

# HAMPSHIRE COUNTY COUNCIL

## Decision Report

<b>Decision Maker/Committee/Panel:</b>	Cabinet
<b>Date:</b>	22 July 2019
<b>Title:</b>	Developing a Strategic Partnership for Public Health between Hampshire County Council and Isle of Wight Council
<b>Report From:</b>	Interim Director of Public Health and Director of Adults' Health and Care

**Contact name:** Simon Bryant

**Tel:** 02380 383326

**Email:** [simon.bryant@hants.gov.uk](mailto:simon.bryant@hants.gov.uk)

### 1. Purpose of this Report

- 1.1. The purpose of this report is to provide Cabinet with an update on the work undertaken to develop a Strategic Partnership for Public Health between Hampshire County Council and Isle of Wight Council and to seek approval to enter into a long-term partnership arrangement.

### 2. Recommendations

Cabinet is asked to:

- 2.1. Endorse the actions taken up to the date of this report.
- 2.2. Approve the arrangement for Hampshire County Council to enter into a longer-term partnership between Hampshire County Council and Isle of Wight Council for the leadership and delivery of Public Health on the Isle of Wight.
- 2.3. Formally approve in principle the headline terms of that agreement as outlined in section 5 of this report.
- 2.4. Delegate authority to the Director of Public Health to finalise the partnership agreement.

### 3. Executive Summary

- 3.1. On the back of a successful partnership with Children's Services, Isle of Wight Council approached Hampshire County Council about providing assistance

with Public Health responsibilities and services following the rapid departure of the Island's Director of Public Health (DPH) on 1 January 2018.

- 3.2. With the tacit agreement of the Leaders of both Hampshire County Council and Isle of Wight Council and the senior level support of Public Health England, an in-principle agreement was reached between the Chief Executives of Hampshire County Council and Isle of Wight Council to enter into an immediate interim partnership. This was endorsed by Cabinet in April 2018.
- 3.3. During the interim partnership, detailed analysis was undertaken to verify the viability of establishing a more permanent strategic partnership. This analysis identified significant concerns that needed to be addressed by Isle of Wight Council to make a long-term partnership viable.
- 3.4. Through regular reviews with the Chief Executive of Hampshire County Council and the Chief Executive of Isle of Wight Council the concerns have been addressed by Isle of Wight Council to the extent that it is now possible to enter into a long term partnership initially for three years with a possibility to extend for a further two years with appropriate break clauses for both authorities.

This paper seeks the approval of cabinet to enter into the long-term partnership following the conclusion of the implementation phase of the partnership arrangement, anticipated to be August 2019 . This agreement was endorsed by Isle of Wight Cabinet on 11<sup>th</sup> July 2019 and the establishment of the partnership is strongly supported by Public Health England.

#### **4. Background**

- 4.1. The Isle of Wight Council is a unitary authority with a population of about 140,000. The Council has responsibility for all local government services on the island. These responsibilities include discharging the statutory duties for Public Health that were conferred on local authorities by the Health and Social Care Act 2012. Both Hampshire and the Isle of Wight (HIOW) are part of the HIOW Sustainability and Transformation Partnership (STP) and this arrangement provides opportunities for both councils to further develop the scope of high quality Public Health services within that STP area. Public Health is acknowledged as a key driver in both improving overall population health wellbeing and in reducing demand on NHS and social care services.
- 4.2. Local authorities have, since April 2013, been the local leaders for public health with responsibility for taking such steps they consider appropriate for improving the health of their population and for delivering a number of statutory and mandated functions.
- 4.3. The Health and Social Care Act makes clear that each unitary and upper tier authority must, acting jointly with the Secretary of State for Health, appoint a Director of Public Health (DPH) who is a statutory Chief Officer, to have responsibility for its Public Health functions. There is provision for the role to be shared with another local authority where this makes sense.
- 4.4. The fundamental duties of a DPH are set out in law, however, the role is broader than that set out in legislation: the Director of Public Health is a statutory Chief Officer of the authority and the principal adviser on all health

matters to elected members, officers and partners, with a leadership role spanning health improvement, health protection and healthcare public health.

- 4.5. Hampshire County Council has an established constructive relationship of working together with Isle of Wight Council, through its partnership of delivering Children's Services. That partnership has recently been renewed, beyond its initial five-year period into an open-ended arrangement. This arrangement to provide Public Health services on the Isle of Wight will be approached in a similar vein to how Children's Services have been delivered.
- 4.6. In January 2018 the incumbent DPH for the Isle of Wight was seconded to Public Health England and subsequently left the employment of IWC. This led to a need for Isle of Wight Council to make immediate arrangements for DPH cover. The Isle of Wight Council Chief Executive requested a partnership arrangement be established with Hampshire County Council to provide such cover, through a shared DPH. With the agreement of the Chief Executives of Hampshire County Council and Isle of Wight Council, through an exchange of letters the shared DPH arrangement commenced on 23 January 2018.
- 4.7. The outline terms of that agreement were approved by Cabinet in April 2018. The terms set out that there were 2 distinct stages to the partnership; firstly, an interim partnership followed by a second phase of establishing a long-term strategic partnership.
- 4.8. The first stage provided interim DPH and Associate DPH leadership who carried out an in-depth review of Public Health delivery on the Isle of Wight to inform the package needed to establish a longer-term partnership.
- 4.9. The first stage has now concluded, and the partnership entered the phase to establish a long-term strategic partnership based on the findings from that review in January 2019.

## **5. Draft and Outline Terms of Agreement**

- 5.1. The partnership is at the request of Isle of Wight Council.
- 5.2. Public Health England strongly supports the establishment of a long-term strategic partnership.
- 5.3. The financial, legal and political accountabilities for Isle of Wight public health will remain with Isle of Wight Council. This is in line with the arrangements for the established Children's Partnership.
- 5.4. Hampshire County Council will take no direct political accountability but will readily explore political partnership opportunities over time.
- 5.5. There is a clear principle of at least full cost recovery, with no detriment to the Hampshire County Council public health function and performance, based on the established processes used for the Children's Partnership.
- 5.6. Monitoring of delivery of the Hampshire Public Health Strategy and the public health indicators in Hampshire's Corporate Plan will take place through the Public Health Senior Management Team (SMT) and Adults' Health and Care

Departmental Management Team (DMT). This will provide assurance regarding the continued strong performance and quality of the Hampshire Public Health function.

- 5.7. Hampshire County Council are mindful that any financial charges need to be established within the affordability of the Isle of Wight Council budget and will work with the Chief Executive of Isle of Wight Council to establish a well-managed and well performing Public Health service within the appropriate budgetary envelope.
- 5.8. The arrangement will be reviewed after 6 months followed by regular reviews, at least annually, between HCC and IWC with both parties reviewing the continued viability of the long-term partnership.
- 5.9. Notice can be provided by either party to terminate the arrangement and an appropriate withdrawal time period agreed.

## **6. Risk Assessment and management**

- 6.1. The Public Health partnership will be following in the footsteps of an already established and very successful Children's Services partnership with Isle of Wight Council
- 6.2. The Partnership arrangement will involve sharing competencies and capacity at Director, ADPH and Public Health Consultant level but will require input from other senior members of the team. This will lead to mutual learning but must not be allowed to detract from necessary capacity within the County. Whatever the strength of Hampshire's performance and reputation in Public Health, officers and members are keenly aware that sustaining quality remains a challenge and that complacency in these services is one of the greatest risks of all. The Director of Public Health will continue to closely monitor the overall performance of Public Health services at Hampshire County Council.
- 6.3. IWC retain full political accountability for Public Health. This substantially reduces the direct risks to be carried by Hampshire County Councillors. Although not carrying direct political accountability it needs to be acknowledged that there still remain indirect implications for Hampshire members if the partnership were to face serious problems.
- 6.4. In the event of one or both Councils no longer benefitting from the partnership arrangement an agreed dissolution process will clearly be set out in the Terms of Agreement.

## **7. Finance**

- 7.1. The underlying principle is that Hampshire County Council will be properly compensated for the resources that it uses to support IWC Public Health function. Detailed proposals for the full recovery of Hampshire County Council costs will be agreed with Isle of Wight Council.

- 7.2. The IWC will pay for full travel costs associated with traveling to the Island and carrying out IWC duties.
- 7.3. Hampshire County Council and Isle of Wight Council Public Health budgets will remain separate.

## **8. Governance**

- 8.1. The Director of Public Health will remain an HCC employee and reporting arrangements within HCC will remain as they are. The Director of Public Health will report directly to the IWC Chief Executive and IWC Members on matters in relation to the Isle of Wight Public Health function and will be a member of the IWC CMT.

## **9. Conclusions**

- 9.1. Hampshire County Council welcomes the opportunity to establish a further partnership with Isle of Wight Council and to build on the excellent working relationships and political partnership that have been established through the Childrens Partnership arrangement with Isle of Wight Council. The approach from Isle of Wight Council to enter into such an arrangement is welcome and presents an opportunity for the council to develop an area of work not as an income generator but as an extension of the council's capacity.

**REQUIRED CORPORATE AND LEGAL INFORMATION:**

**Links to the Strategic Plan**

<b>Hampshire maintains strong and sustainable economic growth and prosperity:</b>	Yes
<b>People in Hampshire live safe, healthy and independent lives:</b>	Yes
<b>People in Hampshire enjoy a rich and diverse environment:</b>	Yes
<b>People in Hampshire enjoy being part of strong, inclusive communities:</b>	Yes
<b>OR</b>	
<b>This proposal does not link to the Strategic Plan but, nevertheless, requires a decision because:</b>	

**Other Significant Links**

<b>Links to previous Member decisions:</b>	
<u>Title</u> <b><u>Developing a Strategic Partnership for Public Health between Hampshire County Council and the Isle of Wight Council</u></b>	<u>Date</u> 16 April 2018
<b>Direct links to specific legislation or Government Directives</b>	
<u>Title</u>	<u>Date</u>

<b>Section 100 D - Local Government Act 1972 - background documents</b>	
<p>The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)</p>	
<u>Document</u>	<u>Location</u>
None	

## **EQUALITIES IMPACT ASSESSMENT:**

### **1. Equality Duty**

The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act with regard to the protected characteristics as set out in section 4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation);
- Advance equality of opportunity between persons who share a relevant protected characteristic within section 149(7) of the Act (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic within section 149(7) of the Act (see above) and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- The need to remove or minimise disadvantages suffered by persons sharing a relevant protected characteristic that are connected to that characteristic;
- Take steps to meet the needs of persons sharing a relevant protected characteristic that are different from the needs of persons who do not share it;
- Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

### **2. Equalities Impact Assessment:**

- 2.1. The proposal itself will not have an impact on groups with protected characteristics. Any changes to the provision of Public Health services as a result of this proposal will be subject to an EIA.