

# Changes to the Constitution

## 1. Terms of Reference and Membership of the Essex Health and Wellbeing Board

The Health and Social Care Act 2012 established health and wellbeing boards as a forum where key leaders from the health and care system work together to improve the health and wellbeing of their local population and reduce health inequalities.

The Essex Health and Wellbeing Board was established by the Council in February 2013. The Board has a minimum statutory membership but the Council or the Board may appoint additional members. In May 2014 the Board decided to appoint the following additional members:

- two representatives from the Essex acute hospital trusts; and
- two representatives from the mental health and non-acute providers such representatives to be appointed by the Board on the nomination of the relevant trust(s). In making their nominations the trusts were invited to have regard to:
  - achieving an appropriate balance between managers and clinicians
  - the arrangements needed to ensure other trusts/major providers are represented effectively.

The Acute Hospital Trusts nominated the following representatives to be members of the Board:

### Members

- Paul Forden, Chief Executive, Mid Essex Hospital Services NHS Trust
- Clare Panniker, Chief Executive, Basildon and Thurrock University Hospitals NHS Foundation Trust

### Substitute Member

- Lucy Moore, Chief Executive, Colchester Hospital University NHS Foundation Trust

The Non-Acute Providers nominated the following representatives to be members of the Health and Wellbeing Board:

### Members

- Liz Chidgey, Managing Director, Essex Cares Ltd
- Andrew Geldard, Chief Executive, North East Partnership Foundation Trust

### Substitute Members

- Sally Morris, Chief Executive, South Essex Partnership Trust
- Lynne Woodcock, Managing Director, Anglian Community Enterprise

Additional members of the Board fall within the statutory definition of co-opted members of the Council. As such they will be subject to the Council's Code of Conduct and statutory requirements resulting from the Localism Act 2011, relating to the disclosure and registration of interests.

In addition to the proposed changes to the membership agreed by the Board the opportunity has been taken to update the terms of reference to recognise the different classes of membership and to bring the arrangements for substitute members in line with the Council's current arrangements.

### **Recommended:**

That the Council approve the amendments to the membership of the Essex Health and Wellbeing Board and its terms of reference as set out in Annex "A" to this report for inclusion in Article 8 (Council Committees) of the Constitution.

## **2. Changes to the Chief Officer Delegations**

Cabinet approved the Council's new organisational structure in June 2013 and the Corporate Management Board (CMB) was created to reflect the new operating model. Changes to the membership of CMB since then have provided the opportunity to review the strategic and functional accountabilities of senior leader roles to ensure the maintenance of the right balance to achieve the aspirations set out in the commissioning strategies.

As a result, Cabinet on 23 September endorsed changes proposed by the Chief Executive which in particular have an impact on Adult Operations, Customer Operations and the Deputy Chief Executive functions, which have all been operating under temporary reporting arrangements for several months. The new structure is shown in the table at Annex "B" to this report.

### **Recommended:**

That the Monitoring Officer be authorised to amend Article 4 (Officers) and the Officer Scheme of Delegation in Part 3 of the Constitution in line with the changes to the Corporate Management Board approved by Council on 23 September 2014.

## Membership and Terms of Reference of the Essex Health and Wellbeing Board

(Additional wording shown underlined)

### 8.1.8 Health and Wellbeing Board

The Board is established in accordance with Section 194 of the Health and Social Care Act 2012 and constituted to meet local requirements.

#### Quorum

The Quorum for the Health & Wellbeing Board will be one quarter of the voting membership and will include:

- at least one Essex County Council Elected Member
- at least one Clinical Commissioning Group Representative
- Essex County Council either Director for Adult Social Care, Director for Children’s Services or Director for Public Health

#### **Membership**

<b><u>Voting Members</u></b>	
<b>Statutory Members</b>	<b>How Nominated or Appointed</b>
3 x County Councillors*	As nominated by County Council Leader
Essex County Council Director for Adult Social Care (DASS)	By appointment to post
Essex County Council Director for Children’s Services (DCS)	By appointment to post
Essex County Council Director for Public Health (DPH)	By appointment to post
Representative of Health Watch Essex	Appointed by Health Watch Essex
Representative of North East Essex CCG	Appointed by North East Essex CCG
Representative of Mid Essex CCG	Appointed by Mid Essex CCG
Representative of West Essex CCG	Appointed by West Essex CCG
Representative of Basildon & Brentwood CCG	Appointed by Basildon & Brentwood CCG
Representative of Castle Point & Rochford CCG	Appointed by Castle Point and Rochford CCG
<b>Other Members</b>	<b>How Nominated or Appointed</b>
Chief Executive of Essex County Council	By appointment to post

4 Borough/City/District Council Representatives	Appointed by the Board on the nomination of the Borough/City/District Council Leaders and Chief Executives Group
Voluntary Sector representative	Appointed by the Board on the nomination of EACVS
NHS Commissioning Board Essex LAT Director	By appointment to post
<u>2 Representatives of Essex Acute Hospital Trusts</u>	<u>Appointed by the Board on the nomination of the Trusts</u>
<u>2 Representatives from Essex mental health and non-acute providers</u>	<u>Appointed by the Board on the nomination of the Trusts</u>
<b><u>Non-Voting Members</u></b>	
<u>Essex Police and Crime Commissioner</u>	<u>By election to post</u>
<u>Independent Chair of the Essex Safeguarding Children's and Adults Boards</u>	<u>By appointment to posts</u>

\*statutory requirement for at least one County Council elected member

Where two or more of the statutory director appointments are held by one person he/she may appoint another officer of the Council to represent one of the statutory roles

#### Substitute Members

Appointing and nominating bodies may appoint or nominate substitute members to attend meetings which their appointed member cannot attend.

Statutory director members, the Chief Executive of Essex County Council, the NHS England Essex Local Area Team Director and the Non-Voting members may also nominate a substitute to attend meetings which they cannot attend.

In such circumstances the member shall give the Secretary to the Board written notice not later than 5 pm on the working day prior to the meeting that the substitute named in the notice will attend in their place.

The effect of a substitution notice shall be that the member named in the notice shall cease to be a member of the Board for the duration of that meeting and that the substitute member shall be a member of the Board for the same period.

A substitution notice may be revoked at any time preceding the deadline for the giving of such notice.

**Organisational structure agreed by Cabinet on 23 September 2014**

