

<b>Committee:</b> Community and Children's Services	<b>Dated:</b> 03/11/2022
<b>Subject:</b> City & Hackney Health and Care Place Based Partnership Terms of Reference	<b>Public</b>
<b>Which outcomes in the City Corporation's Corporate Plan does this proposal aim to impact directly?</b>	2
<b>Does this proposal require extra revenue and/or capital spending?</b>	<b>N</b>
<b>If so, how much?</b>	<b>£</b>
<b>What is the source of Funding?</b>	
<b>Has this Funding Source been agreed with the Chamberlain's Department?</b>	n/a
<b>Report of:</b> Andrew Carter, Executive Director of Community and Children's Services	<b>For Decision</b>
<b>Report author:</b> Ellie Ward, Head of Strategy and Performance, Community and Children's Services	

### Summary

This report shares with Members the final terms of reference for the bodies that, as a whole, represent the City and Hackney place-based partnership – The Health and Care Board – and the newly named Section 75 Board (previously the City and Hackney Integrated Commissioning Board), for their approval.

The draft Terms of Reference were shared with Members at their meeting on 22 September 2022 and, since then, comments and revisions have been taken on board. The final version of the Terms of Reference for the two Boards are now presented for approval.

### Recommendation

Members are asked to:

- Approve the Terms of Reference for the Health and Care Board and the Section 75 Board.

### Main Report

### Background

1. In September 2022, Members were presented with a report on changes in governance around health and care. It presented draft Terms of Reference for the City and Hackney Health and Care Board and the Section 75 Board which was formerly known as the City and Hackney Integrated Commissioning Board (ICB).

2. Since then, amendments have been made and the final Terms of Reference are now attached here for approval (see Appendix 2).

## **Current Position**

3. The Health and Care Act 2022 (the 2022 Act) which received Royal Assent on 28 April 2022, makes significant changes to the previous legislation governing the delivery of health services.<sup>1</sup> It aims to reform the delivery of health services and promote integration between health and care in England. The 2022 Act also introduces changes to formalise integrated care systems (ICSs) which are partnerships that bring providers and commissioners of NHS services across a geographical area together with local authorities and local partners to collectively plan health and care services to meet the needs of their local population.
4. A number of partnership and delivery structures will operate within an ICS at system and place level. These structures are summarised below but are also set out in visual form in Appendix 1.
5. A key legislative enabler of placed based functions is Section 75 of the National Health Service Act 2006 and the NHS Bodies and Local Authorities Partnership Arrangements Regulations 2000. These enable local authorities and NHS bodies to enter into partnership arrangements to provide a more streamlined service and to pool resources.
6. Prior to the recent Act, Section 75 arrangements were agreed between the relevant local authorities (City Corporation and Hackney) and the City and Hackney CCG.
7. Under the new Act, these arrangements will be agreed between the relevant local authority and a sub-committee of the North East London (NEL) ICB (the Place ICB Committee in the Terms of Reference document). The Terms of Reference for this sub-committee are subject to NHS governance and set out in Section 2b of Appendix 2. They invite a representative of each local authority to sit on the sub-committee. No local authority functions are delegated to this sub-committee. These Terms of Reference will be agreed at NEL level.
8. Section 75 arrangements can only be agreed between the sub-committee of the NEL ICB and City and Hackney Council as the relevant local authorities. A separate group, which is now referred to as the Section 75 Board (previously the City and Hackney ICB) – is established for this function. The draft Terms of Reference for this group are set out in Section 2a of Appendix 2.
9. The expectation is that many of the discussions that will inform the statutory partners' decisions under these arrangements will take place within place-based partnerships. For City and Hackney this will happen through aligned meetings between the local authority sub-committees, which comprise the Section 75 Board (made up of the City Corporation sub-committee, Hackney sub-committee and the NHS NEL sub-committee) and the City and Hackney Health and Care

---

<sup>1</sup> National Health Services Act 2006 and the Health and Social Care Act 2012

Board, with decisions being taken as appropriate by each statutory committee on matters within the committee's authority. The Health and Care Board is a non-statutory body and does not have the authority to take decisions.

10. The draft Terms of Reference for the City and Hackney Health and Care Board are set out in Section 1 of Appendix 2.
11. The Terms of Reference set out in Section 1 and Section 2a are subject to the approval of the City Corporation. They continue the principle of the approach agreed by Members in 2017, but are updated to reflect the changes of the 2022 Act.
12. The Comptroller and City Solicitor's Department has reviewed the draft Terms of Reference and commented accordingly. Legal comments are included below.
13. The Section 75 Board will function through the attendance and decision-making of a sub-committee (the current ICS Sub-committee) of this Committee, and therefore are subject to this Committee's approval.

## **Corporate & Strategic Implications**

### ***Strategic implications***

14. The work of the City and Hackney Health and Care Board delivers to priorities of the Corporate Plan, Joint Health and Wellbeing Strategy and Children and Young People's Plan.

### ***Financial implications***

15. None

### ***Resource implications***

16. None

### ***Legal implications***

17. The Health and Care Board and the Section 75 Board are external committees with membership from the City Corporation, London Borough of Hackney and other local partners. The Terms of Reference for the two external Boards require Members to act in accordance with the City Corporation's code of conduct on representing the City's interests on outside bodies, including an external committee, specifically in relation to managing conflicts of interests and decision-making.
18. The Terms of Reference for both Boards have been reviewed in consultation with solicitors at Browne Jacobson (appointed by London Borough of Hackney) and are in line with the City Corporation's constitution.

### ***Risk implications***

19. None

### ***Equalities implications***

20. Tackling health and wider inequalities is a priority objective of the City and Hackney Health and Care Board and will support the City in meeting its commitments and Public Sector Equalities Duty.

### ***Climate implications***

21. None

### ***Security implications***

22. None

### **Conclusion**

23. The revised Terms of Reference presented, and the practice of the City and Hackney Health and Care Board, reflect the principle of approaches agreed previously by Members. Their revision responds to the changes of the Health and Social Care Act 2022.

### **Appendices**

- Appendix 1 – North East London Integrated Care System Diagram
- Appendix 2 – City and Hackney place-based partnership Terms of Reference

### **Background Papers**

- 22 September CCS committee – report on City and Hackney Place-Based Partnership Draft Terms of Reference –  
<https://democracy.cityoflondon.gov.uk/documents/s174713/2022.09%20CH%20HCB%20ToR.pdf>

### **Ellie Ward**

Head of Strategy and Performance  
Community and Children's Services

E: [ellie.ward@cityoflondon.gov.uk](mailto:ellie.ward@cityoflondon.gov.uk)