

Health and Social Care Bill

Establishment of Health and Wellbeing Boards

Briefing note

1. Introduction

- 1.1 The Health and Social Care Bill (January 2011) and the Department of Health Delegated Powers Memorandum (January 2011) set out further details for the establishment of Health and Wellbeing Boards. This paper identifies the key points.

2. Health and Wellbeing Boards

- 2.1 A local authority must establish a Health and Wellbeing Board for its area. The Health and Wellbeing Board is to consist of:
- subject to subsection (4), at least one councillor of the local authority, nominated in accordance with subsection (3)
 - the director of adult social services for the local authority
 - the director of children's services for the local authority
 - the director of public health for the local authority
 - a representative of the local Healthwatch organisation for the area of the local authority
 - a representative of each relevant commissioning consortium, and
 - such other persons, or representatives of such other persons, as the local authority thinks appropriate
- 2.2 The local Healthwatch organisation for the area of the local authority must appoint one person to represent it on the Health and Wellbeing Board.
- 2.3 A relevant commissioning consortium must appoint a person to represent it on the Health and Wellbeing Board.
- 2.4 A person may, with the agreement of the Health and Wellbeing Board, represent more than one commissioning consortium on the Board.
- 2.5 The Health and Wellbeing Board may appoint such additional persons to be members of the Board as it thinks appropriate.
- 2.6 At any time after a Health and Wellbeing Board is established, a local authority must, before appointing another person to be a member of the Board under subsection (2)(g), consult the Health and Wellbeing Board.

- 2.7 A relevant commissioning consortium must co-operate with the Health and Wellbeing Board in the exercise of the functions of the Board.
- 2.8 A Health and Wellbeing Board is a committee of the local authority which established it and, for the purposes of any enactment, is to be treated as if it were a committee appointed by that authority under section 102 of the Local Government Act 1972.
- 2.9 The Secretary of State can make regulations to allow the creation of joint committees between several local authorities, or the creation of sub committees.

3. Duty to encourage integrated working

- 3.1 A Health and Wellbeing Board must, for the purpose of advancing the health and wellbeing of the people in its area, encourage persons who arrange for the provision of any health or social care services in that area to work in an integrated manner.
- 3.2 A Health and Wellbeing Board must, in particular, provide such advice, assistance or other support as it thinks appropriate for the purpose of encouraging the making of arrangements under section 75 of the National Health Service Act 2006 in connection with the provision of such services.
- 3.3 A Health and Wellbeing Board may encourage persons who arrange for the provision of health-related services in its area to work closely with the Health and Wellbeing Board.
- 3.4 A Health and Wellbeing Board may encourage persons who arrange for the provision of any health or social care services in its area and persons who arrange for the provision of any health-related services in its area to work closely together.
- 3.5 Any reference in this section to the area of a Health and Wellbeing Board is a reference to the area of the local authority that established it.

4. Participation of the NHS Commissioning Board

- 4.1 Where a Health and Wellbeing Board is preparing an assessment of relevant needs, the National Health Service Commissioning Board must appoint a representative to join the Health and Wellbeing Board for the purpose of participating in its preparation of the assessment or (as the case may be) the strategy.

5. Supply of information to Health and Wellbeing Boards

- 5.1 A Health and Wellbeing Board may, for the purpose of enabling or assisting it to perform its functions, request any of the following persons to supply it with such information as may be specified in the request:

- the local authority that established the Health and Wellbeing Board
 - any person who is represented on the Health and Wellbeing Board by virtue of section 178(2)(e) to (g) or (9)
 - any person who is a member of a Health and Wellbeing Board by virtue of section 178(2)(g) or (9) but is not acting as a representative
- 5.2 A person who is requested to supply information under subsection (1) must comply with the request.
- 5.3 Information supplied to a Health and Wellbeing Board under this section may be used by the Board only for the purpose of enabling or assisting it to perform its functions.
- 5.4 Information requested under subsection (1) must be information that relates to:
- a function of the person to whom the request is made, or
 - a person in respect of whom a function is exercisable by that person.

6. Health and social care: joint health and wellbeing strategies

- 6.1 The responsible local authority and each of its partner commissioning consortia must prepare a strategy for meeting the needs included in the assessment by the exercise of functions of the authority, the National Health Service Commissioning Board or the consortia (“a joint health and wellbeing strategy”).
- 6.2 The responsible local authority and each of its partner commissioning consortia may include in the strategy a statement of their views on how arrangements for the provision of health-related services in the area of the local authority could be more closely integrated with arrangements for the provision of health services and social care services in that area.

7. Further information

Weblink - Health and Social Care Bill and Explanatory Notes to the Bill:

<http://services.parliament.uk/bills/2010-11/healthandsocialcare/documents.html>

Weblink - Department of Health pages on Health and Social Care Bill (includes link to "Delegated Powers Memorandum"):

<http://www.dh.gov.uk/en/Publicationsandstatistics/Legislation/Actsandbills/HealthandSocialCareBill2011/index.htm>

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