

<b>Title of Report:</b>	<b>Public Health - Scheme of Delegation</b>
<b>Report to be considered by:</b>	Council
<b>Date of Meeting:</b>	14 May 2013
<b>Forward Plan Ref:</b>	C2651

**Purpose of Report:** To propose that the Council's Scheme of Delegation is updated to reflect the new Public Health duties placed on the Council in accordance with the Health and Social Care Act 2012.

**Recommended Action:** That the Council's Constitution (Scheme of Delegation) be updated to reflect the Council's duties in relation to Public Health.

**Reason for decision to be taken:** To ensure that the Council's complies with its duties under the Health and Social Care Act 2012.

**Other options considered:** N/A

**Key background documentation:** Health and Social Care Act 2012

The proposals contained in this report will help to achieve the following Council Strategy priorities:

- CSP1 – Caring for and protecting the vulnerable**
- CSP2 – Promoting a vibrant district**

The proposals contained in this report will help to achieve the above Council Strategy priorities and principles by:  
Ensuring that the Council has a robust decision making framework

<b>Portfolio Member Details</b>	
<b>Name &amp; Telephone No.:</b>	Councillor Graham Jones - Tel 07767 690228
<b>E-mail Address:</b>	<a href="mailto:gjones@westberks.gov.uk">gjones@westberks.gov.uk</a>
<b>Date Portfolio Member agreed report:</b>	25 February 2013

<b>Contact Officer Details</b>	
<b>Name:</b>	Andy Day
<b>Job Title:</b>	Head of Strategic Support
<b>Tel. No.:</b>	01635 519459
<b>E-mail Address:</b>	<a href="mailto:aday@westberks.gov.uk">aday@westberks.gov.uk</a>

## Implications

---

- Policy:** This report has no direct policy implications.
- Financial:** This report has no financial implications.
- Personnel:** This report has no personnel implications.
- Legal/Procurement:** This report accords with the Council's obligations to maintain an up to date Constitution.
- Property:** This report has no property implications.
- Risk Management:** There are no risks associated with this report.
- Equalities Impact Assessment:** There are no equalities issues arising from this report.
- Corporate Board's Recommendation:** Corporate Board supported this proposal.

Is this item subject to call-in?	Yes: <input type="checkbox"/>	No: <input checked="" type="checkbox"/>
If not subject to call-in please put a cross in the appropriate box:		
The item is due to be referred to Council for final approval	<input checked="" type="checkbox"/>	
Delays in implementation could have serious financial implications for the Council	<input type="checkbox"/>	
Delays in implementation could compromise the Council's position	<input type="checkbox"/>	
Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months	<input type="checkbox"/>	
Item is Urgent Key Decision	<input type="checkbox"/>	
Report is to note only	<input type="checkbox"/>	

# Executive Summary and Report

---

## 1. Introduction

1.1 The Health and Social Care Act 2012 received Royal Assent on 27 March 2012. The Act introduced a number of reforms to the Health and Social Care arena including:

- (i) The transfer of commissioning responsibilities from Primary Care Trust's (PCT's) to the General Practitioner (GP) led Clinical Commissioning Groups (CCG's).
- (ii) The responsibility for strategic planning and commissioning of NHS Services transferring to the NHS Commissioning Board and locally based CCGs;
- (iii) Local Authorities (LA's) given a statutory duty and a ring fenced budget to improve and protect the health and wellbeing of their populations by delivering effective public health initiatives and programmes;
- (iv) Strategic Health Authorities (SHA's) and PCT's ceasing to exist beyond April 2013; and
- (v) A number of Commissioning Support Services (CSS) being established by the NHS Commissioning Board to provide the necessary skills and expertise to support local CCG's;

## 2. Public Health Responsibilities and Local Authorities

2.1 As part of the 2012 Act Local Authorities will take the lead for improving the health and co-ordinating local efforts to protect the public's health and well being and ensuring health services effectively promote population health. Local political leadership is seen to be central to making this work.

2.2 On the 01st April 2013 the following Public Health commissioner functions became the responsibility of Local Authorities.

### (i) Health Protection

Health Protection involves the provision of screening and immunisation programmes, sexual health services, infectious disease control and emergency planning.

### (ii) Health Improvement

Health Improvement includes children's public health, adult healthy lifestyles (drug and alcohol misuse, campaigns to prevent cancer and long term conditions, dental public health and local initiatives to reduce deaths as a result of seasonal mortality) and the wider determinants of public health such as housing, planning, and education.

(iii) Health Care Public Health

This involves the provision of specialist public health advice to CCGs in the following areas which will be the subject of the “core offer”:

- (a) Production of the Joint Strategic Needs Assessment,
- (b) Reviewing service provision and providing advice to CCGs to reduce health inequalities,
- (c) Advising CCGs on priorities based on appropriate data, and
- (d) Procuring services and advising on the cost effectiveness of interventions.

### **3.0 Scheme of Delegation - Director of Public Health**

3.1 The Health and Social Care Act 2012 requires Council's to appoint (jointly with the Secretary of State) a Director of Public Health. The Director of Public Health is required to have responsibility for the following functions:

- (i) The duty imposed upon the Council to “take such steps as it considers appropriate for improving the health of the people in its area”.
- (ii) Any public health functions of the Secretary of State which he requires local authorities to discharge on his/her behalf.
- (iii) Dental health functions for Berkshire.
- (iv) The duty to co-operate with the prison service to secure and maintain the health of prisoners.
- (v) The Council's duties set out in Schedule 1 of the National Health Act 2006, which include medical inspection of pupils, the weighing and measuring of children and sexual health services.
- (vi) Arrangements for assessing the risks posed by violent and sexual offenders.

3.2 A Director of Public Health has been appointed across the six Berkshire Unitary Authorities. The Director will be hosted by Bracknell Forest Borough Council.

3.3 Given the transfer of Public Health into Local Authorities on 1 April 2013 it is necessary for Part 3 of the Council's Constitution (Scheme of Delegation) to be updated to incorporate the above duties and responsibilities. The Director of Public Health will be permitted to delegate some of these functions to the Assistant Directors of Public Health.

### **3. Equalities Impact Assessment Outcomes**

3.1 There are no equality impacts associated with this report.

### **Appendices**

---

There are no Appendices to this report.

## **Consultees**

---

**Local Stakeholders:** N/A

**Officers Consulted:** Corporate Board

**Trade Union:** N/A