



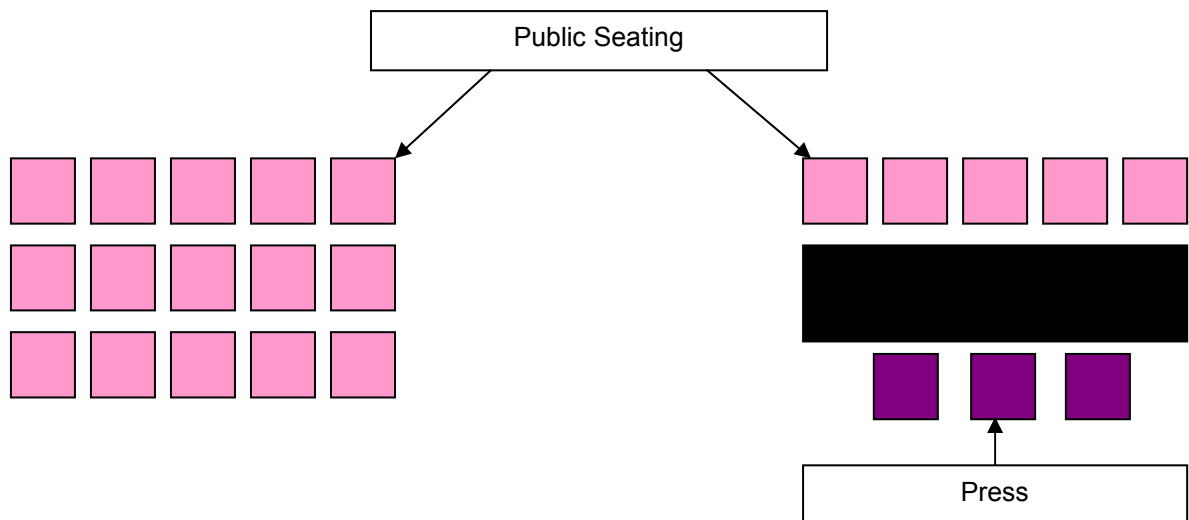
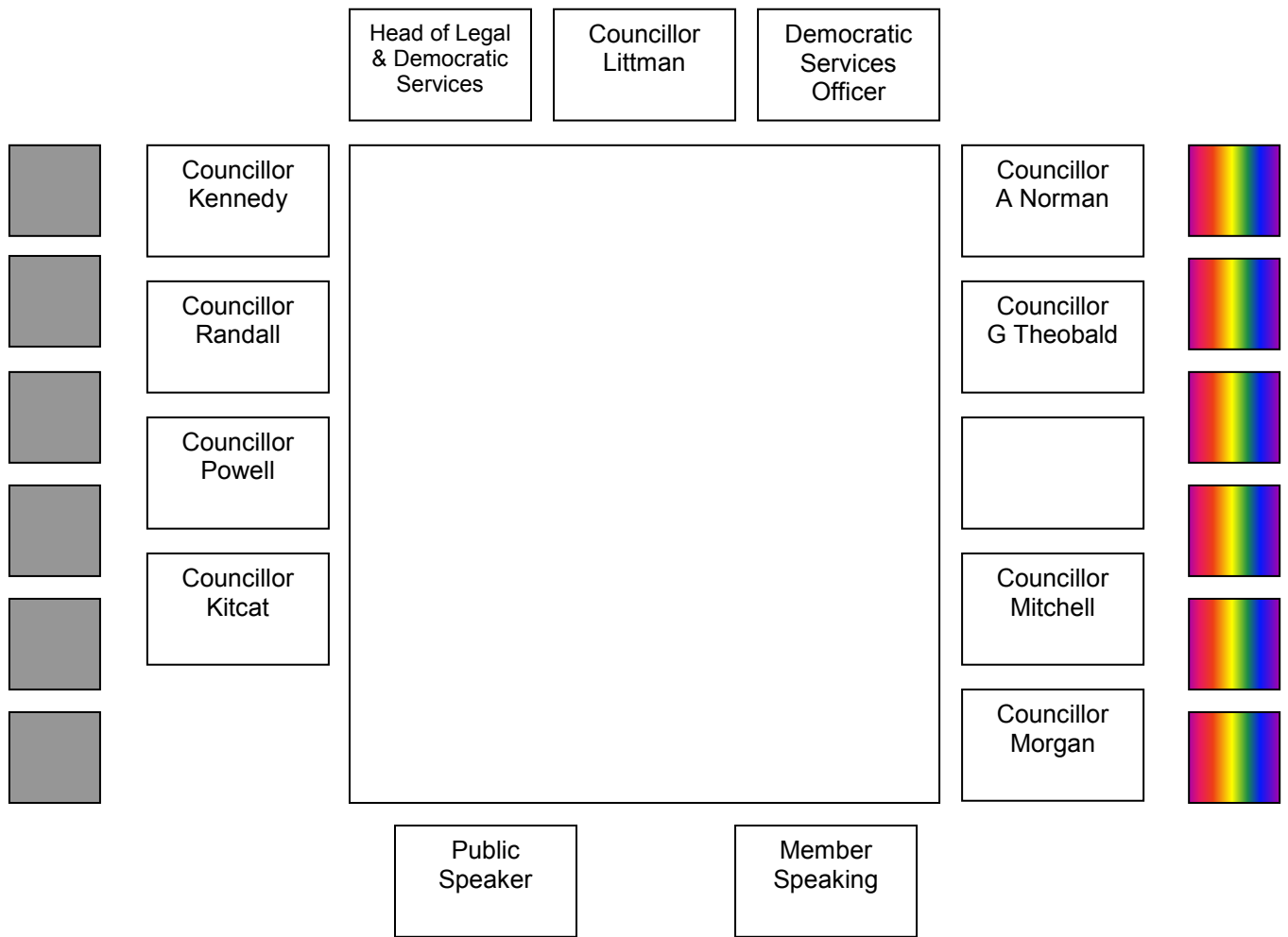
Brighton & Hove
City Council

Governance Committee

Title:	Governance Committee
Date:	10 January 2012
Time:	4.00pm
Venue	Council Chamber, Hove Town Hall
Members:	Councillors: Littman (Chair), A Norman, Kennedy, J Kitcat, Mitchell, Morgan, Powell, Randall and G Theobald
Contact:	Lisa Johnson Senior Democratic Services Officer 29-1228 lisa.johnson@brighton-hove.gov.uk

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Democratic Services: Meeting Layout



AGENDA

49. PROCEDURAL BUSINESS

- (a) Declaration of Substitutes - Where Councillors are unable to attend a meeting, a substitute Member from the same Political Group may attend, speak and vote in their place for that meeting.
- (b) Declarations of Interest by all Members present of any personal interests in matters on the agenda, the nature of any interest and whether the Members regard the interest as prejudicial under the terms of the Code of Conduct.
- (c) Exclusion of Press and Public - To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

NOTE: Any item appearing in Part 2 of the Agenda states in its heading the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.

A list and description of the exempt categories is available for public inspection at Brighton and Hove Town Halls.

50. MINUTES OF THE PREVIOUS MEETING

1 - 6

Minutes of the meeting held on 15 November 2011 (copy attached).

51. CHAIR'S COMMUNICATIONS

52. CALLOVER

NOTE: Public Questions, Written Questions from Councillors, Petitions, Deputations, Letters from Councillors and Notices of Motion will be reserved automatically.

53. PETITIONS

No petitions received by 23 December 2011.

54. PUBLIC QUESTIONS

(The closing date for receipt of public questions is 12 noon on 3 January 2012)

No public questions received by 23 December 2011.

GOVERNANCE COMMITTEE

55. DEPUTATIONS

(The closing date for receipt of deputations is 12 noon on 3 January 2012)

No deputations received by 23 December 2011.

56. WRITTEN QUESTIONS, LETTERS AND NOTICES OF MOTION FROM COUNCILLORS

No written questions, letters or Notices of Motion were submitted by Councillors for the meeting.

57. BRIGHTON & HOVE CITY COUNCIL HEALTH & WELLBEING BOARD DEVELOPMENT 7 - 20

Contact Officer: Terry Parkin *Tel:* 29-0446
Ward Affected: All Wards

58. OPEN PUBLIC SERVICES WHITE PAPER 21 - 26

Contact Officer: Elizabeth Culbert *Tel:* 29-1515
Ward Affected: All Wards

59. LOCALISM ACT 27 - 40

Contact Officer: Elizabeth Culbert *Tel:* 29-1515
Ward Affected: All Wards

60. ADOPTION AND SURROGACY POLICY 41 - 50

Contact Officer: Katie Ogden *Tel:* 29-1299
Ward Affected: All Wards

61. GOVERNANCE COMMITTEE WORK PLAN 51 - 54

To note the work plan and identify potential items for consideration at future meetings.

The City Council actively welcomes members of the public and the press to attend its meetings and holds as many of its meetings as possible in public. Provision is also made on the agendas for public questions to committees and details of how questions can be raised can be found on the website and/or on agendas for the meetings.

The closing date for receipt of public questions and deputations for the next meeting is 12 noon on the fifth working day before the meeting.

Agendas and minutes are published on the council's website www.brighton-hove.gov.uk. Agendas are available to view five working days prior to the meeting date.

Meeting papers can be provided, on request, in large print, in Braille, on audio tape or on disc, or translated into any other language as requested.

GOVERNANCE COMMITTEE

For further details and general enquiries about this meeting contact Lisa Johnson, (29-1228, email lisa.johnson@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk

Date of Publication - Friday, 30 December 2011

BRIGHTON & HOVE CITY COUNCIL

GOVERNANCE COMMITTEE

4.00pm 15 NOVEMBER 2011

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Littman (Chair), A Norman (Deputy Chair), Kennedy, J Kitcat, Mitchell, Morgan, Oxley, Powell, Randall and G Theobald

Also in attendance:

PART ONE

34. PROCEDURAL BUSINESS

34a Declaration of Substitutes

34a.1 There were none.

34b Declarations of Interest

34b.1 Councillors Oxley, A Norman and G Theobald declared a personal interest in Item 43 as they knew the Leaseholder of Stanmer Park.

Councillor Mitchell declared a personal interest in Item 43 as she was Chair of the Brighton & Hove Estates Conservation Trust, and the Trust had dealt with Stanmer Park.

Councillor A Norman declared a personal interest in Item 45 as she was a councillor representing Withdean Ward.

34c Exclusion of Press and Public

34c.1 In accordance with Section 100A of the Local Government Act 1972 ('the Act'), the Committee considered whether the press and public should be excluded from the meeting during an item of business on the grounds that it was likely, in view of the nature of business to be transacted or the nature of the proceedings, that if members of the press and public were present during that item, there would be disclosure to them of confidential or exempt information (as detailed in Section 100A(3) of the Act).

34c.2 **RESOLVED** – That the press and public not be excluded from the meeting.

35. MINUTES OF THE PREVIOUS MEETING

35.1 **RESOLVED** - That the minutes of the meeting held on 20 September 2011 be approved as a correct record.

36. CHAIR'S COMMUNICATIONS

36.1 Councillor Littman stated that following a suggestion from Councillor Mitchell, the Governance Committee would be provided with an update of the Open Service Bill at the meeting due to be held on 10 January 2012.

37. CALLOVER

37.1 **RESOLVED** – That all the items be reserved for discussion.

38. PETITIONS

38.1 There were none.

39. PUBLIC QUESTIONS

39.1 There were none.

40. DEPUTATIONS

40.1 There were none.

41. WRITTEN QUESTIONS, LETTERS AND NOTICES OF MOTION FROM COUNCILLORS

41.1 There were none.

42. REVIEW OF POLICY FRAMEWORK - SCHOOL ADMISSIONS ARRANGEMENTS

42.1 The Committee considered a report of the Strategic Director, People concerning the inclusion of the annual School Admission Arrangements as part of the Council's Policy Framework.

42.2 The Schools Futures Project Director, Mr Sweetenham, presented the report. Mr Sweetenham confirmed that at the Full Council meeting held in October 2011 it had been agreed to include the annual school admission arrangements as part of the Council's policy framework. The report set out the policies and documents which related to school admissions, and clarified the elements that it was proposed would be brought to Full Council as part of the policy framework.

42.3 Mr Sweetenham confirmed that at the Cabinet meeting held on 10 November 2011, the Cabinet member for Children and Young People had announced that a cross party working would be set up to consider the provision of junior school places in the city.

42.4 RESOLVED -

- (1) That Governance Committee notes the documents and policies in place for Brighton & Hove City Council relating to school admissions
- (2) That Governance Committee recommends to full Council that the Council's policy framework include 'school admission arrangements' and that this be interpreted to cover the Council's admissions policy (as represented by the admissions booklet for primary and secondary schools) and the School Organisation Plan

43. APPLICATION FOR A DEFINITIVE MAP MODIFICATION ORDER - STANMER PARK

- 43.1 The Committee considered a report of the Strategic Director Place and Strategic Director Resources concerning an application to make an Order modifying its Definitive Map and Statement of Public Rights of Way by adding a public footpath at Stanmer Park Brighton.
- 43.2 Councillor Kennedy thanked the officers for providing a comprehensive report and noted that it was a difficult decision to make. Councillor Kennedy asked that if the officer's recommendation were agreed, what options would be available to the applicant. The Committee was advised that the applicant could appeal to the Secretary of State of Environment for Food and Rural Affairs for them.
- 43.3 Councillor Mitchell noted that there was no clear evidence of a right of way, and suggested that that could be because the area was a large open space and asked whether that issue had been taken into account. The Committee were advised that it had; a right to travel over an area could not be defined as a formal right of way.
- 43.4 Councillor A Norman stated that she was very familiar with Stanmer Park, and whilst the public visited a large area of the park she had never thought that it was a form public Right of Way.
- 43.5 The Committee considered the recommendation, and all councillors chose to abstain from voting. The Monitoring Officer stated that, in order for the Definitive Map and Statement of Public Rights of Way to be modified a positive vote would be required. Therefore, the recommendation in the report, not to modify, would be agreed. The Monitoring Officer stated that the Chair could have the casting vote. The Chair declined.
- 43.6 Councillor Mitchell asked whether the Committee could ask that the matter be passed to the Secretary of State for Environment, Food and Rural Affairs. The Monitoring Officer stated that the Committee could recommend that. Councillor Mitchell proposed that that course of action be followed and Councillor Randall agreed. The Committee voted on the proposal, and it was agreed that the Committee recommend that the matter be passed to the Secretary of State for Environment, Food and Rural Affairs.

43.7 RESOLVED -

- (1) That the Governance Committee declines to make an Order modifying the Definitive Map and Statement of Public Rights of Way by adding a public footpath at Stanmer Park.
- (2) That the Governance Committee considers that, given the complexity of the case and the legal position, the matter would be better dealt with by the Secretary of State for Environment, Food and Rural Affairs.

44. APPLICATION FOR A DEFINITIVE MAP MODIFICATION ORDER - KINGSWAY, HOVE

- 44.1 The Committee considered a report of the Strategic Director, Place and Strategic Director Resources concerning an application to make an Order modifying its Definitive Map and Statement of Public Rights of Way by adding a public footpath between Kingsway and Wharf Road, Hove.
- 44.2 Councillor Morgan noted that applications to modify the Definitive Map and Statement of Public Rights of Way had been made in 2008 and 2009 and asked why the matter was only being determined now. The Committee were advised that the Council had been in correspondence with parties over this issue, and that the matter was now ready for the Governance Committee to reach a resolution.
- 44.3 Councillor Littman stated that he was familiar with area, and had always thought that it was public Right of Way.

44.4 RESOLVED -

That the Committee approves the application for an Order on the basis that the evidence referred to in this report shows that the claimed right of way subsists or can reasonably be alleged to subsist.

45. POLLING PLACE REVIEW

- 45.1 The Committee considered a report of the Strategic Director Resources concerning a revision of polling arrangements in two Wards, Withdean Ward and East Brighton Ward, within the city.

45.2 RESOLVED -

- (1) That the Governance Committee approves that the polling place for IW polling district, Withdean Ward, be changed from Westdene Primary School to the Ascension Church Hall
- (2) That the Governance Committee approves that the Whitehawk Inn Training Centre be designated the new polling place for DU polling district, East Brighton Ward.

46. REVIEW OF FINANCIAL REGULATIONS

46.1 The Committee considered a report of the Director Finance concerning modifications to Financial Regulations. The report proposed a number of changes to the Financial Regulations to reflect both the practical application of the Scheme of Delegation to Officers and to ensure that the regulations covered a number of new areas of work. The Committee were requested to consider the modifications and recommend to Council that they be approved.

46.2 RESOLVED -

(1) That the Governance committee recommends to Council that the amendments set out in the report and more particularly indicated in the appendices be approved and that they come into force with immediate effect.

47. ATTENDANCE MANAGEMENT PROCEDURE

47.1 The Committee considered a report of the Strategic Director Resources, concerning an update on the new Attendance Management Procedure which was implemented on 1 April 2011.

47.2 Councillor G Theobald noted that although the level of staff absence had reduced it still appeared to be high, and was concerned of the cost implications for the council and felt that anything which could be done to reduce the level of staff absence would be beneficial.

47.3 Councillor Powell referred to employees having to attend a formal Absence Review meeting, and noted that with disabled employees there was an issue of equalities and that it might not be appropriate for all employees to have to attend a formal review meeting. Councillor Powell suggested that a separate review meeting be held for disabled employees.

47.4 Councillor Oxley suggested that an alternative way of meeting employees could be held to ensure that the review meeting was not felt to be a punishment for being ill.

47.5 Councillor Morgan stated that it was necessary to strike a balance between getting staff back to work, and also ensuring that staff did not return to work too early. If staff came back to work whilst still ill, they may not be able to properly perform their job.

47.6 Councillor A Norman agreed staff with a disability should be dealt with appropriately as returning to work and having to attend two review meetings could be daunting.

47.7 The officer presenting the report noted the comments regarding disabled employees and said that the new procedures gave managers more guidance on dealing with all staff and in particular how they should implement reasonable adjustments where appropriate.

47.8 Councillor Kennedy asked whether absence levels amongst different departments and teams were monitored. The Committee were advised that levels were monitored and any areas of high absence were identified. Both short and long term absence was

looked at and, where appropriate, managers would be contacted and an action plan to address the level of absence.

47.9 RESOLVED -

- (1) That the Governance Committee notes the overall improvement in sick absence rates since 1 April 2011 and the steps taken to improve managers' skill and understanding of their role in supporting staff towards better health and attendance.
- (2) That the Governance Committee be briefed on the average days lost to sick absence after the end of the financial year to confirm that the improvements in attendance measured to date have been sustained.
- (3) That, following consultation with the Corporate Management Team and managers, the Governance Committee consider the option of removing, from the Procedure, the provision that requires an Absence Review meeting to always be held after an employee reaches an Attendance Concern Level. See paragraph 3.5.3 of the report.
- (4) That the results of the consultation exercise with the Corporate Management Team and managers be brought back to the Governance Committee to enable it to consider the option described in recommendation 1.3 above.

48. GOVERNANCE COMMITTEE WORK PLAN

48.1 RESOLVED – That the Committee noted the Work Plan.

The meeting concluded at 5.20pm

Signed

Chair

Dated this

day of

Subject:	Brighton & Hove City Council Health and Wellbeing Board Development		
Date of Meeting:	10th January 2012 19th January 2012 Cabinet 26th January 2012 Council		
Report of:	Directors of Public Health and Adult Social Care, Strategic Director, People		
Contact Officer:	Name:	Terry Parkin	Tel: 29-0446
	Email:	Terry.Parkin@brighton-hove.gov.uk	
Key Decision:	Yes	Forward Plan No:	
Ward(s) affected:	All		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT

- 1.1 The Health and Social Care Bill will require local authorities to establish a Health and Wellbeing Board (HWB) by April 2013. This board will be a formal committee of upper tier and unitary local authorities under Section 102 of the Local Government Act.
- 1.2 This paper summarises the proposed approach to establishing a Health and Wellbeing Board during the shadow year of 2012-2013 and follows from two longer discussion papers circulated prior to each of the consultation workshops. The purpose of this paper is to seek approval for the approach outlined for the establishment of a Shadow Health and Wellbeing Board (SHWB) in April 2012.

2. RECOMMENDATIONS:

- 2.1 That Governance Committee recommends to Council the establishment of a Shadow Health and Wellbeing Board from April 2012 as set out in this paper and in accordance with the draft Terms of Reference attached at Appendix One.
- 2.2 That Governance Committee refers the report to the Cabinet for information.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS

- 3.1 In Brighton & Hove a decision was reached between officers and elected members *not* to become an early implementer of a Health and Wellbeing Board, but rather to engage in a discussion with partners and stakeholders to work at getting the scope, functions, membership and governance of the Brighton & Hove Health and Wellbeing Board right.
- 3.2 Two workshops were held to discuss the establishment of a Brighton and Hove Health and Wellbeing Board. The first on 26th July 2011 was used to plan out the scope of the health and wellbeing board. A second workshop on 3rd October was held to discuss the likely make up of the board with regard to three key components: function, membership and governance.
- 3.3 A national pause was announced in the passage of the Health and Social Care Bill and following further national discussion, led by an NHS Futures Forum, a number of

amendments were made to the Bill. With regard to the establishment of a HWB, these included stronger public engagement, a stronger role for joint commissioning between health and social care, and powers to the HWB to refer to the NHS Commissioning Board the commissioning plans of a clinical commissioning group, if these do not meet the requirement of the health and wellbeing strategy.

- 3.4 The Bill was passed in the House of Commons on 8th September 2011, and in the face of considerable lobbying from health and nursing groups, passed to the House of Lords on 14th October 2011. It is currently being considered in Committee Stage in the House of Lords and this is a detailed line by line examination of the Bill, which is likely to continue into the New Year.
- 3.5 A further series of consultation events has taken place including elected members, the health overview and scrutiny committee, the clinical commissioning group, lead commissioners and the LINK.
- 3.6 This paper and the model proposed reflects the legislative requirements of the Bill, as currently drafted, as well as the local consultation that has taken place prior to and subsequent to the legislation passing through the House of Commons.

Proposed Scope of the Shadow Health and Wellbeing Board

- 3.7 It is proposed that a Shadow Health and Wellbeing Board be established from April 2012, in advance of the Statutory Board which is likely to be required to be in place from April 2013. The primary purpose of the SHWB will be to prepare the Council, the PCT and the emerging local Clinical Commissioning Group for the statutory roles of the formal Health and Wellbeing Board. The SHWB's focus will be to provide the strategic leadership required to improve the health and wellbeing of the population of Brighton & Hove.
- 3.8 The SHWB will oversee the production and delivery of a joint health and wellbeing strategy which will be based on the local joint strategic needs assessment.
- 3.9 The SHWB will monitor the delivery of a series of outcomes covering public health, children and adult social care.
- 3.10 The SHWB will also review the commissioning plans of the clinical commissioning group with regard to how they address the needs identified in the joint strategic needs assessment (JSNA) and written into the health and wellbeing strategy.
- 3.11 The remit of the SHWB will be clearly defined and it will seek to concentrate on the strategic leadership and delivery of a number of key outcomes. The board will be 'transformational rather than transactional' and will influence how budgets are spent, rather than oversee a specific health and wellbeing budget.
- 3.12 The SHWB will have input into wider determinants of health such as housing, economy and education, but this will not be through the SHWB directly overseeing relevant partnerships, but rather having a clear link to groups who lead on this work. Key to this work will be the relationship with the Local Strategic Partnership (LSP) and Public Service Board (PSB) which will emerge in the first shadow year
- 3.13 Another key relationship that will be established during the first year is the one with children's reporting structures such as the children and young people's trust board (CYPTB) and the local safeguarding board (LSB). It is proposed that these continue in their current format in the first year and that consideration be given to ensuring there is no duplication of roles. In particular, the CYPTB is likely to cease to become a statutory requirement following the removal of the requirement for it to develop and approve a

Children and Young People's Plan. Reporting requirements for the LSB will need to be carefully considered.

- 3.14 The board will agree a set of health and wellbeing outcomes; these will be strongly influenced by the national public health outcomes framework but also by the joint strategic needs assessment. The national public health outcomes framework and JSNA will then determine the health and wellbeing strategy that the Health and Wellbeing Board will agree and from which the set of outcomes will be selected and agreed.
- 3.15 The board will also have due regard to the annual report of the Director of Public Health which will be formally presented to the board each year.
- 3.16 The board will not have a formal role in emergency planning but will be part of the assurance process for making sure that processes are in place to protect the public's health in the event of an emergency.

Governance

- 3.17 The SHWB will advise the Council, Sussex PCT and the local Clinical Commissioning Group in its shadow year. Once it is formally constituted under the Health and Social Care Act from April 2013, the HWB will be a committee of Council.
- 3.18 The SHWB will also establish a formal relationship with the Public Service Board and Local Strategic Partnership. There will be overlaps in remit between the board and these groups. During the first shadow year (2012-13) any overlaps will be identified with the aim of removing these before the formal establishment of the board in April 2013. As part of this shadow year the board will plan in a formal board to board meeting with the Public Service Board.
- 3.19 The SHWB will meet quarterly in the shadow year. A formal 'taking stock' session will take place mid way through the shadow year.
- 3.20 Meetings will be open and other statutory sectors including provider trusts, community and voluntary sector and members of the public will be able to submit questions to the chair before meetings and at the discretion of the chair during meetings, in accordance with the Council's usual Standing Orders and rules of procedure.
- 3.21 Key decision-making bodies, such as the Children and Young People's Trust Board, the Local Safeguarding Children's Board and the Joint Commissioning Board will discuss their changing role during this shadow year and report to the SHWB regarding their remit and any changes in their establishment or role. The shadow year will also be used to 'train up' the members of the Health and Wellbeing Board in their new roles.
- 3.22 When the board is formally constituted under the Health and Social Care Act, it will have formal committee status. Its powers however, will be devolved to the board itself and not through full council, so it will be empowered to take decisions at board level without the need for full council ratification. As a formal committee normal committee rules will apply but draft legislation states that the Secretary of State has the power to disapply any of these by regulation. This would enable the membership of both officers and elected members to participate in decision making.
- 3.23 A copy of the draft Terms of Reference for the SHWB are attached at Appendix One. These will be reviewed during the shadow year and will need to be revised at the point that the health and wellbeing board is formally constituted under the Health and Social Care Act.

- 3.24 The consultation has taken place during a period when the City Council is considering a return to a committee structure. However, unlike other committees of the council the HWB will not be proportionately weighted in terms of political party representatives and officers will vote in the same forum as elected members. Further consideration will be given to the structures that will have to sit under the HWB which will ensure full engagement with the public, professionals, the third sector and elected members.

Membership

- 3.25 There has been widespread support for a small membership, and during the shadow year consideration will be formally given to extending the membership as required. The formal membership of the board will be as follows:

- An elected member from the Largest Political Party will chair the board;
- The Official Opposition and Opposition Parties will also select one member to sit on the board;
- The three Statutory Directors of Public Health, Children's Services and Adult Social Care;
- One lead clinical and one non-clinical member from the Clinical Commissioning Group;
- A member from the Youth Council;
- One member from Healthwatch.

Note: As Healthwatch does not currently have a remit for children and with the likely future changes to the Children and Young People's Trust Board it is important that young people have some representation in health and wellbeing issues that affect their lives, hence the inclusion of a member of the Youth Council.

- 3.26 Where a discussion is to be held on a particular subject, for example accident and emergency services, other relevant providers, such as in this case Southeast Coast Ambulance Service (SECamb) will be invited as is relevant.

3. CONSULTATION

The following people were provided with the opportunity to comment and input into the establishment of the SHWB:

- Members of the staff forums of the city council and clinical commissioning group
- Members of the Overview & Scrutiny Commission
- Political groups
- Individual Cabinet Members
- Corporate Management Team
- Strategic Leadership Board
- The LINK
- NHS Brighton and Hove
- Brighton and Hove Clinical Commissioning Group

4. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 4.1.1 The health and wellbeing board will not hold a service budget. The board will influence budgets and spending decisions through strategic leadership to commissioning and in regard to Joint Strategic Needs Assessments. There will be requirement for some officer support to the board estimated at £30k for which joint funding will be identified by public health, adult social care and children's services.

Legal Implications:

- 4.2 As set out in the report, the Health and Social Care Bill requires local authorities to establish a Health and Wellbeing Board as a committee of council with specific functions delegated to it. Once the Act and Regulations are in force, a formal committee can be established. This report proposes the establishment of an advisory body – the Shadow health and Wellbeing Board – which will ensure that the Council and its partners are well placed to take on the formal functions of the Health and Wellbeing Board when the Act comes into force.

Lawyer Consulted: Elizabeth Culbert

Date: 08/12/11

Equalities Implications:

- 4.3 The council's Equality and Inclusion Policy guides the council's approach to equality, diversity and inclusion. It explains the council's responsibilities and duties, and sets out how the council will meet them. This is a key informant policy of the joint strategic needs assessment of the city which will in turn inform the health and wellbeing strategy adopted by the health and wellbeing board.

Sustainability Implications:

- 4.4 Sustainability implications for both council operations and city outcomes are incorporated directly into the joint strategic needs assessment of the city and inform the State of the City report.

Crime & Disorder Implications:

- 4.5 Crime and Disorder implications are incorporated directly into joint strategic needs assessment and formed a key component of the State of the City report.

Risk and Opportunity Management Implications:

- 4.6 Risks and opportunities for the Council and the city have been considered during the development of this paper and a formal risk assessment was undertaken as part of the work programme of the steering group.

Corporate / Citywide Implications:

- 4.7 The health and wellbeing board will steer the overarching health and wellbeing priorities for the city and stimulate service level outcomes and business plans, to improve the population's health and wellbeing.

SUPPORTING DOCUMENTATION

Appendices:

1. Draft Terms of Reference of the health and wellbeing board 2012 - 2013

Documents In Members' Rooms

None

Background Documents

None

Brighton & Hove City Council Shadow Health & Wellbeing Board**April 2012-March 2013****Draft Terms of Reference****1. Introduction**

The Shadow Health and Wellbeing Board (SHWB) will act as an advisory body to the Council, the Sussex PCT (SPCT) Board and the emerging Clinical Commissioning Group (CCG).

The SHWB will continue to act in shadow form until the formal constitution of the Health and Wellbeing Board (HWB). It is expected that the Health and Social Care Bill will be enacted to enable the new Board to be established in April 2013, when it will become a committee of the Council.

References in this document to the 'Board' are references to the SHWB. These terms of reference will be reviewed prior to the establishment of the Statutory Board.

2. Purpose

The SHWB will lead and advise on work to improve the health and wellbeing of the population of Brighton & Hove, through the development of improved and integrated health and social care services.

In support of this aim the Board will advise the Council, the SPCT Board and the CCG in relation to the following matters:-

1. Providing city-wide strategic leadership to public health, health and adults and children's social care commissioning, acting as a focal point for determining and agreeing health and wellbeing outcomes and resolving any related conflicts;
2. In its shadow year, the SHWB will have regard to the Joint Strategic Needs Assessment (JSNA) for the City. [The HWB will be responsible for preparing and publishing the JSNA once it is a formally established committee under the Health and Social Care Act];
3. Preparing and publishing a Joint Health & Wellbeing Strategy (JHWS) – a high level strategic plan that identifies, from the JSNA and the national outcomes frameworks, needs and priority outcomes across the local population;
4. Receiving the annual CCG commissioning plan for comment. [Once the HWB is a formally established committee under the Health and Social Care Act, it will have the authority to refer the CCG commissioning plan up to the NHS Commissioning Board];
5. Supporting joint commissioning and pooled budget arrangements where it is agreed by the Board that this is appropriate;
6. Promoting integration and joint working in health and social care across the locality;

7. Involving users and the public, including to communicate and explain the JHWS to local organisations and city residents;
8. Monitoring the outcomes goals set out in the JHWS and use its authority to ensure that the public health, health and adults and children's commissioning and delivery plans of member organisations accurately reflect the Strategy and are integrated across the city;
9. Establishing and maintaining a dialogue with the City Council's Local Strategic Partnership Board, including consulting on its proposed strategies and reporting on outcomes in line with the City's Performance and Risk Management Framework.
10. Ensuring robust arrangements are in place for a smooth transition into the Statutory Board by April 2013.

3. Membership

Voting Membership:

- Elected Member from the Largest Political Group (as Chair*)
- One Member each from the Official Opposition and Opposition
- The Director of Children's Services
- The Director of Public Health
- The Director of Adult Social Care
- One lead clinical and one non clinical member from the local Clinical Commissioning Group
- A representative of Healthwatch
- A member from the Youth Council

* The Chair is a fully participating and voting member of the SHWB.

An NHS Commissioning Board (NHSCB) representative will attend, as required, when the NHSCB is established.

A range of partners will be invited to attend the SHWB. This will include the respective chairs of the children's and adults safeguarding boards.

Membership will be reviewed by the SHWB as part of its development of the Statutory Board.

4. Conduct of meetings

1. Meetings of the Board will be in public.
2. The Access to Information Procedure Rules and the Standing Orders of Brighton & Hove City Council will apply with any necessary modifications, including the following:-
 - The Chair will be an elected member of the Largest Political Group;

- The quorum for a meeting shall be a quarter of the voting membership, including at least one elected member from the Council and one representative of the CCG;
- The aim of the Board is to achieve decision making by consensus. Where this is not possible, decisions shall be made on the basis of a show of hands of a majority of voting members present. If there is an equal number of votes, the Chair will have a second or casting vote;
- The Board shall meet four times within a financial year;
- A Special Meeting will be called when the Chair considers this necessary and/or in the circumstances where the Chair receives a request in writing by 50% of the membership of the Board.

5. Communication and Engagement

The SHWB will communicate and engage with local people in how they can achieve the best possible quality of life and be supported to exercise choice and control over their personal health and wellbeing. In support of this, the Board will:-

- Develop and implement a Communications and Engagement strategy for the work of the Board, including how the work of the Board will be influenced by stakeholders and the public, including seldom heard groups;
- Represent Brighton & Hove in relation to health and wellbeing issues at a local, sub-regional, regional, national and international level, influencing and negotiating on behalf of the members of the Board and working closely with the LINKs/local HealthWatch;

Brighton & Hove City Council Shadow Health & Wellbeing Board**April 2012-March 2013****Draft Terms of Reference****1. Introduction**

The Shadow Health and Wellbeing Board (SHWB) will act as an advisory body to the Council, the Sussex PCT (SPCT) Board and the emerging Clinical Commissioning Group (CCG).

The SHWB will continue to act in shadow form until the formal constitution of the Health and Wellbeing Board (HWB). It is expected that the Health and Social Care Bill will be enacted to enable the new Board to be established in April 2013, when it will become a committee of the Council.

References in this document to the 'Board' are references to the SHWB. These terms of reference will be reviewed prior to the establishment of the Statutory Board.

2. Purpose

The SHWB will lead and advise on work to improve the health and wellbeing of the population of Brighton & Hove, through the development of improved and integrated health and social care services.

In support of this aim the Board will advise the Council, the SPCT Board and the CCG in relation to the following matters:-

1. Providing city-wide strategic leadership to public health, health and adults and children's social care commissioning, acting as a focal point for determining and agreeing health and wellbeing outcomes and resolving any related conflicts;
2. In its shadow year, the SHWB will have regard to the Joint Strategic Needs Assessment (JSNA) for the City. [The HWB will be responsible for preparing and publishing the JSNA once it is a formally established committee under the Health and Social Care Act];
3. Preparing and publishing a Joint Health & Wellbeing Strategy (JHWS) – a high level strategic plan that identifies, from the JSNA and the national outcomes frameworks, needs and priority outcomes across the local population;
4. Receiving the annual CCG commissioning plan for comment. [Once the HWB is a formally established committee under the Health and Social Care Act, it will have the authority to refer the CCG commissioning plan up to the NHS Commissioning Board];
5. Supporting joint commissioning and pooled budget arrangements where it is agreed by the Board that this is appropriate;
6. Promoting integration and joint working in health and social care across the locality;

7. Involving users and the public, including to communicate and explain the JHWS to local organisations and city residents;
8. Monitoring the outcomes goals set out in the JHWS and use its authority to ensure that the public health, health and adults and children's commissioning and delivery plans of member organisations accurately reflect the Strategy and are integrated across the city;
9. Establishing and maintaining a dialogue with the City Council's Local Strategic Partnership Board, including consulting on its proposed strategies and reporting on outcomes in line with the City's Performance and Risk Management Framework.
10. Ensuring robust arrangements are in place for a smooth transition into the Statutory Board by April 2013.

3. Membership

Voting Membership:

- Elected Member from the Largest Political Group (as Chair*)
- One Member each from the Official Opposition and Opposition
- The Director of Children's Services
- The Director of Public Health
- The Director of Adult Social Care
- One lead clinical and one non clinical member from the local Clinical Commissioning Group
- A representative of Healthwatch
- A member from the Youth Council

* The Chair is a fully participating and voting member of the SHWB.

An NHS Commissioning Board (NHSCB) representative will attend, as required, when the NHSCB is established.

A range of partners will be invited to attend the SHWB. This will include the respective chairs of the children's and adults safeguarding boards.

Membership will be reviewed by the SHWB as part of its development of the Statutory Board.

4. Conduct of meetings

1. Meetings of the Board will be in public.
2. The Access to Information Procedure Rules and the Standing Orders of Brighton & Hove City Council will apply with any necessary modifications, including the following:-
 - The Chair will be an elected member of the Largest Political Group;

- The quorum for a meeting shall be a quarter of the voting membership, including at least one elected member from the Council and one representative of the CCG;
- The aim of the Board is to achieve decision making by consensus. Where this is not possible, decisions shall be made on the basis of a show of hands of a majority of voting members present. If there is an equal number of votes, the Chair will have a second or casting vote;
- The Board shall meet four times within a financial year;
- A Special Meeting will be called when the Chair considers this necessary and/or in the circumstances where the Chair receives a request in writing by 50% of the membership of the Board.

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- Represent Brighton & Hove in relation to health and wellbeing issues at a local, sub-regional, regional, national and international level, influencing and negotiating on behalf of the members of the Board and working closely with the LINKs/local HealthWatch;

Subject:	Open Public Services White Paper		
Date of Meeting:	10th January 2012		
Report of:	Strategic Director Resources		
Contact Officer:	Name:	Elizabeth Culbert	Tel: 29-1515
	Email:	Elizabeth.culbert@brighton-hove.gov.uk	
Ward(s) affected:	All		

1. SUMMARY AND POLICY CONTEXT:

- 1.1 This report summarises the proposals in the White Paper “Open Public Services” published in July 2011. The report also considers related initiatives, such as the Localism Act and the Public Services (Social Value) Bill.

2. RECOMMENDATIONS:

- 2.1 That Governance Committee notes the information contained in the report and requests officers for further briefings once the response to consultation and implementation plan for the Open Public Services White Paper is published.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The Open Public Services White Paper was published in July 2011. The aim of the White Paper is to set out a programme of public sector reform in which power is devolved from Whitehall and placed “in the hands of people and staff”.
- 3.2 To achieve this, the White Paper sets out five principles for modernising public services:-
- **Choice** – to be increased wherever possible
 - **Decentralisation** – public services should be decentralised to the “lowest appropriate level”
 - **Diversity of provision** – public services should be open to a range of providers
 - **Fairness** – ensuring fair access to public services
 - **Accountability** – public services should be accountable to users and taxpayers, with an emphasis on local democratic accountability
- 3.3 The above principles are to be applied to three categories of public service:-
- **Individual Services** – These are personal services – for example in education, social care, housing support and individual healthcare – where people use the service on an individual basis and funding can be personalised through personal budgets, per-student funding formulas or benefits.

- **Neighbourhood Services** – services provided locally and on a collective, rather than individual, basis – such as maintenance of the local public realm, leisure and recreation facilities, and community safety.
- **Commissioned Services** – these are local and national services which need to be provided above the level of individual communities – examples are taxation, prisons, welfare to work and emergency healthcare.

Proposals - Individual Services

3.4 The main approach taken in relation to individual services is that funding will follow people's choices. The key proposals are:-

- Government will seek to establish, on a customised basis, a framework for choice in individual services – in adult care, education, skills training, early years, other children's services, family services, health and social housing;
- Key data about public services, user satisfaction and the performance of all providers from all sectors will be in the public domain;
- Funding will be targeted to help the poorest, promote social mobility and provide fair access, including through selection criteria;
- All individual service providers will be licensed or registered by the relevant regulator for each sector (to ensure minimum standards);
- There will be a form of redress accessible if choice is not available or where standards are not good enough.

3.5 In Brighton & Hove, a process of self directed support is already in place for adult care services which includes making clear to people how much money is available to meet their needs, offering them the direct management of that money (a direct payment) or, if they request it, arranging services for them. Approximately 40% of people receiving social services in the community currently benefit from this new service approach and the target is 100% of all new services users by April 2013.

3.6 In terms of access to data, the Council has developed a single Access Point for all social care services, with one telephone number, in response to requests to make accessing social care services easier. In September 2011 this service received 1759 enquiries. The Council is now working on a "Local Account" which is intended to be a published account of what adult social services in Brighton & Hove have been doing over the past year, how successful they have been and what they plan to do in the future. The Local Account will be reported to CMM and the Adult Social Care and Housing Scrutiny Committee.

Proposals – Neighbourhood Services

3.7 The proposals for neighbourhood services focus on the Government's commitment to community ownership both of assets and service delivery. The proposals include measures that have now been implemented through the Localism Act, such as:-

- The community right to bid to purchase land of community value;
- The community right to challenge to run public services;

- The neighbourhood planning provisions, which give neighbourhoods the opportunity to form neighbourhood forums and approve or reject neighbourhood plans in local referenda.
- 3.8 The White Paper includes proposals for additional rights for neighbourhoods. For example, it commits to consult on potential new rights for neighbourhood councils to take over some key local services with a focus on local public realm, leisure opportunities and community activity. The Government will consult on how a national framework for these local schemes could assist councils at all levels to promote decentralisation of power.
- 3.9 DCLG and the Cabinet Office have stated that they will explore how the financial framework for neighbourhood councils can be improved, to ensure that delegation of services represents good value for money. This will include examining the use of existing revenue raising and borrowing powers, accountability mechanisms, and exploring options for improving the capacity and delivery capability of neighbourhood councils.
- 3.10 The White Paper states that DCLG and the Cabinet Office will work with two areas to enable local residents to play a part in commissioning the neighbourhood level budgets and service solutions for their priorities. This is intended to give these communities more power to shape and control their services to show the way for other areas that are interested.
- 3.11 Brighton and Hove City Council is currently consulting with the city on developing new ways of working with communities. The results of the consultation and planned pilot activities will be reported to cabinet in March 2012. It is proposed that neighbourhoods will be offered greater power to make decisions about services and budgets, addressing issues relevant to them and that the first Neighbourhood Council/s will be piloted from May 2012.

Proposals – Commissioned Services

- 3.12 The White Paper sets out support for separating the commissioning of public services from the provision of them. For those services amenable to commissioning, the principles of open public services will switch the default from one where the state provides the service itself to one where the state commissions from a range of diverse providers. The intention is to embed across public services the idea of diverse and innovative providers competing to raise standards. The White Paper promises to consult on how best to ensure greater accountability as services are opened up to a diverse range of provision. This will include-
- Whether or not the role of local councillors as citizen champions needs to be enhanced to ensure proper accountability of providers from all sectors – such as extending their powers of overview and scrutiny to other sectors.
 - Exploring how providers can enable user participation or management in all sectors (for example, tenant management organisations and parent/community governors) and assessing whether all providers should be subject to the same requirements for transparency;

- Consulting on how to go further in opening up locally commissioned services and assessing barriers to entry and exit that may prevent diversity and innovation from being achieved, and recommending steps to address those barriers.

Next Steps

- 3.13 The White Paper promised a listening period between July and September 2011 and then a programme of work to implement the open public services agenda, including proposals for legislation. An Implementation Plan was due to be published in November 2011. The Cabinet Office has recently been reported as having confirmed that the implementation plan will be delayed until the New Year. Once the Implementation Plan is available, a further briefing will be prepared to update Members on the proposed programme.
- 3.14 In the meantime, the Localism Act has received Royal Assent and some of the principles in the White Paper are taken forward through the Act, as referred to above at paragraph 3.5. Additionally there have been developments with the Public Services (Social Value) Bill which is currently progressing through Parliament (see below).

The Public Services (Social Value) Bill

- 3.15 The Public Services (Social Value) Bill (the Bill)) is currently making its way through Parliament. The Bill seeks to make the “social value” of a contract a key evaluating factor in the future award of public contracts.
- 3.16 The Bill will require that public bodies, during pre-procurement and procurement exercises (and, where appropriate, in the terms of a contract entered into), consider how they can enhance the wider economic, social and environmental well-being of an area in which the public body is exercising its functions.
- 3.17 The Bill will place greater emphasis on local social considerations such as the provision of training and employment opportunities for local residents, and dovetails with the White Paper proposals which envisages greater involvement by charities, voluntary organisations and social enterprises in the provision of local community services.
- 3.18 The Bill includes provision to amend section 17 of the Local Government Act 1988 which currently prevents local authorities, when entering into public contracts, from referring to matters which amount to “non-commercial” considerations.
- 3.19 The report stage and third reading of the Bill took place on 25 November 2011. The Bill has now passed all Commons stages and has been sent to the House of Lords for consideration. The Bill is understood to have cross party support and it is therefore anticipated that it will receive Royal Assent in early 2012.
- 3.20 In Brighton & Hove, the Council’s Procurement and Legal team have undertaken in depth training on the issue of adding social value clauses to contracts. The intention is to ensure that the possibilities for adding social value to contracts are considered as a matter of course. The revised Corporate Procurement Strategy

(from Spring 2012) will address the issue of social value and contracts to give a clear steer to contracts officers. One area where there is a particular interest is in requiring contractors to use apprentices or provide work experience.

4. COMMUNITY ENGAGEMENT AND CONSULTATION

4.1 This report is for information only at this stage.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

5.1 The financial implications will be assessed at the next stage when implementation plans are available for the White Paper. On the proposals for individualised services some are well advanced, for instance, adult social care have embedded personalisation in their practices and planning. Options for commissioning neighbourhood level budgets are being developed.

Finance Officer Consulted: Anne Silley Date:19/12/11

Legal Implications:

5.2 These are addressed in the body of the report. As further legislation comes forward, there will be a need to ensure members are aware of new powers and responsibilities.

Lawyer Consulted Elizabeth Culbert

Date: 08/12/11

Equalities Implications:

5.3 None at this stage

Sustainability Implications:

5.4 None at this stage

Crime & Disorder Implications:

5.5 None at this stage

Risk and Opportunity Management Implications:

5.6 None at this stage

Public Health Implications:

5.7 None

Corporate / Citywide Implications:

5.8 None at this stage

SUPPORTING DOCUMENTATION

Appendices:

1. None

Documents in Members' Rooms

1. None

Background Documents

1. None

Subject:	Localism Act - implementation		
Date of Meeting:	10th January 2012		
Report of:	Strategic Director Resources		
Contact Officer:	Name:	Elizabeth Culbert	Tel: 29-1515
	Email:	Elizabeth.culbert@brighton-hove.gov.uk	
Ward(s) affected:	All		

1. SUMMARY AND POLICY CONTEXT:

- 1.1 This report provides Members with the available information in relation to implementation arrangements for the Localism Act.
- 1.2 The report also sets out the proposed arrangements for the programme of work required for the Council to change its governance arrangements in accordance with the decision of full council on 15th December 2011.

2. RECOMMENDATIONS:

- 2.1 That Governance Committee notes the information contained in the report.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The Localism Act (the Act) received Royal Assent on 15th November 2011. Members have received reports at previous meetings of Governance Committee explaining the key provisions in the Act, which cover significant changes to public services on a wide range of issues including planning, housing and governance.
- 3.2 The Act is coming into force in stages:- some elements are already in force, others have a known commencement date and some are awaiting regulations or have no commencement date yet identified. In order to assist Members in keeping up to date with the current position on the implementation arrangements, a table is attached at Appendix One which summarises the key provisions in the Act and their commencement dates where these are known. This document will be kept updated and is accessible to Members on the Council's intranet.
- 3.3 One issue of particular interest to Governance Committee, is the ability introduced by the Act for councils to choose to operate under an executive or committee structure. On 15th December 2011, full council agreed in principle to change its governance arrangements to a committee system with effect from Annual Council in May 2012.
- 3.4 Officers have been instructed to prepare detailed proposals for a committee system and to bring the proposals to Governance Committee for consideration prior to full council approval. Officers will work with a Member Working Group and the Leaders Group to develop the proposals. A timetable for this programme

of work is attached at Appendix Two for information. Design principles will be put to the Leaders Group on 9th January which could include, for example:-

- Forward looking Identifying new ways to operate a committee system which may include incorporating some features of an executive system that have been successful;
- Efficiency Ensuring the council has the capability to make decisions quickly in response to changing circumstances and the developing needs and aspirations of local communities;
- Transparency Ensuring that anyone who has dealings with the council can easily determine who is responsible for decisions and how best to make representations to that person/body;
- Accountability Enabling people to find out about decisions which have been taken;
- Robustness Ensuring that the decision making arrangements meet the legislative requirements and therefore stand up to external scrutiny;
- Sustainability Seeking to ensure that the cycle of meetings involves a manageable workload for councillors and officers and attracts councillors with a range of backgrounds and commitments;
- Affordability Ensuring that the council can meet the costs of the structure in allowances paid to members and in officer support.

4. COMMUNITY ENGAGEMENT AND CONSULTATION

4.1 This report is for information only at this stage.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

5.1 The financial implications of provisions not yet commenced, including proposals for a committee system, will be considered as they are reported prior to commencement.

Finance Officer Consulted: Anne Silley

Date:21/12/11

Legal Implications:

5.2 Legal implications are addressed in the body of the report and Appendix One.

Lawyer Consulted Elizabeth Culbert

Date: 20/12/11

Equalities Implications:

5.3 None at this stage

Sustainability Implications:

5.4 None at this stage

Crime & Disorder Implications:

5.5 None at this stage

Risk and Opportunity Management Implications:

5.6 None at this stage

Public Health Implications:

5.7 None at this stage

Corporate / Citywide Implications:

5.8 None at this stage

SUPPORTING DOCUMENTATION

Appendices:

1. Localism Act – summary table
2. Constitutional change work programme

Documents in Members' Rooms

1. None

Background Documents

1. None

	<p>The table below summarises the key provisions of the Localism Act which gained Royal Assent on 15th November 2011</p>
1	<p>Local Authority general power of competence - Section 1</p> <p>With this power, local authorities will be able to do anything that an individual may do. This does not enable local authorities to ignore any existing or future express limitations on its powers.</p> <p>The general power confers a power to charge (but not make a profit) for a service only where:</p> <ol style="list-style-type: none"> there is no statutory duty to provide the service the person has agreed to its being provided and putting the general power and section 93 of the Local Government Act 2000 to one side, there is no power to charge
2	<p>Governance - Section 21 and Schedule 2</p> <p><i>The provisions enabling the Secretary of State to make regulations and orders under Schedule 2 commenced on 3 December 2011. (Section 23 allowing the Secretary of State to make regulations in advance of the new governance provisions coming into force commenced on 15 November 2011)</i></p> <p>The new arrangements allow for authorities to operate either under an executive or a committee structure.</p> <p>With the committee system, local authorities will have flexibility as to how this will operate, though the Secretary of State is given power to specify by regulation any functions which must be exercised by full council. There will be no obligation to operate a formal overview and scrutiny committee, but where this is done the Secretary of State may prescribe, by regulations, how it is to operate.</p> <p>In a change to the original drafting, Lords amendments which were approved in the Commons on 7th November mean that the earliest change of governance arrangements that would be possible for BHCC would be following the next annual meeting of the Council ie in May 2012. A resolution of full council is required. It is possible to make the resolution and specify that the change will take effect at a later annual meeting.</p>
3	<p>Predetermination - Section 25</p> <p><i>Commencement date: 15 January 2012</i></p> <p>The Act aims to clarify the rule on predetermination. The provisions make it clear that councillors have a right to have a preliminary view and can freely discuss and publicise their view and voting intentions as they see fit. However, this is on the basis that councillors must be prepared to listen to all of the arguments and evidence before making their decision.</p>

4	<p>Standards - Sections 26 – 37</p> <p><i>Section 37 allowing orders and directions to be made by the Secretary of State in connection with the abolition of the Standards Board for England and for transitional provisions to be made in relation to the new standards regime commenced on 15 November 2011.</i></p>
	<p>Councils are required under the Act to adopt a code of conduct for members. The Code must be consistent with the Nolan principles (selflessness, integrity, objectivity, accountability, openness, honesty, leadership.) The Code must cover registration and disclosure of pecuniary and non pecuniary interests.</p> <p>The Council must put in place arrangements under which written allegations of a breach of the Code can be investigated and decisions on allegations can be made. These arrangements must include the appointment of at least one Independent Person whose view must be sought and taken into account by the Council before it makes its decision on an allegation it has decided to investigate. Councils will need to rely on existing options - such as a formal letter or other recording – or political actions such as a Notice of Motion or removal from a Committee by Groups.</p> <p>Detailed requirements in relation to the disclosure by Members of pecuniary interests are set out in the Act.</p> <p>Failure to declare or register pecuniary interests, or a councillor voting on a matter where he or she has a pecuniary interest, will be a criminal offence only where the councillor does not have a reasonable excuse or where the councillor deliberately or recklessly provides information that he knows to be false or misleading.</p>
5	<p>Pay Accountability - Sections 38-43</p> <p><i>Commencement date: 15 January 2012</i></p>
	<p>For each financial year from 2012-13 onwards, local authorities must prepare a pay policy statement relating to the remuneration of their Chief Officers. The pay policy statement must also include details of remuneration of its lowest paid employees and include details of the relationship between the remuneration of Chief Officers and the remuneration of employees who are not Chief Officers. Remuneration is defined widely to include salary, bonuses, allowances, and compensation.</p> <p>In preparing statements, regard must be had to any guidance issued or approved by the Secretary of State. The pay policy statement must be approved by Full Council before it comes into force. The first statement must be prepared and approved before 31st March 2012.</p> <p>In any financial year beginning on or after 1 April 2012, local authorities must comply with its pay policy statement when making a determination relating to the remuneration or other terms and conditions of a chief officer.</p>

6	<p>EU Fines - Section 48-57</p> <p>These provisions enable responsibility for passing EU fines in infraction cases to Local Authorities. The process for this has been significantly tightened so that Local Authorities will have significantly more protection than was originally envisaged. The Act now requires an independent advisory panel to be established to assess in each case whether it is appropriate to pass on the fine.</p>
7	<p>Referendums - Section 72</p> <p><i>Commencement date: 3 December 2011</i></p> <p>Where an authority proposes a Council Tax increase in excess of the specified threshold, a referendum is required seeking agreement for the proposal for that financial year. Referendums are also required in the neighbourhood area to which a proposed Neighbourhood Development Order relates. Finally referendums are required where there is a proposed change in governance arrangement and the existing arrangement was approved in a referendum.</p> <p>All of the other (extensive) provisions requiring local authorities to hold referendums where 5% of the electorate or ward requested it have been removed.</p>
8	<p>Community Right to Challenge - Section 81-86</p> <p><i>The parts within these sections that allow regulations to be made by the Secretary of State on the Community Right to Challenge commenced on 15 November 2011, as did section 86 which allows the Secretary of State to provide advice and assistance.</i></p> <p>A local authority will be under a duty to consider an expression of interest in providing or assisting in providing a relevant service, if it is made by a relevant body. A 'relevant service' means any service provided by the authority except any service specified by regulations made by the Secretary of State.</p> <p>A 'relevant body' means a voluntary or community body, a charity, a parish council, two or more of the authority's employees and any other person or body specified in regulations made by the Secretary of State.</p> <p>The Local Authority will determine the timescales for the procurement exercise in each case.</p>
9	<p>List of assets of community value - Sections 87-92</p> <p><i>The parts within these sections that allow regulations to be made by the Secretary of State on Assets of Community Value commenced on 15 November 2011, as did section 103 which allows the Secretary of State to provide advice and assistance.</i></p> <p>Councils will be required to keep a list of 'assets' that are considered to have community value. These will be land or buildings that 'further the social, economic, or environmental well-being or interests of the local community'. Social interests are defined as including sporting, cultural or recreational interests. The landowner will have a right to request a council review of its decision to include property on the list.</p>

	<p>Until the necessary secondary legislation is made, the detailed procedure will remain uncertain</p> <p>The effect of registration will be a prohibition on ‘disposal’ other than in accordance with the prescribed procedure. Except in certain cases (such as gifts, sales to family members, sales by lenders in possession or bankruptcy disposals and inheritance disposals) a landowner wishing to dispose of an interest will be required to notify the council, triggering an interim moratorium period – six weeks – during which no disposal will be allowed to take place. A voluntary of community body with a local connection (to be further defined by Regulations) will then have those six weeks to register an interest as a potential bidder and trigger a further full moratorium period of 6 months. The purpose of these two moratorium periods is to allow communities the chance to bid for the asset in question. There will be no requirement on the vendor to accept such a bid, or any prohibition on approaching the wider market.</p>
10	<p>Non-domestic rates - Section 68</p>
	<p>This introduces a power to grant discretionary relief from business rates.</p>
11	<p>Planning: Plans and Strategies - Part 6 - Section 109</p> <p><i>The underlying legislation which established regional strategies was repealed on 15 November 2011; the provision giving the Secretary of State the power to abolish the strategies themselves also came into force on the same date.</i></p>
	<p>Regional Spatial Strategies are to be abolished and Councils are to be given greater flexibility in relation to the statutory examination of their development plans.</p>
12	<p>Planning: Local Development Schemes – Section 111 and Part 17 Schedule 25</p> <p><i>Commencement date: 15th January 2012</i></p>
	<p>This introduces a requirement for Local Authorities to publish up to date information direct to the public on local development schemes and removes the requirement to submit such schemes to the Secretary of State.</p>
13	<p>Planning: Development Plan Documents – Section 112</p> <p><i>Commencement date: 15th January 2012</i></p>
	<p>Introduces a new requirement that, when considering a development plan document, the planning inspector must recommend adoption where it would be reasonable to conclude that the document satisfies statutory requirements and can be considered sound. The strict requirement that local planning authorities must implement the inspectors recommendations is removed and local planning authorities are given the power to withdraw a development plan document at any time before its adoption.</p>

14	<p>Planning: Information about local development schemes – Section 113</p> <p><i>Commencement date: 15th January 2012</i></p>
	<p>This section requires local authorities to publish information about the implementation of their local development schemes and local development policies direct to the public at least once yearly instead of sending a report to the Secretary of State.</p>
15	<p>Community Infrastructure Levy (CIL) - Section 114-115</p> <p><i>Section 114 (the process of approval for charging schedules) commenced on 17 November 2011.</i></p>
	<p>Reporting requirements in relation to the CIL (a charge for development) are reduced and the Secretary of State will have the power to require local authorities to pass CIL onto other bodies.</p>
16	<p>Neighbourhood planning - Sections 116-121</p> <p><i>The provisions allowing the Secretary of State to make regulations on the neighbourhood planning provisions before they are brought into force commenced on 15 November 2011; as did the provision allowing the Secretary of State to provide advice and assistance (including financial assistance) and in respect of allowing regulations to be made to provide for the imposition of charges by local authorities in relation to their neighbourhood planning functions.</i></p>
	<p>The Act introduces a new right for communities to draw up a ‘neighbourhood development plan’. Areas that do not have a parish council can form a neighbourhood forum (with at least 21 members) to decide on local planning issues. Local planning authorities will be required to provide technical advice and support as neighbourhoods draw up their plans.</p>
17	<p>Planning: Pre-application Consultation - Section 122</p> <p><i>The part within section 122 enabling the making of requirements in development orders about consultation in relation to applications for planning permission commenced on 15 November 2011.</i></p>
	<p>Developers will be required to engage local communities in the pre-application consultation on major schemes (within a centrally determined threshold).</p>
18	<p>Planning Enforcement - Section 123</p>
	<p>Local planning authorities will have the power to decline retrospective planning applications once an enforcement order has been served. The Act also creates a “Planning Enforcement Order” which will allow local authorities to take enforcement action against a planning breach even where the standard time limits have expired.</p>
19	<p>Nationally Significant Infrastructure Projects - Sections 128-142</p>
	<p>National infrastructure decisions are transferred from the Infrastructure Planning</p>

	Commission to the Secretary of State.
20	<p>Planning: Local finance considerations – Section 143</p> <p><i>Commencement date: 15th January 2012</i></p>
	<p>This section adds local finance considerations (defined as either a grant from Government or sums received in payment of the Community Infrastructure Levy) as a matter to which the local planning authority must have regard when determining a planning application.</p>
21	<p>Allocation of housing accommodation and homelessness - Section 145-149</p>
	<p>Removes the requirement that existing social tenants wishing to transfer are included along with other applicants for social housing within an authority's allocations scheme</p> <p>Clarifies the classes of person who are not eligible to be allocated social housing</p> <p>Introduces greater flexibility for local housing authorities to allocate social housing accommodation, while retaining the current groups to whom "reasonable preference" must be given</p> <p>Allows authorities to discharge their homelessness duty by placing households in private sector lets of a minimum of 12 months' term without the express permission of the applicant household</p> <p>Confers a duty on the local housing authority to assist homeless households should they become homeless again within two years of being placed</p>
22	<p>Social housing tenure reform - Section 150-166</p>
	<p>Requires local housing authorities to prepare a "tenancy strategy" to which other registered providers of social housing must have regard when allocating their own accommodation</p> <p>Allows local authorities and other social landlords to grant "flexible tenancies" of a minimum two year term.</p> <p>For new tenants following the provisions coming into force, limits the right of succession to a secure tenancy to a spouse or civil partner living in the tenant's home at the time of the tenant's death while allowing authorities the flexibility to offer additional contractual rights.</p>
23	<p>Housing Finance - Section 167-175</p> <p><i>The calculation of settlement payments and limits on indebtedness in relation to local housing authorities and the alteration of use of capital receipts from disposal of housing land came into force on 15 November 2011.</i></p>
	<p>Abolishes the Housing Revenue Account (HRA) subsidy system.</p>

	<p>Provides for “settlement payments” to be made (relating to the distribution of the national HRA debt amongst local housing authorities).</p> <p>Gives powers to the Secretary of State to be able to re-open the debt settlement.</p> <p>Places a cap on the total amount of housing debt an authority might hold.</p>
24	Housing Mobility - Section 176
	<p>Empowers the Secretary of State to give direction to the Social Housing Regulator on methods of assisting tenants to exchange tenancies. The idea is for the “national home swap scheme” to assist tenants to move out of their social rented property into owner occupation of another dwelling.</p>
25	Regulation of Social Housing - Section 178
	<p>The Tenant Services Authority will be abolished with its functions transferred to the Homes and Communities Agency. Complaints about social landlords will in future only be dealt with by the Independent Housing Ombudsman (instead of the current dual system of the Local Government Ombudsman and the Independent Housing Ombudsman).</p>
26	HMOs and Tenancy Deposit Schemes (TDS) - Section 184-185
	<p>Buildings run by co-operatives will be exempt from HMO licensing rules.</p> <p>The rules governing TDSs are tightened, placing strict liability on landlords to protect a tenant’s deposit and provide the mandatory information required within 30 days; where a landlord has failed in its obligations tenant’s will be allowed to make an application to the court even when the tenancy has ended; the court must also makes an order for the return/payment of a deposit and payment of a penalty charge.</p>

APPENDIX TWO

CONSTITUTIONAL CHANGE WORK PROGRAMME

Date	Meeting	Issues
12 th December 2011	Leader's Group 1 CE Office 3pm	Time table and process
15 th December 2011	Council	Agreement in principle to adopt a committee system and instruction to officers to prepare detailed proposals
9 th January 2012	Leaders Group 2 CE Office 10am	Design principles Articles of the constitution
10 January 2012	Governance Committee	Update following 15 th December Council and information on process
19 th January 2012	Members Constitutional Working Group Room 126 King's House 11am	
24 th January 2012	Leaders Group 3 CE Office 3.30pm	Responsibility for Functions
2 nd February 2012	Members Constitutional Working Group Room 126 King's House 11am	
7 th February 2012	Leaders Group 4 CE Office 2pm	O&S plus rules of procedure
16 th February 2012	Members Constitutional Working Group Room 126 King's House 11am-	
20 th February 2012	Leaders Group 5 CE Office 4pm	Standards, codes & protocols, allowances
1 st March 2012	Members Constitutional Working Group Room 126 King's House 11am	
5 th March 2012	Leaders Group 6 CE Office 2pm	Any outstanding issues and final sign off
15 th March 2012	Members Constitutional Working Group Room 126 King's House 11am	
20 th March 2012	Governance Committee	Agreement of arrangements and draft constitution for recommendation to council
17 th April 2012	Leaders Group 7 CE Office 2pm	

26 th April 2012	Council	Approval of constitution and resolution to move to a Committee System
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Subject: Adoption & Surrogacy Policy
Date of Meeting: 10 January 2012
Report of: Strategic Director, Resources
Contact Officer: Name: Charlotte Thomas Tel: 29-1290
E-mail: charlotte.thomas@brighton-hove.gov.uk
Wards Affected: All

FOR GENERAL RELEASE

1 SUMMARY

- 1.1 This report recommends bringing our Adoption Policy into line with our occupational maternity provisions and extends the provisions to surrogate parents.

2 RECOMMENDATIONS:

- 2.1 It is proposed that the Adoption & Surrogacy Policy for council employees is brought into line with the council's Maternity Policy in relation to paid leave. Governance Committee are asked to agree the amended Adoption & Surrogacy Policy set out at Appendix One.
- 2.2 A new provision is proposed allowing access to the Adoption & Surrogacy Policy for an employee who becomes the legal parent of a surrogate child. Governance Committee are asked to agree this proposal.
- 2.3 It is proposed that five days paid leave is granted for the adoption preparation and assessment process.
- 2.4 Governance Committee are asked to agree that the proposals are backdated to 1 January 2012 to enable those employees who are close to being matched with a child to benefit from the policy.

3. RELEVANT BACKGROUND INFORMATION

- 3.1 The amount of adoption leave available to NJC staff currently mirrors maternity leave arrangements. However, the amount of adoption pay for this staff group differs according to the age of the child. All staff receive pay equivalent to the maternity pay entitlement for NJC staff if the child is less than one year of age. However, the amount received for adopting a child above one year of age and below 18 years is less generous. Therefore it is proposed to bring the adoption and maternity pay rates in line with each other.
- 3.2 Historically, teachers have received adoption leave and pay in line with NJC staff. However, this means that a teacher wishing to adopt would receive less pay than a

colleague on maternity leave. Therefore, the proposed revised policy (see appendix one) brings the adoption pay entitlement in line with maternity provisions.

- 3.3 There is no statutory provision for adoption leave or pay for a parent of a surrogate baby. However, it is proposed to provide adoption leave and adoption pay up to a maximum of 18 weeks subject to the employee providing the necessary documentation that confirms them as the legal parent.
- 3.4 Information from the BHCC Adoption & Permanence Team about the adoption assessment process has indicated that on average the process of placement for adoption takes from eight months to one year. There is preparation training averaging four days, 10 – 12 appointments over six months which are two hours long on average and some of these can be in the evening. Finally there is a half day panel meeting.

3.5 **Legislative background**

The Employment Act 2002 introduced a statutory right for employees to take time off work to care for a child newly placed for adoption, i.e. up to 26 weeks' Ordinary Adoption Leave (OAL), immediately followed by up to 26 weeks' Additional Adoption Leave (AAL).

The Work and Families Act 2006 extended the entitlement to Statutory Adoption Pay (SAP) from 26 to 39 weeks for qualifying employees who have a child placed for adoption on, or after, 1 April 2007.

Legislation after this date has further cemented the parallels between maternity and adoption statutory provisions. For example, the 'Additional Paternity Leave Regulations 2010'.

There remain some differences between maternity leave and adoption leave, notably around qualifying criteria for leave and the amount of statutory pay/allowance, but this is currently being addressed through the Private Members Bill on Adoption Leave and Pay which is before parliament, but at the very early stages of reading.

4 **CONSULTATION**

- 4.1 Consultation has taken place with the council trade unions. The original proposal for three days paid leave was increased to five days as a result of consultation. Colleagues welcomed the policy and the fact that it would be operational from 1 January 2012 (subject to Governance Committee approval). The policy has been circulated to the staff workers fora following a discussion at the HR equalities group. Headteachers have been consulted through the Headteachers' Steering Group. The Wave HR pages have announced to staff that the Adoption policy is under review.

5 FINANCIAL & OTHER IMPLICATIONS

- 5.1 The take up of Adoption leave/pay is relatively low e.g. for the period July 2009 to October 2011 only eight employees took adoption leave.
- 5.2 Statutory Adoption Pay (SAP) is recoverable by the council at a rate of 92%. This equated to £17,302 for the last financial year, with this amount being returned to service/school budgets through the ledger interface. In comparison, £1,051,224 was reclaimed in Statutory Maternity Pay (SMP) and returned to service/school budgets. Using these figures the money spent by the council on adoption pay represents approximately 0.6% of the total spend on maternity pay. Therefore the small increases suggested in this paper are insignificant in whole council budget terms.

Finance Officer Consulted: Ann Silley

Date: 19th December 2011

Legal Implications:

- 5.3 There are no legal implications as the changes to the Adoption Policy are in line with legal requirements and the new proposal to incorporate surrogacy exceeds the legal requirements.

Lawyer Consulted: Sarita Arthur-Crow

Date: 20 December 2011

Equalities Implications:

- 5.4 The Adoption and Surrogacy policy is open to both men and women.

Sustainability Implications:

- 5.5 None.

Crime & Disorder Implications:

- 5.6 None.

Risk & Opportunity Management Implications:

- 5.7 None.

Public Health Implications:

- 5.8 None.

Corporate / Citywide Implications

- 5.9 None..

SUPPORTING DOCUMENTATION

Appendices: Adoption & Surrogacy policy

Occupational Adoption & Surrogacy Policy

This policy should be read in conjunction with the Adoption 'Information Packs' available to staff on the Wave.

1. Introduction

The occupational adoption policy applies to those employees adopting a child through an official adoption agency, regardless of the number of hours worked per week.

Adoption leave/pay is open to employees of either gender but only ONE adoptive parent is entitled to receive this, regardless of whether they work for different employers.

Adoption leave does not apply to special guardians, foster carers or step parents adopting a child outside of an adoption agency framework.

Surrogacy

Refer to part 12 of this policy.

2. Initial obligations on the employee intending to adopt a child

Once an employee has made an application to become an adoptive parent and they are notified that they will be assessed by the Local Authority/Adoption Agency, they should inform their manager/headteacher so that appropriate planning for the planned adoption leave can begin.

An employee shall notify the Council/School, in writing, at least 28 days before his/her absence begins, but within 7 days of being notified of a match:

- that he/she intends to adopt a child
- of the expected date of placement
- of the date of the beginning of his/her absence

A matching certificate from the UK adoption agency must be provided as proof of entitlement.

3. Adoption Assessment Process

Time off for the assessment process.

Before an employee is approved to be an adoptive parent they are required to go through an assessment process consisting of training, meetings and observations. There is no legal entitlement to paid time off for any part of the adoption assessment process, however, where an employee is applying to become an approved adopter 5 days leave with pay is granted to attend meetings and training as part of the preparation and assessment process. Outside of this, meetings and training should be arranged to take place outside of work time. If this is not possible and where business/service needs allow, time off should be considered within any flexible working/leave of absence arrangement agreed between the manager/headteacher and the employee.

Any time off must be agreed in advance, with confirmation of the course/meeting the employee is required to attend being provided on request.

4. Adoption Leave Entitlement

- a) If an employee has 26 weeks continuous service with the Council/School by the end of the week in which he/she is notified of being matched with a child, then they are entitled to 26 weeks ordinary adoption leave followed immediately by 26 weeks additional adoption leave, giving a total of 52 weeks' continuous leave, the 'adoption leave period'.
- b) Adoption leave shall commence from the date of placement, or from a predetermined date 14 days before the placement date, but no later than the placement date itself.
- c) When adopting from abroad the earliest date adoption leave may start is from the date the child enters Great Britain and the latest date it can start is 28 days after the child has entered Great Britain.

Within 28 days of receipt of the notification, the Council/School will write to the employee informing them of the last day of their adoption leave and the expected date of their return.

5a. Adoption Pay for Council NJC staff and Support Staff Working in Schools

Payments for employees who have less than one year's continuous local government service at the week of matching shall be the employee's entitlement to Statutory Adoption Pay (SAP) where eligible.

Payments for employees who have completed one year's continuous local government service at the week of matching shall be as follows:

- i. For the first six weeks of absence an employee shall be entitled to 9/10ths of a week's pay, offset against payments made by way of SAP.
- ii. An employee who declares in writing that he/she intends to return to work will for the subsequent 12 weeks absence receive half a week's pay plus SAP, where eligible, without deduction except by the extent to which the combined pay and SAP exceeds full pay. Alternatively the equivalent amount (i.e. six weeks' pay) may be paid on any other mutually agreed distribution.

For the remainder of the adoption leave period (i.e. 21 weeks) the employee will receive their entitlement to SAP where eligible.

- iii. For employees not intending to return to work, payments during their adoption leave period following the first 6 weeks will be their entitlement to SAP (i.e. 33 weeks), where eligible.
- iv. Payments made by the Council/School during adoption leave under ii above shall be made on the understanding that the employee will return to local authority/school employment for a period of at least three months, which may be varied by the Council/School on good cause being shown and, in the event of him/her not doing so, he/she shall refund the monies paid, or such part thereof, if any, as the Council/School may decide. Payments made by way of SAP are not refundable by the employee.

5b. Adoption Pay for Teachers (reflecting national conditions of service for Teachers)

Payments for employees who have less than one year's continuous local government service at the week of matching shall be the employee's entitlement to Statutory Adoption Pay (SAP) where eligible.

Payments for employees who have completed one year's continuous local government service at the week of matching shall be as follows:

- i. For the first four weeks of absence an employee shall be entitled to full pay, offset against payments made by way of SAP, followed by:

2 weeks at 9/10ths pay offset against payments made by way of SAP.

- ii. An employee who declares in writing that he/she intends to return to work will for the subsequent 12 weeks absence receive half a week's pay plus SAP, where eligible, without deduction except by the extent to which the combined pay and SAP exceeds full pay. Alternatively the equivalent amount (i.e. six weeks' pay) may be paid on any other mutually agreed distribution.

For the remainder of the adoption leave period (i.e. 21 weeks) the employee will receive their entitlement to SAP where eligible.

- iii. For employees not intending to return to work, payments during their adoption leave period following the first 6 weeks will be their entitlement to SAP (i.e. 33 weeks), where eligible.
- iv. Payments made by the School/Council during adoption leave under ii above shall be made on the understanding that the employee will return to local authority/school employment for a period of at least three months, which may be varied by the School/Council on good cause being shown and, in the event of him/her not doing so, he/she shall refund the monies paid, or such part thereof, if any, as the School/Council may decide. Payments made by way of SAP are not refundable by the employee.

6. Keeping in Touch (KIT) Days

- a) Keeping in Touch (KIT) days are intended to facilitate a smooth return to work after adoption leave. Before going on leave, the line manager and employee should discuss and agree any voluntary arrangements for keeping in touch during the employee's absence. An employee may work for up to 10 KIT days without bringing his/her adoption leave to an end.
- b) The work can be consecutive or not, and can include training or other activities which enable the employee to keep in touch with the workplace. Working part of a day will count as a full day for these purposes. Any such work must be by agreement and neither the line manager nor the employee can insist upon it.
- c) An employee will not lose their entitlement to SAP for working a KIT day. An employee will receive their normal pay offset against any adoption payments to which the individual is entitled.

7. Right to Return to Work

- a) Subject to paragraph b) the employee has a right to return to the job in which he/she was employed under his/her original contract

of employment and on terms and conditions not less favourable than those which would have been applicable to him/her if he/she had not been absent. "Job" for this purpose, means the nature of the work which he/she is employed to do and the capacity and place in which he/she is so employed.

- b) Where it is not practicable by reason of redundancy for the Council/School to permit him/her to return to work in his/her job as defined in a) above, the employee shall be entitled to be offered a suitable alternative vacancy where one exists, provided that the work to be done in that post is suitable to him/her and appropriate for him/her to do in the circumstances, and that the capacity and place in which he/she is to be employed and his/her terms and conditions of employment are not substantially less favourable to him/her than if he/she had been able to return to the job in which he/she was originally employed.
- c) Suitable alternative employment may also be offered if exceptional circumstances other than redundancy (eg. a general reorganisation), which would have occurred if the employee had not been absent, necessitate a change in the job in which he/she was employed prior to his/her absence. The work to be done should be suitable to him/her and appropriate for them to do in the circumstances and the capacity and place in which he/she is to be employed and his/her terms and conditions of employment should not be less favourable to him/her than if he/she had been able to return to the job in which he/she was originally employed.

8. Exercise of the Right to Return to Work

- a) Return **before** the end of the adoption leave period
 - i. An employee on adoption leave shall notify the Council/School in writing at least 21 days before the day on which he/she proposes to return if this is before the end of the adoption leave period. Where the notice given is less than 21 days, the Council/School may postpone the return to ensure 21 days' notice, but not beyond the end of the adoption leave period.
 - ii. If an employee changes his/her mind about the day he/she proposes to return, he/she must give the Council/School 21 days' notice of the new date, if this is **earlier** than the original date (see 8(a)(i) he/she notified, **or** if he/she is now proposing to return **later** than the original date, he/she must give notice of the new return date 21 days before the original return date.
- b) All employees
 - i. Where an employee is unable to return on the expected day due to sickness, the absence will be covered by the sickness scheme in the normal way.

- ii. For an employee, where, because of an interruption of work, (whether due to industrial action or some other reason) it is unreasonable to expect him/her to return on the due date, he/she may instead return when work resumes, or as soon as reasonably practicable thereafter.
- c) The employee will have the right to request flexible working arrangements.

9. Relationship with Sickness and Annual Leave

- a) Adoption leave will not be treated as sick leave and will not, therefore, be taken into account for the calculation of the period of entitlement to sick pay.
- b) Ordinary adoption leave and additional adoption leave shall be regarded as continuous service for the purposes of the National Joint Council's sickness and adoption schemes and annual leave. Annual leave continues to accrue during both ordinary and additional adoption leave.
- c) An employee intending to take adoption leave should, where applicable, agree with their manager or headteacher how they intend to take their annual leave as a maximum of 5 days only can be carried over to any new leave year. Annual leave may be taken before the commencement of adoption leave and/or immediately after it. Annual leave may not be taken during the adoption leave period.

10. Definitions

a) **A Week's Pay**

The term "a week's pay" for employees whose remuneration for normal working hours does not vary with the amount of work done in the period, is the amount payable by the Council/School to the employee under the current contract of employment for working his/her normal hours in a week. Where there are no normal working hours, a week's pay is the average remuneration in the past 12 weeks preceding the date on which the last complete week ended, excluding any week in which no remuneration was earned.

11. The Wave

Full information on Adoption is confirmed within the following, which are available on the Wave:

- Adoption Information Pack for NJC Employees and Support Staff Working in Schools
- Adoption Information Pack for Teachers

12. Surrogacy

Although an employee who becomes a parent through an arrangement with a surrogate mother is not legally entitled to statutory adoption leave or pay, the Council/School will allow access to the B&H Occupational Adoption pay/ leave provisions as outlined above. Payment will be equivalent to Occupational Adoption Pay (including the equivalent payment to SAP) as outlined in paragraph 5a) or 5b) above and the arrangements are subject to the same service and return to work provisions outlined here.

All payments to the employee are subject to meeting the qualifying criteria and to providing the necessary evidence confirming parental responsibility.

There may be an entitlement to take paternity and/or parental leave, if he or she qualifies. To qualify for paternity and/or parental leave the employee must produce the Parental Order and/or birth certificate when they apply. Refer to the separate guidance on paternity/parental leave for full information.

Annual leave should be considered with agreement of the line manager or headteacher.

13. What happens if the placement/surrogacy arrangement is disrupted?

In exceptional circumstances, the placement may be disrupted for one of the following reasons:

- The child is returned to the adoption agency during the adoption leave
- The child does not remain with the parent taking the leave
- The child dies during the leave period

In these situations the leave and pay (including SAP) will end 8 weeks after the end of the week in which the disruption occurred.

GOVERNANCE WORK PLAN

This work plan contains items for consideration at forthcoming Meetings and includes both Key and Non-Key Decisions. Key Decisions will also be published in the council's corporate Forward Plan, which is available for viewing by the public.

This work plan is for internal use only and will be circulated to relevant officers at the beginning of each month and more frequently if deemed appropriate by the Democratic Services Officer.

All items to be included in the work plan must be submitted by report authors through the Democratic Services Intranet facility. Key Decisions must be submitted in line with the deadline requirements for publication of the Forward Plan, which can be obtained from Steven Clare (Tel: 29-1077, email: steven.clare@brighton-hove.gov.uk). All other items should be submitted as soon as is practicable once the need for a report has been established.

For more information or to be added to the circulation list for this work plan please contact Lisa Johnson, Senior Democratic Services Officer (Tel: 291228, email: lisa.johnson@brighton-hove.gov.uk).

Brighton & Hove City Council Meeting Work Plan

Ref	Report Details	Decision Maker	Reason No Public Access (if applicable)	Lead Member	Lead Director Lead Officer
10 JANUARY 2012					
27049	Localism Act Committee Decision (excluding Overview & Scrutiny) Implementation of Localism Act <i>Wards affected: All Wards</i>	Governance Committee		Chair of the Governance Committee	Report of: Strategic Director, Resources Report Author: Elizabeth Culbert Tel: 29-1515
25717	Health & Wellbeing Board Development (Shadow Year) <i>Cabinet Decision - Key</i> To seek Cabinet approval of Proposals for the establishment of a shadow Health and Wellbeing Board for one year from April 2012. <i>Wards affected: All Wards</i>	Governance Committee Cabinet Council		Cabinet Member for Communities, Equalities & Public Protection Cabinet Member for Communities, Equalities & Public Protection Cabinet Member for Communities, Equalities & Public Protection	Report of: Strategic Director, People, Director of Public Health Director of Public Health, Strategic Director, People Strategic Director, People, Director of Public Health Report Author: Terry Parkin Tel: 29-0446, Tom Scanlon Tel: 29- 1480, Elizabeth Culbert Tel: 29-1515 Thalia Liebig Tel: 29- 0445, Giles Rossington Tel: 01273 291038

Brighton & Hove City Council Meeting Work Plan

Ref	Report Details	Decision Maker	Reason No Public Access (if applicable)	Lead Member	Lead Director Lead Officer
26122	Open Public Services White Paper Committee Decision (excluding Overview & Scrutiny) Summary of White Paper and implementation proposals <i>Wards affected: All Wards</i>	Governance Committee		Chair of the Governance Committee	Report of: Strategic Director, Resources Report Author: Elizabeth Culbert Tel: 29-1515
26787	Adoption and Surrocy Policy Committee Decision (excluding Overview & Scrutiny) Report proposing that we bring our adoption policy into line with our maternity policy and that the new adoption policy is applicable to adoptions arising from surrogate births <i>Wards affected: All Wards</i>	Governance Committee		Cabinet Member for Finance & Central Services	Report of: Strategic Director, Resources Report Author: Katie Ogden Tel: 29-1299, Jooles Miller Tel: 29-3442
20 MARCH 2012					
26917	Committee Timetable Committee Decision (excluding Overview & Scrutiny) <i>Wards affected: All Wards</i>	Governance Committee		Councillor Leo Liftman	Report of: Strategic Director, Resources Report Author: Mark Wall Tel: 29-1006

Brighton & Hove City Council Meeting Work Plan

Ref	Report Details	Decision Maker	Reason No Public Access (if applicable)	Lead Member	Lead Director Lead Officer
26915	Review of Constitution Committee Decision (excluding Overview & Scrutiny) <i>Wards affected: All Wards</i>	Governance Committee		Councillor Leo Littman	Report of: Strategic Director, Resources Report Author: Abraham Ghebre-Ghiorghis Tel: 29-1500
17 JULY 2012					