising from this response.

## **Background Papers**

### **Mayor and Cabinet Report 26 October 2011**

<http://councilmeetings.lewisham.gov.uk/documents/s6124/Healthier%20Communities%20Select%20Referral.pdf>

For further information please contact Sarah Wainer Head of Strategy and Performance on 020 8314 8675.