

## **Report to Governance Committee**

**6 June 2022**

### **Governance implications of the Health and Care Act proposals for Integrated Care System arrangements**

#### **Report by Director of Law and Assurance**

**Electoral division(s): Not applicable**

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#### **Summary**

The Cabinet, at its meeting on 17 May 2022, considered the implications for the County Council of the Health and Care Act 2022 which recently received royal assent. The Act introduces new governance arrangements for the NHS nationally and locally and changes the partnership arrangements to enable greater integration with the NHS and collaboration between the NHS and social care.

The new arrangements will require adjustments to the composition of the Health and Wellbeing Board and the constitution and terms of reference of the Health and Adult Social Care Scrutiny Committee and the Health and Wellbeing Board. Following a resolution of the Cabinet, the Committee is asked to confirm the delegation of authority to the Director of Law and Assurance to agree consequential changes for recommendation to the County Council once the legislation and governance arrangements are finalised.

#### **Recommendation**

That authority be given to the Director of Law and Assurance to approve consequential changes to the constitution and terms of reference of the Health and Adults Social Care Scrutiny Committee and the Health and Wellbeing Board, as a result of the Health and Care Act proposals, for recommendation to the County Council once the legislation and governance arrangements are finalised.

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#### **Proposal**

##### **1 Background and context**

- 1.1 The Cabinet, at its meeting on 17 May 2022, considered the implications for the County Council of the Health and Care Act 2022 which recently received royal assent. The Act introduces new governance arrangements for the NHS nationally and locally and changes the partnership arrangements to enable greater integration with the NHS and collaboration between the NHS and social care.

- 1.2 The Cabinet considered the plans made in anticipation of the legislation for a Sussex Integrated Care System (ICS) and the proposals for the County Council's participation in the arrangements. The establishment of the ICS represents a significant change to the way the different NHS bodies will work together under the national leadership of NHS England. It will also mean that social care authorities will work through new arrangements with the NHS in the planning and commissioning of services to meet health and care needs of the population of its area.
- 1.3 A new 'duty to collaborate' requires the County Council to participate in the NHS Sussex Integrated Care Board and in the proposed Sussex Health and Care Assembly, both organised to cover the whole of Sussex. Aside from the new duty to collaborate through participation on these forums there are no other changes to the County Council's statutory role and responsibilities for services and budgets, nor to the role of the Health and Wellbeing Board and the Health and Adult Social Care Scrutiny Committee. However, some adjustments to the terms of reference of those bodies will be needed due to NHS structural changes and other aspects of the legislation yet to be formalised as set out below.

### **Health and Wellbeing Board**

- 1.4 The West Sussex Health and Wellbeing Board currently brings together the County Council, NHS West Sussex Clinical Commissioning Group, University Hospitals Sussex NHS Trust, Sussex Community NHS Foundation Trust and Sussex Partnership NHS Foundation Trust, and our wider system partners including Primary Care Networks, West Sussex Voluntary, Community and Social Enterprise partners, Healthwatch and our Borough and District Councils. Some changes will be required to the composition of the Health and Wellbeing Board as a result of the structural changes within the NHS and the new models of NHS governance.

### **Health and Adult Social Care Scrutiny Committee**

- 1.5 The anticipated legislation will also lead to changes to the powers of the Secretary of State in relation to proposals for significant changes to NHS services. Both these provisions, once in force, and the NHS governance arrangements described above will also require changes to the constitution and terms of reference of the Health and Adult Social Care Scrutiny Committee.

## **2 Proposal details**

- 2.1 As explained above, once the legislation and governance arrangements are finalised, adjustments will be required to the composition of the Health and Wellbeing Board and to the constitution and terms of reference of the Health and Adult Social Care Scrutiny Committee. The Committee is asked to delegate authority to the Director of Law and Assurance to agree these consequential changes in due course for recommendation to the County Council.

## **3 Consultation, engagement and advice**

- 3.1 Not applicable.

## **4 Finance**

4.1 None.

## **5 Risk implications and mitigations**

5.1 There are no risk implications in relation to the recommendations contained within this report save that they concern steps needed to meet anticipated legislative requirements and the need for effective local working.

## **6 Policy alignment and compliance**

6.1 Not applicable.

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### **Background papers**

None.