

ANNEX 11A – CONSTITUTION OF HEALTH AND WELLBEING BOARD

**HEALTH AND SOCIAL CARE ACT 2012
HERTFORDSHIRE
HEALTH AND WELLBEING BOARD
CONSTITUTION**

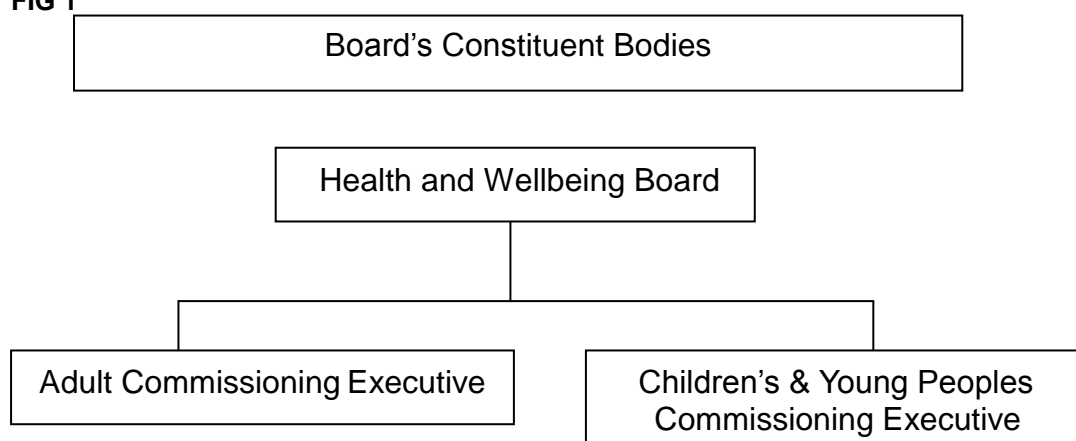
1. NAME

- 1.1 The name of the board is “The Hertfordshire Health and Wellbeing Board” (“the Board”) and is established by Hertfordshire County Council (“the County Council”) under the provisions of Section 194 of the Health and Social Care Act 2012 (“the Act”)

2. OBJECTS

- 2.1 In accordance with Section 195 of the Act, the Board will, for the purpose of advancing the health and well-being of the people of Hertfordshire (“the population”), encourage persons who arrange for the provision of health or social care services in Hertfordshire to work together. In particular, the Board will provide such advice, assistance and other support as it thinks appropriate for the purpose of promoting the delivery of integrated solutions and the making of arrangements under Section 75 of the National Health Service Act 2006 (“Section 75 Agreements”) in connection with the provision of such services. As a board of commissioning organisations, the Board will influence the strategic direction for the collective commissioning of services across partner agencies in areas where there is a direct impact on the health and wellbeing of the population.

- 2.2 The outline governance structure of the Board is shown below:

FIG 1

- 2.3 In addition to the structures shown above and any future additions agreed by the Board, the Board will also hold quarterly meeting with providers of health and social care and related services to ensure they are able to support the Board in the delivery of its core objectives and statutory responsibilities.

- 2.4 The Board will not perform a scrutiny function and will itself be subject to scrutiny by the County Council's Health Scrutiny Committee.

3. DUTIES AND PRINCIPAL FUNCTIONS

- 3.1 The Board will influence the strategic direction for the commissioning of services that relate to the health and wellbeing of the population including:-

3.1.1 Setting and reviewing performance targets and expectations relating to the Hertfordshire Health and Wellbeing Strategy and the monitoring of any outcomes and targets relating to the strategy and wider priorities of the Board.

3.1.2 Providing a balance of challenge and support to enable the commissioning partners of the Board to execute their duties in the interests of the most effective and efficient use of available resources to meet the health and wellbeing needs of the population.

3.1.3 Promoting and supporting innovation in the development of the plans of the Board's commissioning partners to deliver the most effective outcomes within available and, where appropriate, the Board's collective resources.

3.1.4 Providing system leadership to promote collective commissioning decisions and actions that positively impact on the wider determinants of health and wellbeing.

3.1.5 Promoting integrated solutions to meet population need.

3.2 The Board will ensure the effective use of the Joint Strategic Needs Assessment, Public Health and local data to inform the effective commissioning and monitoring of services including:-

3.2.1 Supporting the development of the commissioning and delivery plans of all partners of the Board and working with the local integrated commissioning support service, National Health Service Commissioning Board, Public Health England and other key strategic partners in the effective implementation of the provisions of the Act, including executing its role in supporting the authorisation process for Clinical Commissioning Groups, as well as promoting the effective working of all partners of the Board.

3.2.2 Promoting and informing partnership working, including the delivery of any functions for which the Board is or becomes statutorily responsible.

3.2.3 Engaging with the wider partners, service providers and the public in the delivery of the Board's functions.

- 3.2.4 Ensuring that HealthWatch Hertfordshire is able to function effectively as the independent consumer champion for health and social care both in its role as a member of the Board and as a network of networks collecting views from stakeholders and the population.

3.3 Specific responsibilities

- 3.3.1 The Board will have the authority and responsibility to carry out those functions delegated to the Board by the County Council as set out in the Appendix to this Constitution.
- 3.3.2 The Board may be delegated the responsibility for the commissioning of those services where a section 75 Agreement between health and social care partners is in place.

3.4 Corporate Governance

- 3.4.1 The Lead Officer for the Board shall be an Assistant Director of Adult Care Services as nominated by the Director of Adult Care Services and the lead officer shall carry out their functions in a manner that is consistent with the applicable regulatory framework, including the County Council's Constitution.

3.5 Reporting

- 3.5.1 The Board will produce reports on a 6 monthly basis of its actions to its constituent bodies. This will include specific reference to any functions that the Board is carrying out under any section 75 Agreement. This report will provide assurance that the Board is executing its delegated duties effectively and in a manner that is consistent with the requirements of the partners. This report will describe what outcomes have been delivered in relation to the strategies set out in the Health and Wellbeing Strategy as well as other key metrics and commentary on the work of the Board.
- 3.5.2 The Board will keep, maintain and review a risk register and forward agenda. These will be the responsibility of the Lead Officer to keep up to date

4. MEMBERSHIP

- 4.1 In accordance with section 194(2) of the Act, the following shall be mandatory members of the Board ("the mandatory members"): -
- 4.1.1 The Executive Leader of the County Council and/or 1 or more Councillors of the County Council nominated by the Executive Leader in accordance with Section 194 of the Act,

4.1.2 1 representative from each of the Hertfordshire Clinical Commissioning Groups and 1 representative from the Cambridgeshire and Peterborough Clinical Commissioning Group.

4.1.3 The following Directors of the County Council:

- Director of Children's Services
- Director Adult Care Services
- Director of Public Health

4.1.4 A representative of Healthwatch Hertfordshire.

4.2 In addition to the mandatory members, the Board shall include the following members appointed in accordance with section 194 (2) (g) of the Act ("the discretionary members"):-

4.2.1 Two District/Borough Council Leaders as determined by agreement among the Hertfordshire District/Borough Councils Leaders.

4.2.2 An additional representative from each of the Hertfordshire Clinical Commissioning Groups, who shall be the Chair of the Clinical Commissioning Group if the Chair has not been appointed as a mandatory member and otherwise shall be the Accountable Officer.

4.2.3 The Police and Crime Commissioner for Hertfordshire.

4.2.4 One NHS provider representative.

4.3 Subject to compliance with Section 194 of the Act, the Board may at any time make a recommendation to the County Council for an alteration to the membership of the Board and, in particular may make a recommendation that the County Council exercise its powers under Section 194(2) (g) of the Act to appoint such person or persons, or a representative or representatives of such person or persons as may be specified in the recommendation

4.4 The mandatory and discretionary members of the Board will be voting members and each member shall have 1 vote.

4.5 In the event of an equality of votes, the Chairman or in the absence of the Chairman the person presiding at the meeting will have a second or casting vote.

4.6 A representative of the National Health Service Commissioning Board and a NHS provider representative (in addition to that mentioned at 4.2.4 above) shall be entitled to attend meetings of the Board as observers and to participate in discussion but shall not be entitled to vote.

- 4.7 In addition to the membership of the Board as set out in 4.1 and 4.2, and to the observer status referred to in 4.6, the Board may appoint such additional persons as it sees fit as observers who shall be entitled to participate in discussion at meetings of the Board but shall not be entitled to vote.
- 4.8 Substitute members will not be permitted unless in exceptional circumstances and with the prior agreement of the Chairman.

5. CHAIRMAN

- 5.1 The Chairman of the Board shall be appointed by resolution of the County Council from amongst the Board's membership.
- 5.2 The Board shall elect a Vice-Chairman from amongst its members.

6. LEAVING THE BOARD

- 6.1 A member of the Board shall cease to hold office if:
- 6.1.1 he or she notifies to the Board a wish to resign; or
- 6.1.2 he or she ceases to be the holder of a qualifying office from which they can be appointed as a representative of the body which he or she represented; or
- 6.1.3 Is removed from the Board by the body which they represent on the Board

and in any of the above cases, the relevant constituent body shall appoint a replacement member in accordance with the provisions of this Constitution.

- 6.2 A member of the Board appointed by the Executive Leader of the County Council may be removed at any time by the Executive Leader.

7. Withdrawal from Board membership and Review of Constitution

- 7.1 The Board is a statutory body with a membership fixed by statute. The County Council or an organisation represented on the board by a discretionary member may, at any time, terminate the membership of that discretionary member. If this occurs the County Council will take one of the following courses of action:
- it will replace the discretionary member with another discretionary member representing the same organisation; or
 - it will decide that the organisation should no longer be represented on the Board: or

- it will decide that the organisation should no longer be represented on the Board and that another organisation should be represented on the Board in its place.

- 7.2 This Constitution will be reviewed annually by the Board and any proposal for change submitted as a recommendation to the County Council.
- 7.3 Any member of the Board may contribute to the review under 7.2 above and submit a proposal for a change to the Constitution for consideration by the Board. Any such proposal must, if it affects the powers delegated to the Board, be made on six months notice in writing to the Chairman of the Board and, in any event, must be in accordance with the statutory provisions that apply to the Board.

8. STANDARDS AND INTERESTS

- 8.1 Members of the Board shall comply with the County Council's Code of Conduct for Members ("the Code"). Members of the Board who are not Councillors or officers of the County Council shall in addition comply with any code of conduct applicable to their professional body and/or the organisation they represent in so far as this does not conflict with the Code which, in the case of any conflict, shall prevail.
- 8.2 Members of the Board shall register their Disclosable Pecuniary Interests with the County Council's Monitoring Officer as required under the Code, the Localism Act 2011 and Regulations made under the Localism Act 2011.

9. MEETINGS AND PROCEEDINGS OF THE BOARD

- 9.1 The Board shall hold at least 4 meetings each year. Special meetings may be called at any time by the Chairman.
- 9.2 In cases where an urgent decision is needed, and it is not possible or appropriate to convene a meeting of the Board, a decision may be taken by the Lead Officer after consulting the Chairman and all other members of the Board, with a written record being kept by the Lead Officer of the outcome of such consultation and a report being made to the next available meeting of the Board.
- 9.3 In the absence of the Chairman at a meeting of the Board, the Vice Chairman will preside over that meeting. In the event that both the Chairman and Vice Chairman are absent then the Board will appoint one of its members to preside at that meeting.
- 9.4 The quorum for a meeting of the Board shall be 50% of the members of the Board and must include 2 County Councillors and 2 clinical commissioning group representatives who may be mandatory or discretionary members.

- 9.5 The Board shall keep minutes of the proceedings at meetings of the Board in accordance with statutory requirements.
- 9.6 Papers will be made available on the County Council's website.
- 9.7 Board meetings shall be held in public subject to the right of the Board to exclude the public during particular items of business in accordance with the provisions of Part VA of the Local Government Act 1972, Regulations made under that Act or any other relevant enactment, and the Access to Information Rules set out in Annex 4 of the County Council's Constitution. Members of the public may ask questions at the discretion of the chairman, but will not be entitled to address the Board.
- 9.8 Subject to the provisions of the Act and any Regulations made under the Act, and except where alternative or conflicting provision is lawfully made by this Constitution, the proceedings at meetings of the Board and any sub committee established by the Board shall be in accordance with the County Council's Standing Orders for Regulatory and Other Committees as set out in Annex 11 of the County Council's Constitution.

9.9 Public Questions

- 9.9.1 At a meeting of the Board any member of the public who is a Hertfordshire resident or a registered local government elector of Hertfordshire may put a question to the Board about any matter over which the Board has power or which directly affects the health and wellbeing of the population.
- 9.9.2 A member of the public who wishes to ask a question under 9.9.1 above shall give written notice, including the text of the proposed question, to the County Council's Chief Legal Officer at least 5 clear days before the meeting.
- 9.9.3 Unless the chairman otherwise agrees and subject to 9.9.4 below, a member of the public may only ask one question under 9.9.1
- 9.9.4 Questions shall be put orally at the meeting in the order in which notice of the question has been received. At the end of each reply, the questioner may ask one supplementary question arising from the answer. A member of the Board nominated by the chairman will either give an oral reply to the question and/or any supplementary question orally or will indicate that a written reply will be sent to the questioner within 7 days. There shall be no debate about the question or any supplementary question between members of the Board.
- 9.9.5 The period of time allocated to questions under 9.9.1 shall be limited to 20 minutes unless the chairman agrees to extend this time. Any

questions remaining after that period has elapsed shall be subject to a written reply within 7 days.

- 9.9.6 Answers given orally at the meeting shall be included in the Minutes. Written replies shall be copied to all members of the Board.
- 9.9.7 For the purposes of 9.9.1 to 9.9.3 above and for the avoidance of doubt a County Councillor, or a District Councillor for a District Council in Hertfordshire, who, in either case, is not a member of the Board shall be regarded as a member of the public.

APPENDIX
Delegated functions of the board
Health and Wellbeing Board

The Board will have the following functions delegated to it:

1. The functions of Health and Wellbeing Boards under the Act, in particular Sections 195 and 196 of the Act, which are described below, but without prejudice to the exercise by the Board of any statutory functions conferred on the Board which are not within the ambit of these descriptions:
 - (a) For the purpose of advancing the health and wellbeing of the people of Hertfordshire, the duty to encourage persons who arrange for the provision of any health or social care services to work in an integrated manner;
 - (b) The duty to provide such advice and assistance or other support as the Board thinks appropriate for the purpose of encouraging the entering into of Section 75 Agreements;
 - (c) The power to encourage persons who arrange for the provision of health-related services to work closely with the Board;
 - (d) The power to encourage persons who arrange for the provision of health or social care services and persons who arrange for the provision of health-related services to work closely together;
 - (e) The functions of the County Council and of its partner clinical commissioning groups under Sections 116 (joint strategic needs assessments) and 116A (joint health and wellbeing strategies) of the Local Government and Public Involvement in Health Act 2007 ("the 2007 Act");
 - (f) The power to give the County Council the Board's opinion on whether the County Council is discharging its duty under Section 116B (duty to have regard to relevant needs assessments and joint health and wellbeing strategies) of the 2007 Act;
 - (g) Any other function conferred on Health and Wellbeing Boards by or under the Act, including any function conferred by an amendment to any previous enactment made by the Act.
2. Such other functions as from time to time may be delegated to the Board by the County Council or, in the case of executive functions within the meaning of Part II of the Local Government Act 2000, the County Council's Executive or the County Council's Executive Leader.