



## Committee report

Committee	<b>CABINET</b>
Date	<b>11 JULY 2019</b>
Title	<b>STRATEGIC PARTNERSHIP – PUBLIC HEALTH SERVICE</b>
Report of	<b>CABINET MEMBER FOR ADULT SOCIAL CARE, PUBLIC HEALTH AND HOUSING NEEDS</b>

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### EXECUTIVE SUMMARY

1. Following the experience of a successful partnership with Children’s Services, the Isle of Wight Council approached Hampshire County Council to explore the potential to enter into an additional strategic partnership to deliver public health responsibilities and services, following the departure of the Island’s director of public health (DPH) in January 2018.
2. With the agreement of the leaders of both Isle of Wight Council and Hampshire County Council and the support of Public Health England, an in-principle agreement was reached between the chief executives of the Isle of Wight Council and Hampshire County Council to enter into an interim partnership.
3. During the interim partnership, a detailed analysis has been undertaken to explore the potential for establishing a more permanent strategic partnership. This analysis identified areas that needed to be addressed by Isle of Wight Council to make a long-term partnership viable. Through regular reviews with the chief executives of both the Isle of Wight Council and Hampshire County Council, it is now considered feasible to enter into a long-term partnership arrangement which is endorsed by Public Health England.
4. This paper therefore seeks the approval of Cabinet to enter into the long-term partnership with effect from 1 August 2019 and to delegate to the chief executive in consultation with the Cabinet member for adult social care, public health and housing needs, authority to determine the partnership outcomes, required performance outputs and resource requirements for the partnership agreement.

### BACKGROUND

5. The Isle of Wight Council has responsibility for 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 and wellbeing and in reducing demand on the NHS and social care services.

6. 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 public health functions.
7. The Health and Social Care Act 2012 makes it clear that each unitary and upper tier authority must, acting jointly with the Secretary of State for Health and Social Care, 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. The appointment process for a DPH is prescribed by the Faculty of Public Health and final approval for an appointed candidate rests with Public Health England.
8. The fundamental duties of a DPH are set out in law, however, the role is broader than that set out in legislation. As a statutory chief officer role, the DPH is the principal adviser on all health-related matters to elected members, officers and partners, with a leadership role spanning health improvement, health protection and healthcare.
9. In January 2018 the incumbent DPH for the Isle of Wight Council left the employment of the council. This led to a need for the council to make immediate arrangements for DPH cover. The Isle of Wight Council chief executive approached Hampshire County Council to suggest a partnership arrangement be established between the councils to provide such cover, through a shared DPH.
10. Hampshire County Council responded with the suggestion of an immediate interim strategic partnership to provide DPH cover for the Island with a view to investigating the potential for a more longer-term arrangement on a similar basis as the successful arrangements between the two councils for Children's Services. With the agreement of the leaders and chief executives of the Isle of Wight Council and Hampshire County Council, through an exchange of letters and the endorsement of Public Health England, the interim shared DPH arrangement commenced on 23 January 2018.
11. Since then, Hampshire County Council has provided an interim DPH and associate DPH, who through their leadership have primarily:
  - (a) completed a number of actions to ensure that the Isle of Wight Council is meeting its statutory public health duties, especially in relation to drugs and alcohol misuse, sexual health services, suicide prevention and health checks;
  - (b) undertaken an in-depth review of the public health function on the Isle of Wight to inform a service re-design and related activities that would be necessary for the Isle of Wight to secure a sustainable public health

service for the future, upon which a long-term strategic partnership arrangement with Hampshire County Council could be developed.

12. The further development of the Isle of Wight Council's public health function has now reached a critical milestone. The interim arrangement with Hampshire County Council has exceeded its original objectives and has provided the Isle of Wight Council with a more robust and focused service than was the case at the start of the strategic partnership. For the Isle of Wight Council to receive the benefit of this strong foundation and ensure the sustainability of the service, it now needs to have a longer-term plan in place for the delivery of its public health services.
13. The Isle of Wight Council could look to recruit and directly employ its own DPH or seek another local authority to partner with and share the position of DPH. However, to pursue either path would forfeit all the achievements secured in the interim partnership with Hampshire County Council and the strong relationships it has built with the Isle of Wight Council and its partners in this service area. The chief executives of Hampshire County Council and Isle of Wight Council have discussed the potential for entering into a longer-term strategic partnership between the local authorities and drafted outline terms of agreement to govern the arrangements as set out in Appendix A. These will make specific provisions available for regular reviews, at least annually, between Hampshire County Council and Isle of Wight Council with both parties reviewing the continued viability of the long-term partnership.
14. In a longer-term partnership model, the DPH will remain a Hampshire County Council employee and their reporting arrangements within the county council will remain as they are. The DPH will also report directly to the Isle of Wight Council chief executive for the purposes of Isle of Wight public health function and will be a member of the Corporate Management Team. They will provide policy and strategic advice to members of the Isle of Wight Council on all Wight public health matters and services. The current DPH fulfilling this joint role has recently retired, with the associate DPH having been appointed, in accordance with the Faculty of Public Health appointment process and Public Health England endorsement, for a period of 12 months as the new DPH. During this period of appointment, a permanent recruitment campaign will be undertaken.

## STRATEGIC CONTEXT

15. The council's [Corporate Plan 2017-20](#) establishes 12 outcomes as measures of success in achieving the overall ten-year vision for the Isle of Wight to be an inspiring place in which to grow up, work, live and visit. At the heart of this vision is the stated outcome that community needs will be met by the best possible public services as well as for people to take responsibility for their own health and wellbeing. The proposal to enter into a strategic partnership with Hampshire County Council for the delivery of the public health function on the Isle of Wight is considered to be of significant importance in delivering these corporate priorities.
16. The council also has set out its 'Health and Wellbeing Strategy for the Isle of Wight (2018-2021)' to outline the key local priorities and a shared vision using a

'life course' approach for improving health and wellbeing on the Island. It is therefore essential that there continues to be robust arrangements in place for the strategic delivery of public health so that continued and sustained improvements can be maintained.

### CONSULTATION

17. There is no specific requirement for formal consultation to take place as the council has ability to determine what future management arrangements are appropriate for the longer-term delivery of the public health function on the Isle of Wight. However, the council does have statutory obligations for the delivery of public health services and must be assured that whichever option it chooses affords the best possible outcomes to be achieved for the Island's population.

### FINANCIAL / BUDGET IMPLICATIONS

18. The costs associated with the delivery of public health services must be a consideration within the context of affordability within the council's overall financial envelope and constraints that exist. Whichever option is pursued it must be capable of demonstrating value for money and a strong return on investment in delivering sustained improvements and outcomes for the Isle of Wight. The proposed long-term strategic partnership with Hampshire County Council remains within existing budget limits.
19. The Isle of Wight Council and Hampshire County Councils both receive a ring-fenced grant from central government for the delivery of public health services across their areas. Should a partnership arrangement be agreed then both councils would be obliged to continue to spend their allocated funded on services in their own areas.
20. The Isle of Wight Council's ring-fenced public health grant for 2019/20 is £7.3m.

### LEGAL IMPLICATIONS

21. Section 113 of the Local Government Act 1972 provides for a local authority to place its staff at the disposal of another local authority for the purposes of discharging the functions of that other authority. Section 1 of the Local Authorities (Goods and Services) Act 1970, provides for a local authority to enter into an agreement with any public body within the meaning of that section for the supply by the authority for the body any administrative, professional or technical services.
22. The Isle of Wight Council has the statutory responsibility for the delivery of public health services on the Isle of Wight which cannot be delegated to a third party. Therefore, at all times, it must retain full political accountability for public health strategy and policy, no matter how services are delivered.

### EQUALITY AND DIVERSITY

23. The council, as a public body, is required to meet its statutory obligations under the Equality Act 2010 to have due regard to eliminate unlawful discrimination,

promote equal opportunities between people from different groups and to foster good relations between people who share a protected characteristic and people who do not share it. The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

24. Under the Equality Act 2010 it is necessary to have due regard to our equality duties when making decisions, reviewing services, undertaking projects, developing and reviewing policies. It is not considered that there will be any adverse impact on any of the protected characteristics by entering into a strategic partnership with Hampshire County Council for the delivery of public health services.

## OPTIONS

25. The options open to the council are as follows:
- (a) To enter into a long-term public health strategic partnership with Hampshire County Council, consistent with the terms of agreement set out in Appendix A, with appropriate reviews and break clauses.
  - (b) To end the interim public health strategic partnership arrangement with Hampshire County Council and recruit a director of public health to lead the strategic delivery of the service.
  - (c) To end the interim public health strategic partnership arrangement with Hampshire County Council and seek another local authority willing to enter into a new long-term strategic partnership for the service.
  - (d) To delegate to the chief executive in consultation with the Cabinet member for adult social care, public health and housing needs, the authority to determine the partnership outcomes, required performance outputs and resource requirements for the long-term strategic partnership agreement.

## RISK MANAGEMENT

26. The interim public health arrangements between Isle of Wight Council and Hampshire County Council has helped both organisations come to understand each other's capabilities and capacities in the public health arena. This process has effectively minimised the risk for any longer-term partnership as both authorities will be entering into the partnership from a position of mutual understanding and knowledge. This is reinforced through a letter received from Public Health England (shown at Appendix B) which is satisfied with the developments thus far and demonstrates support for a long-term strategic partnership to be developed.
27. The public health challenges facing the service on the Isle of Wight are being actively addressed through the interim strategic partnership. A key issue in not pursuing a long-term partnership between the two councils would be the loss of the knowledge and understanding of the Island's service needs gained during

that period of time, the strong foundations established as a result of work completed and stability of service provision that has been built as part of the interim arrangements would be put at risk if the partnership were not to progress, as would the opportunities for the mutual learning and staff development in different environments that would be available to the employees of both councils. The focus therefore needs to remain on continuing to address these key issues rather than on instigating a further review of the governance and management arrangements for the service through an alternative arrangement.

28. The advice of Public Health England is that it is difficult for local authorities to recruit directors of public health, individuals with relevant skills and experience. There are a wide range of opportunities open to potential candidates within the job market and it is an occupation that is known to be hard to recruit. The recruitment process as directed by Public Health England would also take a minimum of six months to complete. Should the council choose to end the interim partnership with Hampshire County Council and recruit its own DPH, it is considered that there is a very high risk that the council would not be able to successfully recruit a directly employed DPH. This mirrors the previous experience of the council when undertaking a recruitment campaign for this role.
29. Should the option to enter into a new strategic partnership with another local authority be pursued, it would require a new willing partner to be identified. It is known that some near neighbour local authorities are already in partnership with other local authorities for this role and others are going through a period of considerable change and are therefore unlikely to be able to consider any further expansion to their partnership arrangements. Any new partnership would require a significant period of due diligence by both partners to ensure a good fit between the organisations for a long-term arrangement to be made. This process would mirror that which has been taking place with Hampshire County Council during the interim strategic partnership since January 2018.
30. There is a small risk that the two local authorities will be unable to conclude a final agreement on the basis of the terms of agreement set out in Appendix A, but this is considered to be highly unlikely. The Isle of Wight Council and Hampshire County Council have a good working relationship at both officer and member levels and given the period of the interim arrangements, there are not thought to be any issues where agreement could not be achieved that would prevent the partnership from progressing.

## EVALUATION

31. The interim public health strategic partnership arrangements with Hampshire County Council has been of benefit to both organisations. The Isle of Wight Council now has a clearer view about where it needs to focus, especially in relation to its statutory public health responsibilities and Hampshire County Council has been able to assess where it can support in meeting these obligations and at the same time improving and widening the skills and experience of its own directly employed staff.

32. The proposed long-term strategic partnership between the councils will help to build and secure the progress made in the interim phase and at the same time will enable the natural progression of the work to improve the services for the Island without further reflection or review. The leadership of a skilled and experienced director and associate director of public health and the wider public health senior team, provided by Hampshire County Council in this arrangement will underpin the process and give support and direction to the Isle of Wight Council's public health staff who will remain directly employed by the council under the new arrangement.
33. The Isle of Wight Council has a well-established, constructive relationship of working together with Hampshire County Council, through its partnership in delivering children's services. That partnership has recently been renewed beyond its initial five-year period into an open-ended arrangement. As a result, the two councils have excellent working relationships at officer and member level which provides the confidence that any issues in the new partnership could quickly and easily be resolved.
34. The support of Public Health England to the partnership is of the utmost importance to its future success. Public Health England has stated that it is fully supportive of the two councils entering into a long-term formal strategic partnership.

#### RECOMMENDATION

35. The following options are recommended:
- (a) To enter into a long-term public health strategic partnership with Hampshire County Council consistent with the terms of agreement set out in Appendix A, with appropriate reviews and break clauses.
  - (d) To delegate to the chief executive in consultation with the Cabinet member for adult social care, public health and housing needs authority to determine the partnership outcomes, required performance outputs and resource requirements for the long-term strategic partnership agreement.

#### APPENDICES ATTACHED

36. [Appendix A:](#) Draft and outline heads of terms of agreement.
37. [Appendix B:](#) Letter of support from Public Health England.

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