

Minority Report

Special Meeting of the Health & Adult Social Care Committee

Thursday 5th April 2012

Introduction

This is the Minority Report following the Special Meeting of the Health & Adult Care Committee held on the evening of Thursday 5th April 2012. The Special Meeting was convened to examine a 'call-in' of the decision of the Cabinet regarding the Health and Social Care Bill and its implications for Dudley. This report consolidates the key points and views of the following members: Cllr Sue Ridney (Committee Chair), Cllr Rachel Harris, Cllr Ken Finch and Cllr Margaret Aston in supporting their vote against the proposal to confirm the decision of the Cabinet. The minority view expressed is that after reviewing the facts and opinions that were presented in front of the special meeting, we recommend that cabinet should reconsider the decision that was taken around the placing of the new Public Health directorate within the overall operational structure of the Council (i.e. under DACH's). We also recommend that Cabinet reconsider any move at this point in time to have a jointly appointed Public Health Director shared with Sandwell Metropolitan Borough Council.

Issues arising to be considered:

The answers the committee received gave rise to our concern that the decision has been driven by financial considerations rather than a measured approach to explore and enhance the exciting strategic possibilities that the new public health powers may bring to the Borough. This view was formed by the following observations:

- There has been no formal consultation or formal dialogue with the new Clinical Commissioning Group (CCG) about either the Director of Public Health appointment or consideration of their strategic view of how public health improvements are to be best delivered. As the CCG are key commissioners of local health services and need to be aligned as partners in securing the populations general health we find this omission incredible.
- The decision about the post has been taken without due regard to the advice given to by the Regional Director of Public Health or to the advice issued by Anne Milton MP to the Association of Directors of Public Health about the guidelines to be issued by the Secretary of State in relation to appointments. It also flies in the face of the spirit of the new Act which sets out that the local authorities' duties are tied to the people of its area.
- The relatively small size of the budget (£16.3 m) was quoted as a reason for public health being placed within a directorate for support purposes. This we feel is misleading because:

- The complexity and nature of the services that the public health agenda will bring to the council is very different from any of the current services provided or commissioned. Some parts of the delivery requirements are new to the council and are not the same as the linkages set out by the report to justify this such as carbon emissions and anti-social behaviour.
 - We are not convinced that the children's health agenda would be satisfactorily addressed or recognised as an essential cross cutting issue within the Council if Public Health stays within Adult Services.
 - It sends a mixed message about the importance of Public Health within the Council and in effect will make the incoming Director of Public Health answerable to both another Director as well as the Chief Executive.
 - The funding from government is ring fenced and linked to specific outcomes. The experience cited in the room about previous attempts to direct funding for projects (specifically the Healthy Towns monies) lead us to question the practicalities of how the application and best value of public health funding would transparently be demonstrated to members under the proposed arrangements.
- The autonomy of the post in the proposal would be counter to the authority that Directors of Public Health need to function effectively and are used to having. This may also deter future applications.

With respect to a joint appointment with Sandwell we have the following observations to make:

- Despite questioning we remain unconvinced that the realities of one post across two areas have not been fully explored
- It is unclear how the priorities and focus of the post would be effectively guided and how this authority's own outcomes (or Sandwell's) as required by government would be clarified and monitored.
- Not only would the post holder have 2 CEO's and Cabinets to work with but also 2 Health and Wellbeing Boards to advise and potentially 2 different sets of key partners with respect to the CCG arrangements in both boroughs to deal with. This would need extra assistant director posts, support and resources to work - not less.
- There are stark differences between our own and Sandwell's population.
- The comparisons that were put forward in the report have completely different local conditions to our own and certainly did not offer comparative populations.

- We were surprised to discover that the proposals set before the Cabinet in Sandwell were different to those in Dudley
- Wolverhampton and Walsall have chosen to have their own arrangements for the foreseeable future.

Conclusion and Recommendations:

This minority report asks Cabinet to reconsider their original decision in the light of the further information arising from the questioning at the special meeting held on the 5th April. We conclude that both the proposed internal configuration and progressing with a joint post would not be in the best interests of Dudley Council and the people of this borough at this point in time.