

Report subject	Future of Public Health in BCP Council
Meeting date	10 April 2024
Status	Public
Executive summary	Public Health Dorset operates under a shared service agreement with Dorset Council. Under BCP Council's corporate strategy, there are opportunities to better discharge the council's public health functions outside the shared service agreement. The report therefore proposes the termination of the shared service agreement and a programme to shape the future public health function.
Recommendations	<p>It is RECOMMENDED that:</p> <ul style="list-style-type: none"> (a) Cabinet agrees to give notice to Dorset Council of the intention to terminate the shared services agreement by 1 April 2025 (para 12). (b) The Chief Executive provides the written notice as soon as possible, in line with the terms of this report. (c) Cabinet seeks to work in partnership with Dorset Council to ensure a managed transition for both Councils, in line with the principles set out at para 8. (d) The Chief Executive, in consultation with the Corporate Director for Wellbeing, creates a new post of Director of Public Health and takes forward the appointment in line with the prescribed process, in partnership with OHID (para 10).
Reason for recommendations	These decisions provide a means to shape the future delivery of public health in BCP Council outside the shared service agreement. This contributes to the delivery of BCP Council's vision and ambitions around health and wellbeing in the Corporate Strategy.
Portfolio Holder(s):	Cllr David Brown, Portfolio Holder for Health and Wellbeing
Corporate Director	Jillian Kay, Corporate Director for Wellbeing
Report Authors	Jillian Kay, Corporate Director for Wellbeing
Wards	Council-wide
Classification	Recommendation

Background

1. Public Health Dorset operates under a shared service agreement between BCP Council and Dorset Council. Dorset Council is the lead authority under the agreement. The agreement is to exercise public health functions under the Health and Social Care Act 2012 on shared basis to 'better discharge the functions in their respective areas than if the parties were operating independently'.
2. The arrangements cover:
 - a. the operation and management of a pooled fund
 - b. the operation of a Joint Public Health Board
3. Under the agreement, the lead officer for the Joint Public Health Board is the Director of Public Health for Dorset and BCP Councils. This is a joint appointment between the two councils, which continued the previous joint arrangements between the three preceding, top-tier councils.

Corporate strategy and public health

4. BCP Council's Corporate Strategy sets out a new vision for the Bournemouth, Christchurch and Poole area: 'Where people, nature, coast and towns come together in sustainable, safe and healthy communities'. It was adopted in January 2024 and puts greater emphasis on the principles of developing healthy communities, putting public health more strongly at the heart of the Council's strategy and aspirations.
5. In order to deliver the Council's vision and ambitions for health and wellbeing of people and place, it is important that public health expertise is at the heart of the Council's strategy and delivery. There are opportunities to achieve greater impact for residents with a dedicated Director of Public Health role, fully embedded within the council's corporate structures. Many other Councils have DPH roles which are combined with other relevant functions, giving greater levers to impact public health outcomes. This is not possible under the current shared service arrangements. For these reasons, the shared service is no longer a better way of delivering the Council's public health functions than operating independently.
6. BCP Council plays an important part in the Dorset Integrated Care System and in this context, there will continue to be some public health services that are better delivered pan-Dorset. These can continue to be managed by agreement under shared arrangements going forward.

Shaping the future of public health in BCP Council

7. It is important that we work with partners and staff to shape the future of public health in BCP Council – including working with Dorset Council as they plan for the future outside the shared service agreement. As well as opportunities, there are risks in terminating the agreement. DHSC sets clear requirements around the use of public health grant and there have been instances where public health grant has been withdrawn from councils because the expenditure did not meet value for money requirements. The current model achieves some economies of scale in certain functions and contracts which could be lost.
8. To manage the risks and maximise opportunities, this report recommends the establishment of a programme, in partnership with Dorset Council, to plan the transition to separate public health arrangements for both Councils. The programme would operate under the following principles:
 - a. Delivery of each Council's priorities for public health
 - b. Effective, equitable and efficient delivery of mandated services via the grant

- c. Effective arrangements for public health advice to the NHS
 - d. Affordability and value for money
 - e. Fairness to staff and effective consultation
9. It is likely that we will want to continue to deliver some functions in partnership, once the shared services agreement is terminated, and this will be reviewed as part of the programme. This could include for example areas where Public Health Dorset has developed particular specialism, contracts which are more efficiently commissioned at scale, or lead roles in partnership working where there are common interests across the two areas.
 10. The programme timetable will be developed following a decision by Cabinet to give notice. Indicative key milestones are as follows:
 - a. Review of budgets and contracts, with recommendations by summer 2024
 - b. Creation of dedicated DPH roles for each Council by Autumn 2024 with appointment following the prescribed process, in partnership with OHID.¹
 - c. Development of new operating model for the service by the end of 2024
 - d. Formal termination of the agreement by 1 April 2025

Termination Options

11. A party can terminate its participation in the arrangements by giving at least six months written notice to the other party². To achieve separation by the end of the next financial year, the options are:
 - a. Give notice to Dorset Council as soon as possible of the intention to separate by 1 April 2025.
 - b. Develop the future model for public health, assess options and risks, and then give the required 6 months' notice, by October 2024.
12. Giving notice later would allow more time to review and assess options and risks before taking a final decision to give notice. On the other hand, taking this approach would lose momentum and could put the overall timetable and outcomes at risk. On balance therefore the recommendation is to give notice straight away (Option a), taking almost 12 months to plan and manage the transition.

Summary of financial implications

13. BCP Council will receive £21,772,174 in 2024/25 under the public health grant. Future arrangements will need to demonstrate value for money and affordability. Budgets and contracts will be reviewed in the first phase of the programme, to identify commitments, risks and opportunities, including opportunities that may arise by embedding the public health function within the Council's corporate structure.
14. The costs of termination (including any redundancies) are covered under the shared services agreement. Under the agreement, any overspends on the pooled budget relating to termination (including redundancies) will be met 'proportionately to [the Councils'] respective Financial Contributions.'

¹ Appointment of the DPH is a joint appointment with the Secretary of State (under section 73A(1) of the 2006 Act), with the latter normally delegating the function to a senior DHSC official (currently the relevant regional director for OHID). [Directors of public health in local government: roles, responsibilities and context - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/directors-of-public-health-in-local-government-roles-responsibilities-and-context)

² S.9.1 'A Party shall be able to terminate its participation in the Arrangements at any time by giving at least six months' written notice to the other Party.'

Summary of legal implications

15. The Council's responsibilities for public health are currently delivered through Public Health Dorset under the shared services agreement. New arrangements will be put in place to meet those responsibilities as part of this programme, including the appointment of a Director of Public Health for BCP Council.
16. Recruitment to the post of Director of Public Health, once created, will need to comply with the Council's Constitution and the Faculty of Public Health guidance alongside relevant National Health Regulations.
17. The changes to the delivery of Public Health for BCP Council as proposed in this report will require the Monitoring Officer to update the Council's Constitution, in particular a review of the Scheme of Delegation and the potential review of terms of reference for some committees. Any proposed amendments to the Constitution will require the approval of Council.

Summary of human resources implications

18. As the lead Council under the shared services agreement, Dorset Council is the employer of Public Health Dorset staff. Depending on the future model of public health in each Council, there are likely to be significant human resources implications.
19. The Head of Paid Service will be required to amend the Council's establishment to include the post of Director of Public Health and will determine clear reporting lines to the Corporate Director for Wellbeing.

Summary of sustainability impact

20. There are no sustainability implications arising from this report.

Summary of public health implications

21. The purpose of terminating the shared service agreement is to embed public health expertise at the heart of the Council's strategy and corporate structures.

Summary of equality implications

22. There are no equality implications arising from this report however an equality impact assessment will be undertaken as part of developing and delivering the new arrangements.

Summary of risk assessment

23. The preferred option supports the council to manage the financial and public health risks described in this report by giving almost 12 months' notice and managing the transition during that period.

Appendices

Appendix 1 – Shared Service Agreement