

SLOUGH WELLBEING BOARD TERMS OF REFERENCE

1. BACKGROUND

1.1 Purpose and Objectives

1.1.1 The Slough Wellbeing Board (the Board) will carry out the statutory functions of Health and Wellbeing Boards under the Health and Social Care Act 2012, as amended from time to time, regulations there under and all other relevant statutory provision. Such activities of the [Board] will include, but not be limited to, the following:-

- To prepare and publish joint strategic needs assessments (JSNAs) and Joint Health and Wellbeing Strategies (JHWSs) as set out in Rule 116 Local Government Public Involvement in Health Act 2007) and in accordance with the *Statutory Guidance on Joint Strategic Needs Assessments and Joint Health and Wellbeing Strategies* issued by the Secretary of State in March 2013.
- To encourage persons who arrange for the provision of any health or social services in the area to work in an integrated manner for the purpose of advancing the health and wellbeing of the area. To include providing advice, assistance and support to arrangements made under Section 75 of the NHS Act 2006 in connection with the provision of health and social care services.
- To encourage persons who arrange for the provision of health related services in its area to work closely with the Board.
- To involve Healthwatch and the local community in planning services.
- To give its opinion to the Slough Clinical Commissioning Group (the CCG) as to whether their Commissioning Plans adequately reflect the current JSNA and JHWS. The Board may also give this opinion to NHS England, copied to the CCG.
- To comment on the sections of the CCG's Annual Report which describe the extent of the CCG's contribution to the delivery of the JHWS.
- To give an opinion as requested by NHS England on the CCG's level of engagement with the Board, the JSNA and the JHWS.
- To give its opinion to the Council on whether the Council is discharging its duty to have regard to any Joint Strategic Needs Assessment and any Joint Health and Wellbeing Strategy prepared in the exercise of its functions and to raise any concerns with the Council and/or the Overview and Scrutiny Committee.
- To raise any concerns regarding the extent to which NHS England is taking account of the JSNA and JHWS in its commissioning plans with NHS England in the first instance, and, if required, with the Secretary of State.
- To exercise any Council function which the Council delegates it, save that it may not exercise the Council's functions under Rule 244 NHS Act 2006 (statutory consultation in relation to substantial variations in service etc)
- To undertake Pharmaceutical Needs Assessments.
- To discharge any other statutory function of Health and Wellbeing Boards that may be created through further legislation.

1.1.2 In addition, the Board will have the following locally-agreed objectives:

- To act as the umbrella high level strategic partnership for the Borough, working to agree on the priorities that will improve the health and wellbeing and reduce the inequalities of the residents of Slough. To oversee the implementation of the Joint Slough Wellbeing Strategy (the JHWS) as the vehicle for delivery of these priorities.
- To deliver the Board's duty to promote joint commissioning and integrated provision, by bringing together a wider range of resources across NHS, social care, public health and other related services;
- To give the public a voice in shaping health and wellbeing services in Slough, and provide a key forum for public accountability of the NHS, public health, social care and other commissioned services that are related to health and wellbeing in Slough

1.2 Accountability

1.2.1 The Board will be accountable to:

- The community of Slough;
- Slough Borough Council (the Council)

1.2.2 The Board will also be held to account through:

- Healthwatch
- The Board's engagement and consultation programme with the public;
- The Council's engagement and consultation programme with the public;
- The engagement and consultation programmes of organisations represented on the Board.

1.2.3 Any recommendations made by the Board that fall outside the delegated powers of the Board shall be submitted to the Council for consideration and approval. Where decisions to be made fall outside of the mandate held by the Board's members, these members will be responsible for taking a recommendation from the Board to their appropriate governance body for consideration.

1.3 Relationship with Priority Delivery Groups

1.3.1 A network of Priority Delivery Groups is in place which will act as the vehicle for the delivery of the Slough Wellbeing Strategy. A key purpose of these groups is to provide specialist strategic leadership to drive the development of work programmes required to implement key aspects of the Strategy and to inform its future direction.

1.3.2 In discharging its objective to implement the Joint Slough Wellbeing Strategy, the Board will work closely with these Priority Delivery Groups (PDGs). This will include PDGs taking on lead responsibility for some areas of the Strategy. The PDGs will be asked to provide an update report to the Board on these areas at least annually. These reports should also highlight any other areas of the PDGs' work which the Board may be able to support, as well as identifying issues and priorities which may need to be reflected in the Strategy and/or the Board's future work programme.

1.3.3 The following PDGs are in place:

- Children and Young Peoples' Partnership Board
- Climate Change
- Community Cohesion
- Healthier Communities
- Safer Slough Partnership
- Skills, Employment and Enterprise

1.3.4 In acting as the umbrella high level strategic partnership for the Borough, the Board will work to facilitate joint working between PDGs on areas of common interest.

1.3.5 For the avoidance of doubt, the PDGs are not constituted as sub-committees of the Board. The provisions below which relate to sub-committees and working groups do not therefore apply to PDGs. The Board will however be required to sign-off the Terms of Reference of each PDG.

2. MEMBERSHIP

2.1 Throughout this Terms of Reference document, 'Members' (with a capital) refers to elected Councillors whereas 'members' refers to members of the Slough Wellbeing Board.

2.2 Membership list

Core membership of the Board is determined by section 194 of the Health and Social Care Act 2012. The Board has additionally agreed to widen its membership to reflect the importance of the wider determinants of health in Slough. From 1 April 2013 the Board will be comprised of at least:

- Leader of the Council (Statutory member)
- Cabinet Member for Health and Wellbeing
- Chief Executive of SBC
- The Directors of:
 - Adult Social Services (Statutory member)
 - Children's Services (Statutory member)
 - Public Health (Statutory member)
- Representative of Slough Clinical Commissioning Group (Statutory member)
- Representative of Slough HealthWatch (Statutory member)
- Representative of the Local Area Team of NHS England (Not a core statutory member but required as a minimum to participate in the development of the JSNA and JHWS and to join the SWB when it is considering matters relating to the exercise of the NHS Commissioning Board's commissioning functions).
- Local Police Area Commander
- Representative of the Royal Berkshire Fire and Rescue Service
- Representative of local business
- Representative of the voluntary and community sector

2.3 Where members are shown as 'representatives', the organisation in question will be free to select an appropriate person to represent them as their Board member. All other Board members will be appointed by the Council, with Councillor Members being nominated by the Leader of the Council.

2.4 Membership will be reviewed annually [at the annual meeting of the Council] to:

- provide for any changes to elected Members as a result of local elections
- to allow the committee to expand its membership, subject to the approval of the council and in accordance with the membership requirements of the Health and Social Care Act 2012.

2.5 Members may nominate a substitute representative to attend on their behalf where appropriate. The Chair should be informed of any nominated substitutes.

2.6 **Political balance**

The Board does not have to comply with the political proportionality rules set out in section 15 of the Local Government and Housing Act 1989 Act.

Appointment of members to the Board will be undertaken in accordance with Part 4.1, rule 1.2 (i) to (ii) and (iv) to (v) of the Council's Constitution. Rule 1.2 (iii) (political balance rules) and 1.2 (vi) (casual vacancies) do not apply.

2.7 Elected Members and employees of the Council appointed to sit on the Board will be expected to follow the appropriate policies and protocols for working with outside bodies, to ensure that the Council is not exposed to any unidentified risk.

2.8 **Disqualification of Membership**

Section 104 (1) of the Local Government Act 1972 does not apply to the Board, its sub committees or working groups - except in relation to section 80(1) (b) and (d) of the 1972 Act, which requires that no person who is the subject of a bankruptcy restrictions order or an interim order; or who has a criminal record can be a member of the Board.

2.9 **Resignations**

Members may resign from the Board by giving written notice signed by him/her to the proper officer. The resignation takes effect immediately on receipt. Organisations which select a representative as a Board member will be responsible for selecting a replacement. Should a Member (Councillor) step down, the full Council would appoint a replacement.

2.10 **Vacancies etc not to invalidate proceedings**

The proceedings of the Board shall not be invalidated by any vacancy in its membership, or by any defect in the election or qualification of any member.

2.11 **Election of Chair and Vice-Chair**

It is intended that the Board will appoint its own Chair and Vice-Chair, in accordance with the procedures laid down in Part 4.1, rule 1.3, (i) to (ii) and rule (6) of the Council's constitution. The Chair and Vice Chair must be voting members of the Board (see 3.12, below).

2.12 **Absence of Chair and Vice-Chair**

If the Chair and Vice-Chair appointed under the above provisions are absent from meeting, Part 4.1 rule 1.3 (iii) of the Council's Constitution applies. This allows Board members to appoint a person to preside from those present.

2.13 The role of the Chair and Vice-Chair

The Chair and in his/her absence the Vice Chair will have the following roles:-

- To uphold and promote the purposes of the Constitution of the Council;
- To preside over meetings of the Board so that its business can be carried out efficiently and fairly with regard to the interests of the community and respect for the rights of members and Councillors;
- To promote public involvement in the Board's activities;
- To ensure that Board's meetings are a forum for the debate of matters of public concern to the local community

2.14 Duties of the Chair and Vice-Chair

The Chair of the Board shall:-

- preside at every meeting at which he/she is present
- be entitled to vote in the first instance and in the case of equality of votes, to give a casting vote, whether he/she voted in the first instance or not.
- if present, sign the minutes.
- if present, submit any report of the Board to the Council as required

2.15 The Vice-Chair of the Board shall:-

- in the absence of the Chair, preside at meetings of the Board. In doing so, the Vice-Chair will have the same powers and rights as the Chair.

2.16 Codes of Conduct

Board members are expected to carry out their role as described above (see purpose). All voting members are bound by the same Code of Conduct which is in place for elected members of Slough Borough Council:

In accordance with the Council's Constitution, the Board may require the monitoring officer or his/ her nominee to investigate on its behalf any allegations of impropriety on the part of its members referred to the Board.

In accordance with the Council's Constitution, allegations that a member of the Board has failed, or may have failed to comply with the authority's code of conduct will be referred to the Council's Standards Advisory Committee for investigation. All allegations will be investigated in accordance with the Council's Standards Advisory Committee procedures and statutory requirements.

2.17 Declaration of interests

As part of the above Code of Conduct, all voting members will be required to notify the Council's Monitoring Officer of any disclosable pecuniary interest (DPI) in accordance with Part 5.1, Section 3 – Interests, of the Council's Constitution.

Failure to register disclosable pecuniary interests may lead to prosecution. Failure to disclose other interests in the register as required by the Local Code of Conduct for members is likely to be a breach of the Code and lead to action by the Council's Standards Advisory Committee.

A standing item will be added to each Board agenda to allow members to declare any interests in a particular agenda item at the start of each meeting. These declarations will be recorded in the Board's minutes by the Board's Democratic Services Officer (see below).

3. WORKING ARRANGEMENTS

3.1 Frequency of meetings

The Board shall agree a programme of meetings, that includes at least one meeting every two months, commencing at 5.00pm unless otherwise agreed. It may also hold such other meetings as it considers necessary.

3.2 Arrangements for meetings

Arrangements for meetings will be made in accordance Part 4.1, rules 1, 2 and 3 of the Council's Constitution.

3.3 Schedule of meetings and notice of committee meetings

A schedule of the Board's meetings and notice of the Board's agendas will be prepared and distributed in accordance Part 4.1, Sections 4 and 5 and Part 4.2, rule 4 of the Council's Constitution.

3.4 Agendas

The Board's agendas will be prepared and distributed in accordance with Part 4.2, rule 5 and 6 of the Council's Constitution and corporate standards and formats. These require that copies of agendas and reports are made available for inspection by the public 5 working days before the meeting.

3.5 Committee reports and checklists and background papers

The Board's reports and checklists will be prepared and distributed in accordance with Part 4.2 of the Council's Constitution and corporate standards and formats.

3.6 Record of attendance

A record of member's attendance at Board meetings will be kept in accordance with Part 4.1, rule (21) of the Council's Constitution.

3.7 Attendance by Members of the Council

All Members of the Council (including the Mayor) may attend any meeting of the Board and ask questions with the prior agreement of the Chair when it is discussing business in Part I of the agenda. Such permission will not be unreasonably withheld. When the committee is discussing exempt or confidential information (Part II) only members of the Board and Members of the Council (including the mayor) - with the consent of the Board (given by majority resolution) - can attend and ask questions. This is in accordance with Part 4.1 rule 30 of the Council's Constitution.

The Board may also require Members of the Council and officers of the authority to attend before it to answer questions.

3.8 Attendance by public and press

Members of the press and public may attend any meeting of the Board when it is discussing business in Part I of the agenda. Duly accredited representatives of the media who attend to report Board proceedings for those organisations will be accommodated to the limit of the capacity set aside for them. When the Board is discussing exempt or confidential information (Part II) members of the public and press will be asked to leave the meeting.

3.9 Disturbance by members and the public

Part 4.1, sections 23 and 24 of the Council's Constitution refers.

3.10 Recording equipment

Cameras, including television cameras, [mobile phones] and video and recording equipment shall not be used at any meeting of the committee except with the prior permission of the Chair.

3.11 Decision making

The Board must follow those parts of the Council's procedural rules set down in Part 4.1, rules 13, 16 and 18 of the Council's Constitution as they apply to them. These set out rules for consideration of recommendations and minutes, rules of debate and the six-month rule that applies to decisions made.

All decisions taken by the Board will be consensual. If a consensus of voting members cannot be reached the Board will take a vote on the issue and it will be decided by a simple majority. In the event of a tied vote the Chair will cast the deciding vote.

The Board may not however take any executive action/decision on behalf of the Council.

3.12 Voting rights

The Board does not have to comply with section 13 of the Local Government and Housing Act 1989 (voting restrictions). This means that all members of the Board shall have an equal vote, unless the Council directs otherwise.

The organisations appointing representatives as members of the Board may choose not to accept voting rights.

3.13 Quorum

The Board does not have to comply with Part 4.1 rule 7 of the Council's Constitution. This means that the quorum for a meeting of the Board shall be:

- (a) At least one third of the entire number of members on the Board is present at the meeting.
- (b) Notwithstanding (a) above, in no case shall the quorum for the committee (or a sub committee) be less than 5.

3.14 Minutes

The Board's minutes will be prepared and distributed in accordance with Part 4.1 rules 13 and 20 and part 4.2 rule 7 of the Council's Constitution and corporate guidelines. These set out arrangements for the Council to receive minutes, the form minutes should take and the requirement to make minutes or a summary of the meeting and agendas available to the public for six years after a meeting.

3.15 Annual report

The Board will produce an Annual Report which will be shared with all member organisations and published on the Council's website. The Board will report informally to PDGs and other groups as appropriate throughout the year.

4. SUB-COMMITTEES AND WORKING PARTIES

4.1 Appointment and composition of subcommittees and working parties

The Board may appoint such sub-committees and/or working groups as it wishes to deal with specific matters within its Terms of Reference.

These bodies are non decision making (See part 4.1, rule 31 and 32 of the constitution), not subject to sections 15 and 16, and schedule 1 of the Local Government and Housing Act 1989 (duty to allocate seats to political groups, duty to give effect to allocations and political balance on LA committees) but are subject to the Local Government Access to Information Act 1985.

The Board may appoint to these bodies Members of the Council who are not members of the Board and other persons including representatives of member organisations, unless the Council directs otherwise. (Part 2 sections 3 and 4 of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013).

Should such groups be established, separate Terms of Reference will be developed which will set out how the provisions set out in this document apply or otherwise to the sub-committee or working party in question.

5. OTHER MATTERS

5.1 Risk management

The Policy Team will manage a risk register and develop and manage a risk management plan on behalf of the Board in accordance with the Council's corporate approach to risk through the council's risk register.

The risk register and management plan will specify who is responsible for managing risk on behalf of the Board.

The Board and sub-committees and working groups risk registers will be reviewed as a minimum every six months.

5.2 Conflict and complaints resolution

Part 4.1 Rule 12 and Part 5.1 Parts 2 and 3 of the Council's Constitution shall apply to the Board, its sub-committees [and working groups] in relation to complaints about Members and the investigation and determination of such complaints. Part 5.5 Member and Officer Relations Code Rules 10 and 17 in relation to complaints resolution shall also apply.

5.3 Access to information and council documents

Part 5.5, Rule 16 of the Council's Constitution shall apply to the Board. This sets out arrangements for officers' and members' access to information for carrying out Council business.

5.4 Performance monitoring

The Board will develop a Performance Monitoring Framework for measuring progress against key priorities and desired outcomes. The Board will review key information from this Framework on a regular basis and summary level data will be included in the Board's Annual Report.

5.5 **Equalities**

The Board will have regard to the Equalities Act 2010 and will undertake Equality Impact Assessments as appropriate.

5.6 **Freedom of Information and Data protection requirements**

The Board and its members are subject to the provisions of the Freedom of Information Act 2000 and the Data Protection Act 1988 as regards rights of access to and the holding of information by public bodies.

5.7 **Exit strategy**

The Board's Democratic Services Officer will develop an exit strategy on behalf of the Board and its sub committees and working groups, in accordance with the Councils corporate procedures.

5.8 **Terms of Reference**

The Board's Terms of Reference will be reviewed annually. The Terms of Reference will require the approval of the full Council.

6. SUPPORT ARRANGEMENTS

6.1 **The Proper Officer**

References in these Terms of Reference to the Proper Officer shall be to the Chief Executive of Slough Borough Council or such person as she shall nominate in writing to all members to be the Proper Officer for any purpose.

6.2 **Board servicing arrangements**

The Board is served by an officer from Democratic Services, supported by the Policy Team. The Democratic Services Officer (DSO) is responsible for:

- preparing and publishing a schedule of the Board meetings on the Council's website
- preparing and circulating the Board's agenda in accordance with statutory deadlines
- minuting the Board's meetings
- recording members' declarations of interest (constitution)
- maintaining a list of members' attendance at meetings (constitution)

6.3 **Sub-committees and working groups servicing arrangements**

Any sub-committees and working groups will be served by Council officers.