

HEALTH AND WELLBEING BOARD

MINUTES OF THE MEETING HELD ON THURSDAY, 8 JANUARY 2015

Present: Dr Bal Bahia (Newbury and District CCG), Adrian Barker (Healthwatch), Dr Barbara Barrie (North and West Reading CCG), Councillor Marcus Franks (Portfolio Holder for Health and Well Being), Dr Lise Llewellyn (Public Health), Councillor Gwen Mason (Shadow Health and Wellbeing Portfolio Holder), Councillor Irene Neill (Portfolio Holder for Children and Young People), Rachael Wardell (WBC - Community Services), Cathy Winfield (Berkshire West CCGs) and Councillor Keith Chopping (Portfolio Holder for Community Care)

Also Present: Jessica Bailiss (WBC - Executive Support), Nick Carter (WBC - Chief Executive), Councillor Quentin Webb, Tandra Forster (WBC - Adult Social Care) and Councillor Roger Hunneman (Deputy Liberal Democrat Group Leader), Steve Bedser (Local Government Association) and Jessica Bailiss (WBC - Executive Support),

Apologies for inability to attend the meeting: Leila Ferguson, Councillor Gordon Lundie and Nikki Luffingham

PART I

71. Declarations of Interest

Dr Bal Bahia and Dr Barbara Barrie declared an interest in all matters pertaining to Primary Care, by virtue of the fact that they were General Practitioners, but reported that, as their interest was not personal, prejudicial or a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matters where appropriate.

72. Better Care Fund

Rachael Wardell introduced the item to Members of the Health and Wellbeing Board. The Better Care Fund (BCF) was money designated to supporting priorities within the health and social care system. It involved collaborative working across the West of Berkshire and consisted of seven schemes which had been grouped into five projects. It was a year since the BCF had first been presented to the Health and Wellbeing Board.

Submission of the BCF plans was currently pending, in anticipation of a decision from the Department of Health (DH) regarding funding for the implementation of the Care Act. Local Members of Parliament were lobbying the DH on behalf of West Berkshire Council on this matter. Recently the DH had asked for further information from West Berkshire Council. Whilst the decision from the DH was awaited, West Berkshire Council were not in a position to sign off the BCF plans.

Councillor Marcus Franks added that continuing pressure was being placed on the Secretary of State and that until a decision was confirmed, it was suggested that the submission of the BCF plans should be deferred.

Cathy Winfield reported that although the Clinical Commissioning Group (CCG) supported the Local Authority in its negotiations over funding for the Care Act, she was disappointed that West Berkshire Council were not in a position to meet the national deadline set by central Government. There would be implications for not signing the BCF

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within the given timescale and therefore Cathy Winfield stressed the need to set a time limit for deferral and suggested that ten days from the Special Meeting would be reasonable. The CCG were sympathetic to the negotiations the Council was having to undertake however, it saw the Care Act as more decoupled from the BCF. The CCG were of the view that discussions concerning the Care Act were between the Local Authority and Central Government. The CCG was happy to support the Local Authority however, was keen for deadlines for deferment to be agreed.

Councillor Graham Pask stated that the fact that West Berkshire had been unable to sign off its BCF plans was due to no fault of its own. It was hoped that accumulative action would be the result of not meeting the deadline set by Central Government. Various pressures had been placed on the relevant people and a rapid response was required. Councillor Pask supported deferring the submission of the BCF plans however, felt that they could not agree to a timescale that there was no control over.

Cathy Winfield stressed by not submitting the plans, West Berkshire would supersede control of almost £9 million. The BCF process would need concluding.

Councillor Marcus Franks asked that Standing Orders be suspended in order to allow Steve Bedser (an associate of the Local Government Association) to speak to the Board, Steve Bedser explained that he formed part of a team, employed by the BCF taskforce at DH, which worked with areas who had submitted their BCF plans with conditions. He had worked with four areas in total over a three month period and played a key role in the communication process with the DH. He championed the voice of both the Local Authority and the BCF taskforce.

Steve Bedser was confident that a decision from the DH was imminent. He felt that the timescale suggested by Cathy Winfield had significant merit and showed clear intent to sign the BCF plans. Steve Bedser stated that he would feel comfortable communicating this position back to the BCF taskforce. The official deadline for signing and submitting BCF plans was 2pm on 9th January however, he felt that the explanation for delay in the case of West Berkshire was justifiable.

Steve Bedser continued by emphasising the importance of the joint working that would take place as part of the BCF plans. Once a decision had been given by the DH it was anticipated that West Berkshire would be in a position to submit their plans. Steve Bedser stated that he would be expected to report back to the BCF taskforce after the meeting. He was confident that they would support the notion he anticipated from the discussions he had heard and would relax the deadline in this circumstance. Steve Bedser sought clarification regarding how the plans would be signed off once a decision had been made by the DH. He asked if another Special Health and Wellbeing Board would be set up or if there would be delegated powers.

Dr Lise Llewellyn was conscious that the BCF plans included projects that were crucial to the delivery of high quality support for patients. Therefore she asked if holding back from submitting the BCF plans was detrimental to these patients. Cathy Winfield assured all that the work included under the BCF plans was continuing despite the delay.

Cathy Winfield highlighted that there were three potential scenarios at the end of the ten day period (a) the Local Authority would receive a favourable decision over funding for the Care Act, (b) no further funding would be offered or (c) the DH would make an offer that was not acceptable to the Local Authority. Cathy Winfield felt it would be helpful to know the outcome concerning the BCF plans, for each of these scenarios.

Councillor Keith Chopping felt that it was not appropriate to discuss the action that would be taken given the current negotiations. Cathy Winfield was concerned regarding the impact upon services.

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Rachael Wardell referred to Cathy Winfield's point regarding the impact on the system. She reported that the £3 million gap would have to be covered off in another way and this would require further discussion. West Berkshire's submission had stood well against the initial assessment undertaken by the DH. Savings would have to be made in the next financial year within the Communities Directorate. This would involve a reduction in services and every effort would be made to reduce the impact on service users. Any changes in the services provided would be subject to a compulsory consultation process.

Cathy Winfield further queried what the result would be for the BCF if the DH did not make an acceptable offer. Councillor Franks reported that if an acceptable offer was made within the timescale by DH, then the BCF plans would be submitted. Once an offer was received this would have to be discussed by Members of West Berkshire Council. It was possible that the matter would be taken to Judicial Review.

Cathy Winfield anticipated that NHS England would intervene if the BCF plans were not signed and submitted within the discussed timeframe. She was confident that NHS England would agree the ten day deferral however, would be keen to put an end to the situation.

Steve Bedser explained that an escalation plan was in place for West Berkshire, however, this would have a light touch approach given the circumstances. If the situation was not sorted in time for the next Health and Wellbeing Board on 22nd January, then the delay would become viewed as unreasonable and the escalation process would become less light touch.

Councillor Franks reminded all that this was the third deadline West Berkshire Council had set for the DH to respond by.

Councillor Irene Neill stated that during a period when lobbying was taking place, it was appropriate for the Local Authority to reserve its position and the action that would be taken if its expectation were not met.

Rachael Wardell highlighted that if information from the DH was negative, then a decision would be required collectively on how the system challenge would be met. The key question in ten days time would be whether it was more helpful to address system pressures with NHS escalation measures in place, or alternatively to remain in control at a local level.

Dr Bal Bahia was concerned that if the BCF plans were not signed they could potentially be faced with a larger gap. Dr Llewellyn was concerned that if control was lost to NHS England that this could affect the discretionary £1.5 million from the CCG, which could potentially be directed into the NHS rather than Social Care. Cathy Winfield confirmed that this was a risk and hoped that Nikki Luffington from NHS England, would be able to give a clearer view of consequences from the escalation process.

Councillor Franks summarised the position of the Health and Wellbeing Board regarding the sign off of the Better Care Fund (BCF) plans as a result of the discussion that had taken place. It was resolved that a decision on the submission of the BCF plans would be deferred until the next Health and Wellbeing Board meeting at 9am on 22nd January 2015.

The awaited decision from the Department of Health regarding the shortfall of funding faced by West Berkshire Council due to the enforced eligibility criteria change in the Care Act, would be required in time for this meeting. Adequate time would need to be provided to allow consideration to be given to any information from DH, in advance of the meeting.

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If a decision on the shortfall of funding, that was acceptable to West Berkshire Council, was received prior to the next Health and Wellbeing Board meeting the BCF would be signed and submitted in consultation with Board Members as soon as possible.

73. **Health and Wellbeing Board Representation at Commissioning Committee Meetings**

Councillor Marcus Franks invited Cathy Winfield to elaborate on the item, which involved the Clinical Commissioning Group (CCG) inviting a Member of the Health and Wellbeing Board to sit on its Commissioning Meetings.

Cathy Winfield reported that the item related to new responsibilities designated to CCGs for the commissioning of primary care services. Primary Care was currently commissioned by NHS England.

CCGs could either apply to receive responsibly for the whole of the primary care budget or alternatively for shared responsibility with NHS England. Cathy Winfield reported that shared responsibility had been sought for the West of Berkshire. The Commissioning Group for supporting this was currently in shadow form and the guidance was vague as to whether the Health and Wellbeing representative should be at Member or Officer level.

Councillor Franks felt that it would be useful for a Member of West Berkshire Council to take up this position. This would form part of the Council's formal Outside Bodies process, which was dealt with after each district election. With this in mind Councillor Franks suggested that a temporary nomination be made until the official process took place in May/June time.

Councillor Franks asked Board Members for any nominations regarding a representative to attend the CCG Commissioning meetings. Councillor Irene Neill proposed Councillor Marcus Franks. This was seconded by Councillor Gwen Mason. Members of the Board voted in favour of this proposal.

Resolved that Councillor Marcus Franks was appointed as representative to attend CCG Commissioning Meetings until May 2015.

(The meeting commenced at 2.00 pm and closed at 3.00 pm)

CHAIRMAN

Date of Signature