

TO: THE EXECUTIVE
DATE: 19 OCTOBER 2010

**THE HEALTH WHITE PAPER, EQUITY AND EXCELLENCE: LIBERATING THE NHS -
BRACKNELL FOREST COUNCIL PROPOSED CONSULTATION RESPONSE
(Director of Adult Social Care and Health)**

1 PURPOSE OF DECISION

- 1.1 The new coalition government has produced a White Paper entitled Equity and Excellence: Liberating the NHS. It is consulting on how best to implement the changes proposed. The paper contains some major changes for Local Authorities.
- 1.2 The Director of Adult Social Care and Health is leading on this area for the Council and has carried out a series of consultation events across the Council to inform the response to the proposals and seeks agreement that the consultation response represents the views of Bracknell Forest Council.
- 1.3 The consultation deadline is prior to the next full meeting of the Executive and as a consequence, delegated authority from the Executive is also sought.

2 RECOMMENDATION(S)

The Executive is asked to:

- 2.1 **Agree the response to the White Paper Equity and Excellence: Liberating the NHS (set out in Annexe A to this report).**
- 2.2 **Agree the responses to each of the further consultation documents (set out in Annexes B–D).**
- 2.3 **To delegate to the Director of Adult Social Care and Health and the Executive Member for Adult Services, Health and Housing the authority to approve the final responses for submission to the Department of Health in accordance with the timescale.**

3 REASONS FOR RECOMMENDATIONS

- 3.1 The Health White Paper was published in July 2010. Given the implications for Local Authorities, it is important that the Council responds formally to the proposals. While the Department of Health seeks responses on the proposals within the White Paper, it makes it clear that while they intend to engage people in understanding the strategy and its implications, the consultation is about how best to implement the changes and not about whether the changes should happen.
- 3.2 The White Paper has been issued with five consultation documents which detail the proposals and set out specific aspects of the White Paper. The supporting documents are entitled:
 - Commissioning for Patients (Annexe B)
 - Local Democratic Legitimacy in Health (Annexe C)

- Transparency in Outcomes: A Framework for the NHS (Annexe D)
- Regulating Healthcare Providers
- The Review of Arm's Length Bodies

The papers on Arm's Length Bodies and Regulating Healthcare Providers were not consulted on as there are few implications for the Local Authority within them.

- 3.3 Each of the associated consultation papers includes specific questions set out for consultation responses. The appendices attached to this paper are the proposed responses from the Council as a consequence of consultation.
- 3.4 The timetable for consultation responses to be returned to the Department of Health does not allow for the full Executive to approve the response. The deadline for responses to the White Paper Equity and Excellence: Liberating the NHS is 5 October and the deadline for responses to the further consultation documents is 11 October.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 Not to respond.

5 SUPPORTING INFORMATION

- 5.1 A series of workshops has been held with invitations to all departments to send appropriate representatives to ensure that respective departmental positions and priorities are reflected within the Council's response.
- 5.2 In addition to this, a workshop was convened with members of the Health Overview and Scrutiny Panel specifically to look at both the White Paper entitled Equity and Excellence: Liberating the NHS and the consultation paper entitled Local Democratic Legitimacy in Health consultation. Members of that panel will also be sent the draft responses for further comment
- 5.3 This White Paper is the first of three which will be issued by the coalition government relating to Health and Social Care. A Public Health White Paper will be issued in December and an Adult Social Care White Paper will follow next year after the commission on funding for social care has reported.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 6.1 A representative of the legal department attended the meetings and contributed to the consultation response.

Borough Treasurer

- 6.2 At this stage it is not possible to determine the financial implications arising from this report. Once the final requirements are known, these can be evaluated, and if significant additional costs are anticipated, they will need to be considered as part of the Council's normal budget setting process.

Impact Assessment

- 6.3 The proposed changes are likely to have a major impact on the business of the Council. The proposals will bring about new statutory responsibilities for the Local Authority, employer responsibilities for a new group of staff (public health staff), new contractual arrangements with newly established bodies and new funding streams to manage. Transition planning will need to be undertaken in partnership with NHS Berkshire East over the next year.

Strategic Risk Management Issues

- 6.4 There are many risks associated with these proposals. Again, transition planning will be key to minimising risk. The major risk for the authority is that allocated funding does not match transferred responsibilities. This may be particularly relevant in relation to the public health funding which is likely to be allocated in relation to a health premium to address health inequalities.

7 CONSULTATION

Principal Groups Consulted

- 7.1 Five consultation workshops have been held. Members of the Adult Social Care and Health Senior Management Team as well as representatives from each of the other departments were invited to four of the workshops. One was held on the White Paper as a whole, and one each on the consultation papers on Commissioning for Patients; Local Democratic Legitimacy and Outcomes Framework.
- 7.2 Additionally, an informal meeting of the Health Overview and Scrutiny Panel was also consulted in relation to the paper on Local Democratic Legitimacy in Health.

Method of Consultation

- 7.3 Workshop participants were sent copies of the papers to read beforehand. The workshops were presented with slide presentations of the main points of each paper, there was then general discussion and the consultation questions within the papers were addressed.

Representations Received

- 7.4 The responses to the consultation exercise are contained within the responses to each paper attached at the Annexes.

Background Papers

The White Paper: Equity And Excellence: Liberating the NHS

http://www.dh.gov.uk/dr_consum_dh/groups/dh_digitalassets/@dh/@en/@ps/documents/digitalasset/dh_117794.pdf

Supporting Consultation Papers:-

Liberating the NHS: Commissioning for Patients

http://www.dh.gov.uk/dr_consum_dh/groups/dh_digitalassets/@dh/@en/documents/digitalasset/dh_117705.pdf

Liberating the NHS: Local Democratic Legitimacy in Health

http://www.dh.gov.uk/dr_consum_dh/groups/dh_digitalassets/@dh/@en/documents/digitalasset/dh_117721.pdf

Liberating the NHS: Transparency in Outcomes: A Framework for the NHS

http://www.dh.gov.uk/dr_consum_dh/groups/dh_digitalassets/@dh/@en/documents/digitalasset/dh_117591.pdf

Contact for further information

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Executive – NHS Consultation Response