

Staffordshire Health and Wellbeing Board – 07 December 2023

Staffordshire Health and Wellbeing Board Audit Report and Review of the Terms of Reference

Recommendations

The Board is asked to:

- a. Note the findings from the Audit Report; and
- b. Discuss and agree the revised Terms of Reference for the Board.
- c. Consider the discussion points below

Background

1. Internal Audit were asked to provide assurance that the Health & Wellbeing Board were operating in accordance with clearly defined Terms of Reference which align with the requirements of the Health and Care Act 2022.
2. The audit report made several recommendations which focused on updating the Terms of Reference and making minor changes to the Board Administration.

Summary of Audit Findings

3. The following recommendations were made in the Audit report:

Rec Ref	Risk Rating	Summary of Weakness	Action
4558	Medium Priority	The Health and Wellbeing Board Terms of Reference had not been analysed against the Health and Wellbeing Board guidance (November 2022) to identify gaps. Testing carried out during the audit highlighted areas of guidance that were not reflected in the Board's Terms of Reference.	Draft Terms of Reference for the Board has been added to the December 2023 meeting agenda, & take account of the 2022 Guidance
4560	Low Priority	A date for the Health and Wellbeing Board to receive the Partnership Protocol following planned updates by the Integrated Care Board has not been programmed into the Forward Plan for 2023/24.	Date to be confirmed, but added to the Forward Plan (point 23 in Terms of Reference)
4552	Medium Priority	Not all individual purposes of the Board were clearly defined or supported by appropriate evidence to provide assurance of	Purposes and Functions revised and simplified in Terms of Reference to meet the 2022 Guidance.

		achievement, and one purpose included an out of date reference to the Sustainability and Transformation Partnership (STP).	(Points 2 and 3 in Terms of Reference)
4553	Medium Priority	Processes in place did not ensure that an annual review of the Board's Terms of Reference was undertaken on a timely basis or that an annual review of the Boards effectiveness is undertaken to inform the review process.	Annual Review identified for December Board meetings in Forward Plan (Point 23 in Terms of Reference)
4580	Low Priority	A process to link the development of the Board Forward Plan with the annual review of the Board Terms of Reference was not in place.	Forward Plan is now included in the Terms of Reference (Point 23 in Terms of Reference)
4590	Medium Priority	Not all Statutory Functions of the Board were supported by clear evidence to provide assurance that confirmed that expected duties or oversight were being met.	Statutory Functions have been adapted to meet new guidance and the Forward Plan will include an agenda item to assure the Board that functions are being met. (Points 2 and 3 in Terms of Reference)
4591	Low Priority	There is no expected minimum level of attendance for Members of the Board and formal processes are not in place to nominate a Deputy as stated in the Terms of Reference or maintain a record of formally nominated deputies.	Set at 50% with an attendance register published annually in December. (Point 14 in Terms of Reference)
4593	Low Priority	There is no process in place to demonstrate that appropriate papers have been seen by Board sub-groups prior to being presented to the Board.	There are no formal subgroups, but reporting comes in via a number of different groups. (Points 15 in Terms of Reference)
4594	Low Priority	Terms of Reference do not include standing agenda items and there was a lack of clarity over arrangements for some standard agenda items (statutory items).	Statutory Items and standing terms detailed in the Forward Plan detailed in the Terms of Reference and include all HWBB Priorities and Statutory requirements. (Point 23 in Terms of Reference)
4629	Medium Priority	The Board Terms of Reference did not clearly define the methodology for assessing quoracy and the arrangements to be applied if quoracy is not met.	Quoracy in Terms of Reference is fully defined. (Point 13 in Terms of Reference)
4631	Low Priority	Meeting arrangements, relating to the publishing of agendas and the circulation of draft minutes, were not being operated in accordance with the terms of reference.	Clarified in the Terms of Reference (Point 25)

4632	Low Priority	The arrangements for supporting and maintaining strong working relationships with four defined partnership bodies were out of date and not operating in full in respect of the Staffordshire and Stoke on Trent Local Enterprise Partnership.	The Board may want to consider whether it seeks a relationship with the LEP and OPCC (Point 30)
------	-----------------	---	---

4. The revised Terms of Reference attached to this report reflect and cover all the points raised.

5. A copy of the full report can be made available to any member of the Board.

Key Changes to the Terms of Reference

6. Streamlining and updating of the Purpose & Functions. (2&3)

7. The principles have been changed to reflect the principles in the 2022 guidance (4).

8. Membership has been updated to remove reference to CCGs and to reflect changes to Elected member representation. NHSE added to the membership of the Board (5).

9. Substitute arrangements expanded to include reference to a register of substitute members (6)

10. Removal of the Board member Job Description (see previous Terms of Reference ([Terms of reference - Staffordshire County Council](#)))

11. Quoracy details have been updated and made clearer (11)

12. All reference to formal subgroups of the Board have been removed, and replaced with groups that may report to the Board (13). The Terms of Reference do allow the Board to create subgroups if required.

13. Removal of reference to a "Committee in Common", with Stoke City Health & Wellbeing Board, has been replaced with a statement about enabling greater alignment with the priorities of Stoke (14).

14. Reference to lead officers managing agenda items rather than subgroups (20)

15. The standard forward plan and agenda items have been included. (21).

16. Reference to maintaining strong working relationship with the STP, LEP and Safeguarding Boards have been removed.

Discussion Points & Actions

17. The Terms of Reference have been updated to reflect the November 2022 Guidance, especially Purpose, Function and Principles do we;
 - a. want to add to them?
 - b. think that the Board is set up to achieve the purpose and function.
18. Leadership for place is mentioned in the Guidance and the Case Studies from other areas. Does the Board want to see a greater emphasis on Place in the Terms of Reference and subsequent action of the Board?
19. We have never formalised a system of sub-groups, this was picked up as part of the audit. The Terms of Reference have been updated to explicitly state that groups reporting to the HWBB are not sub-groups. Does the Board support this approach?
20. Is the Board happy with the membership arrangements & are there other organisations that should be invited?
21. Is the Board happy to “consider” alignment with the Stoke HWBB priorities?
22. We need to tighten membership arrangements, all Board Members are requested to update details about membership and substitute arrangements.
23. Is the Board happy with:
 - a. Quoracy?
 - b. Attendance and Register?
24. Do we continue support the Forward Plan as a basis for future agendas?

List of Background Documents/Appendices:

Appendix 1: Revised Terms of Reference

Contact Details

Board Sponsor: Dr Richard Harling MBE, Director for Health and Care

Report Author: Jon Topham, Senior Commissioning Manager

Telephone No: 07794 997621 / 01785 854628

Email Address: jonathan.topham@staffordshire.gov.uk