


Non-Executive Report of the: Tower Hamlets Health and Wellbeing Board Tuesday, 5 December 2023	 TOWER HAMLETS
Report of: Janet Fasan, Director of Legal and Monitoring Officer	Classification: Open (Unrestricted)
Review of the Terms of Reference of the Tower Hamlets Health and Wellbeing Board	

Originating Officer(s)	Matthew Mannion, (Head of Democratic Services)
Wards affected	(All Wards);

Executive Summary

The Terms of Reference of the Health and Wellbeing Board were last reviewed in November 2021. This report presents the proposed changes to the Terms of Reference to reflect the changes to the Integrated Care System covering the borough, the draft guidance on Health and Wellbeing Boards, to clarify voting rights and quorum, and also to better reflect the Board’s purpose and function.

Recommendations:

The Health and Wellbeing Board is recommended to:

1. Recommend the proposed revised Terms of Reference as set out in Appendix 2 to this report to the Mayor for approval.

1 REASONS FOR THE DECISIONS

- 1.1 The Department of Health and Social Care released draft guidance for Health and Wellbeing Boards on 29th July 2022 for consultation. The draft guidance does not propose any change to the statutory role of Health and Wellbeing Boards but adjusts the core membership slightly to include representation from the Integrated Care Board for the area.
- 1.2 Therefore, it is proposed that some minor changes are made to the Terms of Reference of the Board. These changes mainly focus on updating the health sector membership. It is also proposed to request other minor changes such as: updating titles; refreshing the Board’s purpose and function statement; references to voting rights and quorum.

2 ALTERNATIVE OPTIONS

- 2.1 The Board could ask the Mayor to approve additional members of the Board or could suggest alternative terms of reference, as long as the statutory requirements set out in the report were satisfied.

3 DETAILS OF THE REPORT

Changes to Board membership

- 3.1 The Terms of Reference of Tower Hamlets Health and Wellbeing Board were last reviewed in November 2021. There have been a number of changes to the health landscape since, most notably the introduction of the NHS North-East London Integrated Care Board.
- 3.2 The Department of Health and Social Care released draft guidance for Health and Wellbeing Boards on 29th July 2022. The draft guidance does not propose any change to the statutory role of Health and Wellbeing Boards but adjusts the core membership slightly to include reference to the Integrated Care Board (ICB) for the area, which must have representation on the Board. The core statutory membership of Health and Wellbeing Boards is otherwise unchanged. This is:
- At least one elected representative, nominated by the Mayor;
 - a representative from each Integrated Care Board (previously CCG) whose area falls within or coincides with, the local authority area;
 - the local authority directors of adult social services, children's services, and public health; and
 - a representative from the local Healthwatch organisation.
- 3.3 It is for the Mayor to determine the precise number of elected representatives on the Board.
- 3.4 The Guidance confirms that Health and Wellbeing Boards can continue, at their discretion, to invite other organisations to join including, for example voluntary, community and social enterprise, business sectors and healthcare providers. The proposed revised terms of reference include a broader list of non-voting members who will be invited to attend or otherwise contribute to Board meetings.

Functions and purpose

- 3.5 A new statement is proposed covering the functions and purpose of the Health and Wellbeing Board as set out in the Appendix 2. Also included is a new section to highlight and strengthen roles and responsibilities of Board members. This section explains how the Council's Code of Conduct for members applies to Board members.

Quorum and voting rights

- 3.6 The proposed new terms of reference aims to clarify voting rights of Board members and, in particular, distinguish between core (voting) members and partner (non-voting) members. They also clarify that the quorum of the Board is based on core voting members only.

4 EQUALITIES IMPLICATIONS

4.1 None.

5 OTHER STATUTORY IMPLICATIONS

5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:

- Best Value Implications,
- Consultations,
- Environmental (including air quality),
- Risk Management,
- Crime Reduction,
- Safeguarding.
- Data Protection / Privacy Impact Assessment.

5.2 No other statutory implications have been identified.

6 COMMENTS OF THE CHIEF FINANCE OFFICER

6.1 There are no direct financial implications of this report.

7 COMMENTS OF LEGAL SERVICES

7.1 Section 194 of the Health and Social Care Act 2012 requires local authorities to establish Health and Wellbeing Boards for their area. The same section sets out the requirements for the membership of the Board.

7.2 The Health and Care Act 2022 introduced Integrated Care Boards and Integrated Care Partnerships as part of the structure of the National Health Service. The Health and Social Care Act 2012 has been amended to reflect this change. The change is also set out in the revised non-statutory guidance on Health and Wellbeing Boards published in November 2022.

7.3 Section 111 of the Local Government Act 1972 permits local authorities to do anything which is calculated to facilitate the discharge of their functions.

7.4 The matters set out in this report comply with the above legislation and guidance.

Linked Reports, Appendices and Background Documents

Linked Report

- None.

Appendices

- Appendix 1 – Current Terms of Reference of the Board
- Appendix 2 – Proposed revised Terms of Reference of the Board

Local Government Act, 1972 Section 100D (As amended)

List of “Background Papers” used in the preparation of this report

List any background documents not already in the public domain including officer contact information.

[Health and wellbeing boards – guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/health-and-wellbeing-boards)

Officer contact details for documents:

Joel West, Democratic Services Team Leader (Committees)