

## Cabinet – 13 March 2013

### Public Health Transition

**Portfolio:** Councillor Bird – Leader of the Council

**Related Portfolios:** Councillor Barbara McCracken – Social Care and Health  
Councillor Zahid Ali – Public Protection  
Councillor Rachel Andrew – Children’s Services  
Councillor Anthony Harris – Leisure and Culture

**Service:** Public Health

**Wards:** All

**Key Decision:** No

**Forward Plan:** No

#### 1. Summary

- 1.1 Members will be aware that the Council takes on new Public Health responsibilities from 1 April 2013. The redesigned public health system should provide for more co-ordination and more efficiency in the way public health systems are delivered in Walsall.
- 1.2 There are currently 18 staff who will transfer to the Council from Walsall Primary Care Trust (PCT). These are the staff that carry out the functions that are transferring from the PCT to the Council. There will also be a transfer of assets along with those staff. It is necessary for all transferring staff and assets to be listed on a Transfer Scheme. There will be two separate Transfer Schemes, one in respect of the staff and the other for assets. The Transfer Schemes will need to be signed on behalf of the Council prior to submission to the Department of Health by 29 March 2013.
- 1.3 The Council will also need to enter into an Agreement with the Clinical Commissioning Group (“CCG”), in order for the Council to provide appropriate public health advice to the CCG for the discharge of their respective functions under the Health and Social Care Act 2012. The Memorandum of Understanding will be the vehicle to document the Agreement and, where appropriate, legal force will be applied to those functions requiring it. This is currently being explored by the Council’s Legal Team.

## **2. Recommendations**

- 2.1 That authority be delegated to the Executive Director for Neighbourhood Services, in consultation with the Leader of the Council, to sign the Transfer Schemes to confirm the transfer of staff and assets from the PCT to the Council. The Transfer Schemes can then be submitted to the Department of Health by 29 March 2013.
- 2.2 That authority be delegated to the Executive Director for Neighbourhood Services, in consultation with the Leader of the Council, to sign and enter into a Memorandum of Understanding with the CCG for the provision of public health advice and other ancillary services.

## **3. Report Detail**

- 3.1 The Health and Social Care Act 2012 provides the Secretary of State with the power to transfer staff from PCTs to local authorities, The mechanism used to effect the transfer is a Transfer Scheme. Schemes will contain 'core' clauses effecting the transfer of staff on existing terms and conditions, plus pension provision. The Schemes can also contain 'other' clauses that may be specific to local circumstances and where there are agreed variations of existing terms. The Schemes will also contain lists of assets that will transfer along with staff.
- 3.2 A HR workstream has been established as part of the Public Health Transition Project and this comprises public health, HR and legal representatives of both the Council and the PCT. A due diligence process has been undertaken by the workstream to ensure information has been provided by the PCT and received by the Council in a timely fashion. Clarification and checking has been carried out on behalf of both organisations. The Council has been periodically discharging its duty to inform and consult with those staff that have been identified to transfer under the Scheme. Both individual and group consultations have taken place and union representatives have been invited to attend JNCC meetings.
- 3.3 In order to prepare for the transition, the Department of Health issued a timetable of key dates and actions for all sender and receiver organisations. All sender organisations, including Walsall PCT are required to provide the list of staff and assets transferring on a draft Scheme by 15 March 2013 to the receiver organisation (the Council). As a receiver organisation, the Council needs to undertake the appropriate governance to confirm the transfer of staff and assets to its organisation. The completed Transfer Schemes must be submitted by the PCT and the Council to the Department of Health by 29 March 2013. The Department of Health will then sign off the Transfer Schemes on behalf of the Secretary of State on 31 March 2013 ahead of the transfer.

- 3.4 Due to the requirement to agree and submit the Transfer Schemes between 15 and 27 March 2013, there is a limited time period for arranging signature.
- 3.5 Under the Health and Social Care Act 2012 both the Council and CCGs have duties to discharge. The CCGs will be carrying out previous functions of the PCT, along with the Council. The Council will be responsible for providing public health advice to the CCGs to support them in delivering their commissioning objectives to improve the health of the population.
- 3.6 In order for the public health service to be effective there needs to be constructive relationships between the Council and the CCG. The Council will enter into a reciprocal arrangement for Public Health advice and other services between the Council and the CCG for the discharge of their respective functions. The Memorandum of Understanding or similar will be used to define this relationship.

#### **4. Council priorities**

- 4.1 Public health services are a key contributor to the Council's priority to improve the health and wellbeing of the residents living in the borough. This report is relevant to a number of related portfolios as a number of public health services are provided to older people, children and seek to encourage residents to have more active lifestyles.
- 4.2 Transfer of the Public Health service will assist in achieving a number of the key objectives of the Marmot Review, as follows:
- Ensure a healthy standard of living for all
  - Create and develop healthy and sustainable communities
  - Strengthen the role and impact of ill-health prevention

#### **5. Risk Management**

The risks associated with the transfer of staff and assets to ensure continuity of service and the availability of sufficient funds to support them have been identified within the Public Health Transition Programme and actively managed. The residual risk associated with this transfer is now assessed as a low risk. Further action may be required in respect of the Transfer Schemes and Memorandum of Understanding, in order to safeguard the Council's interest.

## **6. Financial implications**

The Council has received information regarding the public health budget and has identified that there is sufficient funding to support the transfer of staff identified, along with the functions on 1 April 2013. In order to protect the Council's financial interests, all public health costs in relation to staff and assets and contracts will be managed in accordance with the funding that has been allocated.

## **7. Legal implications**

7.1 The Council has a duty to take such steps as it considers appropriate to improve the health of people in its area from 1 April 2013.

7.2 The Health and Social Care Act 2012 provides the Secretary of State with power to transfer staff from and to bodies listed on Schedule 23 of the Act, by way of a Transfer Scheme or Order.

## **8. Property implications**

The Assets Transfer Order, detailing IT and Office equipment is being worked through. There are no other property (building) implications as a result of the Public Health Transition into the Council.

## **9. Staffing**

It is envisaged that there will be a need to increase the staffing levels within public health. There are currently in the region of 13 vacancies that have not been recruited to due to the impending transfer. These posts will transfer to the Council. In view of the essential requirement for staff to carry out the public health function, recruiting exercises will need to be carried out imminently.

## **10. Equality implications**

Consideration of equality issues is integrated into any future recruitment exercises that the Council undertakes. An equality impact assessment was undertaken as part of the transfer process.

## **11. Consultation**

Council legal and finance officers, along with the Director of Public Health have been consulted in the preparation of this report.

## Background papers

None

## Author

Emma Kerrigan  
Solicitor for Head of Legal and Democratic Services  
☎ 654855  
✉ [kerrigane@walsall.gov.uk](mailto:kerrigane@walsall.gov.uk)



Jamie Morris  
Executive Director

4 March 2013



Councillor Bird  
Leader of the Council

4 March 2013