

**Subject:** **The Use of Substitutes at Meetings of the Shadow Health & Wellbeing Board**

**Date of Meeting:** **30<sup>th</sup> May 2012**

**Report of:** **Strategic Director, Resources**

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**Wards Affected:** All

### FOR GENERAL RELEASE

#### 1. SUMMARY AND POLICY CONTEXT:

- 1.1 From 01 April 2013 local Health & Wellbeing Boards (HWBs) will become formal committees of local authorities. Prior to April 2013, there is no statutory requirement for shadow HWBs to operate as council committees. However, the local intention is for the shadow HWB to mirror, as far as possible, the format of the statutory HWB in order to ensure that the transition from the shadow to the statutory board is as smooth as it can be.
- 1.2 This report sets out a proposed protocol in relation to substitutes for HWB members, taking into account the varied membership of the HWB and their roles.

#### 2. RECOMMENDATIONS:

- 2.1 That the Shadow Health and Wellbeing Board agrees the protocol for the use of substitute members as set out at paragraph 3.2 below.

#### 3. BACKGROUND INFORMATION

- 3.1 The Brighton & Hove shadow HWB has five types of members: elected members (i.e. Councillors), council officers (the Directors of Public Health, Adult Social Services and Children's Services), representatives of the CCG, a representative of the Youth Council, and a representative of the LINK (up until 01 April 2013, when this place will be taken by a representative of Healthwatch).

- 3.2 There is no local constitutional precedent for the use of substitutes in such a body, and it is therefore proposed that shadow HWB members themselves agree a protocol for the use of substitutes at the shadow HWB. Regulations are expected which will set out more detailed rules for the operation of the HWB and the proposed protocol for substitutes will need to be reviewed in the light of any new Regulations and Statutory Guidance.
- 3.3 Where existing arrangements for substitutes are tried and tested in other committees, it is proposed to retain these arrangements. The one area where existing arrangements cannot be drawn on is in relation to the three statutory chief officers, who are not voting members on other council committees.
- 3.4 The Director of Children Services (DCS), the Director of Adult Social Services (DASS) and the Director of Public Health (DPH) are appointed as named individuals on the HWB and they have specific statutory responsibilities. It is possible for another officer to be formally appointed to fulfil these duties (for example, to cover extended leave or sickness absence), but it is not possible for the individual officers themselves to delegate responsibility for their function to another officer.
- 3.5 In addition to exercising their responsibilities as statutory chief officers, the DCS, DASS and DPH also have the more general role at shadow HWB meetings of providing expert input in terms of their children's services, adult social care or public health briefs. In this more general context, another officer could readily act on behalf of the statutory chief officers to advise the members of the shadow board.
- 3.6 Taking in account the issues set out above, a proposed protocol is as follows:-
- (a) For elected members, it is proposed that substitution rules mirror those of other Council committees – i.e. any member can be substituted by another member of their political group.
  - (b) For CCG representatives, it is proposed that the CCG representatives can be substituted by any other CCG member.
  - (c) For Youth Council representatives, it is proposed that the Youth Council representative can be substituted by another member of the Youth Council.
  - (d) For LINK/Healthwatch representatives, it is proposed that the LINK/Healthwatch representative can be substituted by another member of the LINK/Healthwatch.

- (e) For the statutory Directors of Children Services, Adult Social Services and Public Health it is proposed that voting substitutes are not permitted. However, the statutory chief officers may nominate an officer to attend in their place in an advisory capacity when the statutory officer is unable to be present.

#### **4. CONSULTATION**

- 4.1 No formal consultation was undertaken in compiling this report.

#### **5. FINANCIAL & OTHER IMPLICATIONS:**

##### Financial Implications:

- 5.1 There are none.

##### Legal Implications:

- 5.2 There are no legal implications arising from this report.

*Lawyer: Elizabeth Culbert*                      14/05/12

##### Equalities Implications:

- 5.3 None

##### Sustainability Implications:

- 5.4 None

##### Crime & Disorder Implications:

- 5.5 None

##### Risk and Opportunity Management Implications:

- 5.6 None

##### Corporate / Citywide Implications:

- 5.7 None

#### **SUPPORTING DOCUMENTATION**

##### **Appendices:**

None

**Documents in Members' Rooms:**

None

**Background Documents:**

None