

PART 1 - PUBLIC

<Please select>

---

**Decision Maker:** Executive

**Date:** 2<sup>nd</sup> February 2011

**Decision Type:** Non-Urgent Executive Non-Key

**Title:** PUBLIC HEALTH IN BROMLEY - SECTION 75  
ARRANGEMENTS  
SHADOW HEALTH & WELL BEING BOARD

**Contact Officer:** Terry Rich, , Director of Adult & Communtiy Services  
Tel: 020 8313 4612 E-mail: terry.rich@bromley.gov.uk

**Chief Officer:** Terry Rich, Director of Adult & Communtiy Services  
Mark Bowen, Director of Legal Democratic & Customer Services

**Ward:** Boroughwide

---

1. Reason for report

This report outlines the intention of the Government to transfer Public Health functions to Local Government by April 2013 and proposes a Section 75 transfer of the function from the PCT to the Council in advance of that date.

---

2. **RECOMMENDATION(S)**

- 2.1 That the Executive agrees to proceed with a transfer of the current Public Health service from Bromley PCT to the Council under a Section 75 agreement with a target date of April 2011.
- 2.2 That the authority to finalise that agreement be delegated to the Chief Executive and the Director of Legal, Democratic & Customer Services, in consultation with the leader and Deputy Leader of the Council.
- 2.3 To note and endorse the establishment of the Shadow Health & Well Being Board with the Terms of Reference as set out in Appendix B

### Corporate Policy

1. Policy Status: New policy.
  2. BBB Priority: N/A.
- 

### Financial

1. Cost of proposal: No cost
  2. Ongoing costs: N/A.
  3. Budget head/performance centre:
  4. Total current budget for this head: £
  5. Source of funding: PCT
- 

### Staff

1. Number of staff (current and additional): 42
  2. If from existing staff resources, number of staff hours:
- 

### Legal

1. Legal Requirement: Non-statutory - Government guidance.
  2. Call-in: Call-in is applicable
- 

### Customer Impact

1. Estimated number of users/beneficiaries (current and projected): all residents
- 

### Ward Councillor Views

1. Have Ward Councillors been asked for comments? <please select>
2. Summary of Ward Councillors comments:

### **3. COMMENTARY**

#### **The Public Health Service in Bromley**

- 3.1 The Government's agenda for the reform of the NHS has been set out in a number of documents including the two White Papers: "Equity & Excellence - Liberating the NHS" (July 2010) and "Healthy lives, Healthy people: our strategy for public health in England" (November 2010) and the recently published Health & Social Care Bill.(January 2011).
- 3.2 These changes propose radical changes to the organisation of the commissioning arrangements for local health services with the replacement of local PCTs with GP consortia who will be responsible for the majority of NHS budgets. A second major change is the proposal that Public Health functions – health improvement, tackling health inequalities and health protection – are to be transferred from the NHS to local government.
- 3.3 Draft legislation indicates that this transfer will take place by April 2013. The service will be funded via the allocation of a ring fenced public health budget and a set of public health outcomes that local government will be expected to deliver. These outcomes are likely to be consistent with the priorities outlined in the White Paper –“Healthy lives, Healthy people”.
- 3.4 There will also be a national public health service within the Department of Health – Public Health England – which will advise ministers on the overall public health strategy for the Country. Local Directors of Public Health, whilst employees of the local council will be appointed jointly by the Council and the national Public Health service. In London it is also proposed that there will be a London Health Improvement Board which will have a role in ensuring a strategic London wide response to public health issues, supporting the borough based public health services.
- 3.5 In Bromley, over the last 18 months, Executive members and Chief Officers have been engaged in discussions with Bromley PCT around areas where further integration and joint working could be beneficial from a service delivery and efficiency perspective. This included strengthening joint working in public health. Consideration has already been given to the option of establishing a Joint (PCT/LBB) Director of Public Health, as exists in many authorities today. However this discussion has been reviewed in the light of the new Government agenda and has moved on to one of exploring the timescale for a transfer of the functions from the PCT to the Council and a consideration of the benefits of moving forward sooner rather than waiting for the formal statutory transfer planned for April 2013.
- 3.6 Bromley PCT, in common with other London PCTs is undergoing a radical reorganisation which will result in the establishment of Sector PCT arrangements for many PCT functions across the 6 south east London boroughs. Whilst there will remain a local Business Unit primarily aimed at supporting the development of the local GP consortia, it seems opportune to come to an arrangement to transfer the Public Health functions to the Council at this point, at the same time as the PCT's revised organisational arrangements are coming into place.
- 3.7 A report setting out the justifications and the proposed way forward to facilitate this transfer was considered by the Shadow Health & Well Being Board in January. This was supported, and subject to the agreement of the Executive and the PCT Board, it is proposed to proceed to draw up and conclude this agreement with a target date for the transfer of the Public Health function to the Council by April 2011 or as soon thereafter as practicable.
- 3.8 It should be noted that Public Health contributes to achieving the Council's Building a Better Bromley priorities across a range of service areas and it is envisaged that the transfer into the council will facilitate a strengthening of the input in to the work of the Adult & Community, Children & Young People, Environment, Public Protection and Renewal and Recreation Portfolios.

3.9 The report to the Health & Well Being Board is appended at appendix A

### **The Shadow Health & Well Being Board**

3.10 Also included with the Government's agenda is the proposal that all top tier Councils should establish a Health & Well Being Board charged with the responsibility of :

- Assessing the needs of the local population and lead on the production of a statutory Joint Strategic Needs assessment – this includes both adults and children,
- Promote integration and partnership across the borough, including joining up commissioning plans across the NHS, social care and public health,
- Supporting joint commissioning and pooled budgets arrangements between the NHS and local government.

3.11 Health & Well Being Boards are a requirement from 2013.

3.12 The joint working group exploring integration of health and social care functions in Bromley has now been transformed into a Shadow Health & Well Being Board and has started to exercise the functions envisaged by the government in the White Paper and Health & Social Care Bill.

3.13 The terms of reference are appended at Appendix B and the Executive is asked to endorse those terms of reference and to receive periodic reports on the business of the board.

## **4. POLICY IMPLICATIONS**

4.1 The proposed transfer of public health from the NHS to the Council is inline with Government policy set out in the Health and Social Care bill.

4.2 The Council has prioritised the benefits of closer working with health and developing partnerships as contributing to a number of Building a Better Bromley priorities including Supporting Independence, Children and Young People and Community Safety.

## **5. FINANCIAL IMPLICATIONS**

5.1 This proposed transfer is based on the premise of transferring existing staff, services and activity from the PCT to the Council. All of those elements are currently funded from within the PCT's overall budget. The details of the budgets associated with the PCT Public Health function are currently being disaggregated from the overall PCT strategic, commissioning and delivery budgets and will be finalised over the coming weeks.

5.2 As Public Health staff will remain employees of the PCT, staffing budgets will effectively remain with the PCT. Operational and commissioning budgets for the delivery of public health functions will be included within a transferred sum, and subject to a ring-fence.

5.3 Accommodation and support costs will be determined and included within the overall agreement.

## **6. LEGAL IMPLICATIONS**

6.1 An agreement under Section 75 of the National Health Services Act 2006 is a formal mechanism which enables PCTs and local authorities to pool resources and in this case will facilitate the transfer of aspects of the public health service functions to the Council in a way which ensures that risk is managed for both parties and that the Council is compliant with its

contracting and financial regulations and has in place a robust governance arrangement for the delivery of those functions.

## 7. PERSONNEL IMPLICATIONS

- 7.1 The section 75 agreement will include the secondment of existing PCT Public Health employees to the Council. Throughout the duration of the agreement, those staff will remain employees of the PCT and subject to NHS terms and conditions.
- 7.2 During what will in effect be a transition period pending the formal statutory transfer, it will be important to develop a workforce development strategy aimed at developing a shared understanding of the service and professional issues pertinent to public health and its operation within the local government context. Cultural and organisational change initiatives will be developed aimed at assisting staff within both organisations in managing this process.
- 7.3 In the future it is anticipated that staff included within the formal transfer of responsibilities from the NHS to Local Government would transfer to the Council under TUPE arrangements.

<b>Non-Applicable Sections:</b>	[List non-applicable sections here]
Background Documents: (Access via Contact Officer)	Equity & Excellence - Liberating the NHS (July 2010) Healthy lives, Healthy people: our strategy for public health in England (November 2010) Health & Social Care Bill.(January 2011) Terms of Reference of the Shadow Health & Well-Being Board (Appendix 2 of this report)