

Committee	Date	Classification	Report	Agenda Item No.
Health Scrutiny Panel	22 January 2013	Unrestricted		4.3
Reports of: Assistant Chief Executive, Legal Services London Borough of Tower Hamlets Presenting Officer: Deborah Cohen Service Head, Commissioning and Strategy		Title: Update on Public Health Transition Ward(s) affected: All		

1. SPECIAL CIRCUMSTANCES AND REASON FOR URGENCY

- 1.1 The deadline for this report was missed due to wider consultation being required from the Resources Directorate and the Adults Health and Wellbeing Directorate on the content of the report.
- 1.2 This report is required to be presented to the Health Scrutiny Panel on the 22 January 2013 due to the formal transition of Public Health being due to take place on the 1 April 2013. This date is before the next Health Scrutiny Panel meeting on the 23 April 2013. It has been requested by the Health Scrutiny Panel to have an update on preparations for the transition prior to the formal transfer.

2. SUMMARY

- 2.1 This report updates the Health Scrutiny Panel on the progress of work to effect the transfer of public health functions and staff from the Primary Care Trust which closes down on 31st March 2013 to the Council.

3. RECOMMENDATIONS

- 3.1 Note and comment on the report.

4. COMMENTS OF THE CHIEF FINANCIAL OFFICER

- 4.1 This report describes the progress of the work to transfer public health functions from Tower Hamlets Primary Care Trust to the Council.
- 4.2 From 1st April 2013, local authorities take over responsibility for public health provision from the NHS. A ring-fenced grant will be provided to fund these activities from the government and the 2013-14 Council budget assumes that the additional costs of public health services transferring to the Council will be contained within this grant which has been announced as £31.3 million for 2013-14.

- 4.3. The report also indicates that it should be possible to make better use of resources and find efficiencies from bring Council and in the context of the financial challenge facing the Council this needs to be seen as an opportunity to make savings. In order to achieve this, appropriate targets will need to be set and in the wake of the financial settlement officers are currently assessing the potential for these.
- 4.4 There are no other specific financial implications emanating from this report. However, if the Council agrees further action in response to this report's recommendations then officers will be obliged to seek the appropriate financial approval before further financial commitments are made.

5. CONCURRENT REPORT OF THE ASSISTANT CHIEF EXECUTIVE (LEGAL)

- 5.1 The report outlines the current position regarding the transfer of public health functions to London Borough of Tower Hamlets under the Health and Social Care Act 2012 ("the 2012 Act").
- 5.2 From April 2013 local authorities will have a duty to improve the health of the people in their area and will have responsibility for commissioning appropriate public health services. Many of these services are currently commissioned by PCTs and accordingly local authorities will take ownership of relevant public health service contracts that have an expiry date beyond 1 April 2013 or will be responsible for commissioning public health services to commence from 1 April 2013
- 5.3 The transfer of pre-existing arrangements for public health services is to be made through a 'transfer scheme' as set out in a statutory order which will list the staff and contracts being transferred to the Council. These contracts have different end dates and differing notice periods and although the public health staff will transfer on their current terms and conditions there is some uncertainty on how long these are to be maintained. Once the draft order is received this should clarify the position.
- 5.4 The Transfer of Undertakings (Protection of Employees) ("TUPE") Regulations 2006 will apply to transferring staff in circumstances where there is the transfer of an identifiable undertaking or a service change within the meaning of those Regulations. Unfortunately, not all staff transfers under the 2012 Act will involve the transfer of an undertaking or a service delivery change and those situations will require special provision by the Secretary of State. As indicated in this report, work is being done to clarify the appropriate regime which is to apply to all transferring staff. If the applicable process is not under the TUPE Regulations, it is nevertheless expected to be a "TUPE-like" procedure.

- 5.5 Section 73A of the National Health Service Act 2006 governs the appointment by the Council of a Director of Public Health. The appointment is to be made jointly with the Secretary of State and the Council is required to have regard to guidance issued by the Secretary of State, elements of which are referred to in the report.

6. ONE TOWER HAMLETS CONSIDERATIONS

- 6.1 The transition of Public Health to the local authority will support the organisation in tackling inequality, strengthening cohesion and promoting community leadership. Specifically, the transition will strengthen the local authority's capacity to tackle existing health inequalities in the borough. The Tower Hamlets Joint Strategic Needs Assessment demonstrates the stark health inequalities and poor health outcomes which exist in the borough and the detrimental effect these have on the quality of life and life chances of local people. The public health function has played a key role in the development and delivery of interventions to reduce health inequalities in the borough, including delivering significant improvements in increasing rates of smoking cessation and take up of childhood vaccinations. At this stage it appears that the ringfenced budget allocated to support the transition of the public health function to the local authority will ensure that there will be no reduction in the financial or human resources capacity of the service during the transition year. In transferring to the local authority there is potential for better embedding the expertise of public health professionals into the council's work on improving the wider determinants of health for local people and driving improvement across a range of health outcomes.

7. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 7.1 There are no Sustainable Action for a Greener Environment implications.

8. RISK MANAGEMENT IMPLICATIONS

- 8.1 There are no Risk Management Implications

9. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 9.1 There are no Crime and Disorder Reduction Implications.

10. EFFICIENCY STATEMENT

- 10.1 There are no specific efficiency implications arising from the recommendations in the cover report as yet but following the transfer of the service to the Council these be considered at a high level the most efficient use of resources to deliver health outcomes.

11. **APPENDICES**

Appendix 1 - Update on Public Health Transition

Local Government Act, 1972 Section 100D (As amended)
List of "Background Papers" used in the preparation of this report

Brief description of "background papers"

Name and telephone number of holder and address where open to inspection.

None

n/a