

Appendix 2

Summary of the statutory role and functions of Health and Wellbeing Boards

In England, Health and wellbeing boards (HWBs) have been a key mechanism for driving joined up working at a local level since they were established in 2013. The Health and Care Act 2022 introduced new architecture to the health and care system, specifically the establishment of Integrated Care Boards (ICBs) and Integrated Care Partnerships (ICPs – locally this is known as the Sussex Health and Care Assembly).

In keeping with this, the County Council is a statutory partner in the Sussex Health and Care Assembly, which is the integrated care partnership in Sussex, alongside the NHS Sussex ICB, West Sussex County Council and Brighton & Hove City Council. The Leader and Chair of the HWB represents the County Council on the Assembly. The County Council is also represented as a partner on the ICB which is responsible for planning and commissioning healthcare services for the population of Sussex. Taken together this makes up the Sussex integrated care system (ICS).

To support an aligned approach, in the Sussex ICS all three Chairs of HWBs in Sussex are the representatives of the three Local Authorities on the joint Sussex Health and Care Assembly, alongside the Chair of the NHS Sussex ICB. The Chair of the NHS Sussex ICB is also one of the NHS Sussex members of the HWB.

In this new landscape, HWBs continue to play an important statutory role in instilling mechanisms for joint working across health and care organisations and setting strategic direction to improve the health and wellbeing of people locally. The new guidance published as a result of the Health and Care Act 2022 [Health and wellbeing boards – guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/health-and-wellbeing-boards-guidance) sets out the roles and duties of HWBs and clarifies their purpose within the new system architecture. It accompanies previously published [statutory guidance](#) on joint strategic needs assessments (JSNAs) and joint local health and wellbeing strategies (JLHWSs). The Health and Care Act 2022 amends section 116A of the Local Government and Public Involvement in Health Act 2007, renaming 'joint health and wellbeing strategies' to 'joint local health and wellbeing strategies'. Statutory guidance on JSNAs and JLHWSs currently remains unchanged.

The new guidance emphasises the role of HWBs which “remain a formal statutory committee of the local authority, and will continue to provide a forum where political, clinical, professional and community leaders from across the health and care system come together to improve the health and wellbeing of their local population and reduce health inequalities”.

Statutory Functions

The statutory functions of HWBs include:

- Producing and publishing a Joint Strategic Needs Assessment (JSNA).
- Producing and publishing a Joint Local Health & Wellbeing Strategy (JLHWS).
- Producing and publishing a Pharmaceutical Needs Assessment (PNA).
- Responsibility for signing-off the Better Care Fund plan for the local area and providing governance for the pooled fund.

HWBs should also be involved in the production of Joint Forward Plans, known locally as the Shared Delivery Plan (SDP). The guidance lists the following involvement of the HWB:

Joint forward plans (replacing CCG commissioning plans)

Before the start of each financial year, an ICB, with its partner NHS trusts and NHS foundation trusts, must prepare a 5-year joint forward plan, to be refreshed each year. ICBs must involve HWBs as follows:

- Joint forward plans for the ICB and its partner NHS trusts and NHS foundation trusts must set out any steps that the ICB proposes to take to implement any JLHWS.

- ICBs and their partner NHS trusts and NHS foundation trusts must involve each relevant HWB in preparing or revising their forward plans.
- In particular, the HWB must be provided with a draft of the forward plan, and the ICB must consult with the HWB on whether the draft takes proper account of each relevant JLHWS.
- Following consultation, any HWB within the ICB's area has the right to respond to the ICB and may give its opinion to NHS England.
- Within the ICB's forward plan, it must include a statement from the HWB as to whether the JLHWS has been taken proper account of within the forward plan.
- With the establishment of ICBs and the abolishment of CCGs, the former requirement for CCGs to share their commissioning plans with HWBs has been removed.

ICB Annual reports

ICBs are required as part of their annual reports to review any steps they have taken to implement any JLHWS to which they are required to have regard. In preparing this review, the ICB must consult each relevant HWB.

ICB Performance assessments

In undertaking its annual performance assessment of an ICB, NHS England must include an assessment of how well the ICB has met the duty to have regard to the relevant JSNAs and JLHWSs within its area. In conducting the performance assessment, NHS England must consult each relevant HWB for their views on the ICB's contribution to the delivery of any JLHWS to which it was required to have regard.

Other annual reports and regular reports

The HWB should receive the following annual reports and reports:

- Director of Public Health annual report
- Safeguarding Adults Board (SAB) Annual Report
- East Sussex Safeguarding Children Partnership (ESSCP) Annual Report
- Sussex learning from lives and deaths – People with a learning disability and autistic people (LeDeR) annual report
- Healthwatch Annual Report
- An annual update on the JSNA
- East Sussex Health and Social Care Shared Delivery Plan (SDP) Programme - update report (at each meeting)
- Any significant changes to Pharmacy provision and agreement of any action that needs to be taken.

Relationship with local democratic scrutiny processes for health and social care

Scrutiny is carried out by elected County Councillors who understand and promote the concerns of the local residents who elected them, in a process that looks to connect decision makers to local residents. The HWB does not hold commissioning budgets and is not a mechanism for local democratic scrutiny of health and social care services. In East Sussex the role of the East Sussex County Council Health Overview and Scrutiny Committee (HOSC) is to look at the work of local NHS organisations by acting as a 'critical friend' suggesting ways that health related services might be improved through commissioning and delivery.

HOSC also looks at the way the health service interacts with our social care services, the voluntary sector, independent providers and other council services to jointly provide better health services to meet the diverse needs of East Sussex residents and improve their wellbeing.

The East Sussex County Council People Scrutiny Committee looks specifically at the commissioning and delivery of County Council social care services for children and young people and adults of all ages, and the full range of other services across children, young people and adults of all ages. There is a specific People Scrutiny Reference Group: Health and Social Care Integration Programme which looks at the County Council's work on health and care integration, currently set out in the Shared Delivery Plan.