

A summary table of the duties and powers introduced by the Health and Social Care Act 2012 relevant to JSNAs and JHWSs

LOCAL DEMOCRATIC LEGITIMACY – POWERS AND DUTIES	CCGs	Local Authority	NHS CB	Local Healthwatch	Health and Wellbeing Board
Establishment and membership of health and wellbeing board					
Representation or participation to Health and Wellbeing Board (HWB)	X (those whose areas fall within or overlap with local authority area)	X [^]	X (participation in JSNA and JHWS and when requested by the board)	X	
Power to appoint additional members to the board as deemed appropriate		X (duty to consult HWB if after establishment)			X
Power for two or more HWBs to exercise their functions jointly					X
Functions of health and wellbeing board					
Duty to cooperate with the HWB in the exercise of its functions	X				
Power for HWB to request information for the purposes of enabling or assisting performing its functions from: <ul style="list-style-type: none"> the local authority certain members or those they represent with a duty to provide 	X (duty to provide)	X (duty to provide)		X (duty to provide)	X (power to request)
Duty to prepare assessment of needs (JSNA) in relation to LA area and have regard to guidance from Secretary of State.	X*	X*	X (to participate)		X

LOCAL DEMOCRATIC LEGITIMACY – POWERS AND DUTIES	CCGs	Local Authority	NHS CB	Local Healthwatch	Health and Wellbeing Board
Duty to prepare JHWSs for meeting needs included in JSNA in relation to LA area and to have regard to guidance from Secretary of State	X*	X*	X (to participate)		X
Duty to involve third parties in preparation of JSNAs: <ul style="list-style-type: none"> Local Healthwatch people living or working in the area for County Councils – each relevant DC 	X*	X*			X
Duty to involve third parties in preparation of the JHWS: <ul style="list-style-type: none"> Local Healthwatch people living or working in the area 	X*	X*			X
Power to consult any persons it thinks appropriate in preparation of JSNAs	X*	X*			X
Duty to have regard to the NHS Commissioning Board mandate in developing the JSNA and JHWS	X*	X*			X
Duty to consider flexibilities under NHS Act 2006 when developing JHWSs	X*	X*			X
Duty to publish JSNAs	X*	X			
Duty to publish JHWSs	X*	X			
Power to include in JHWSs a statement of views on how the commissioning of health and social care services, and wider health-related services**, could be more closely integrated – i.e. the ability for JHWSs to look more broadly than health and social care in relation to closer integration of commissioning	X*	X*			X

LOCAL DEMOCRATIC LEGITIMACY – POWERS AND DUTIES	CCGs	Local Authority	NHS CB	Local Healthwatch	Health and Wellbeing Board
Power to delegate any local authority function (except scrutiny) to the HWB		X			X (to exercise the delegated function)
Impact of duties on other associated functions					
Duty to have regard to relevant JSNAs and JHWSs in the exercise of relevant functions	X [in exercising any functions]	X [in exercising any functions]	X [in exercising any relevant commissioning functions]		
Duty to encourage integrated working: <ul style="list-style-type: none"> between commissioners of health services and commissioners of social care services in particular to provide advice, assistance or other support for the purpose of encouraging use of flexibilities under NHS Act 2006 					X
Power to encourage close working (in relation to wider determinants of health): <ul style="list-style-type: none"> between itself and commissioners of health-related services between commissioners of health services or social care services and commissioners of health-related services 					X
Alignment of commissioning plans					
Power of the HWB to give its opinion to the local authority which established it on whether the authority is discharging its duty to have regard to relevant JSNAs and JHWSs					X

LOCAL DEMOCRATIC LEGITIMACY – POWERS AND DUTIES	CCGs	Local Authority	NHS CB	Local Healthwatch	Health and Wellbeing Board
Duty to involve HWB in preparing or significantly revising the commissioning plan – including consulting it on whether the plan has taken proper account of the relevant JHWSs	X				X
Duty to provide opinion on whether the commissioning plan has taken proper account of JHWSs					X
Power to also write to NHS CB with that opinion on the commissioning plan (copy must also be supplied to the relevant CCG)					X
Duty to include a statement of the final opinion of the relevant HWB in the published commissioning plan	X				
Power to provide NHS CB with opinion on whether a published commissioning plan has taken proper account of JHWSs (copy must also be supplied to the relevant CCG)					X
Duty to review how far the CCG has contributed to the delivery of any JHWSs to which it was required to have regard and to consult HWB on this	X				X
Duty in conducting the performance assessment, to assess how well CCG has discharged duty to have regard to JSNAs and JHWSs and to consult HWB on its view on CCGs' contribution to delivery of any JHWS to which it was required to have regard (when conducting its annual performance assessment of the CCG)			X		X
Other duties, which can be contributed to through JSNAs and JHWSs					
Duty to exercise functions with a view to securing continuous improvement in quality of services	X				

LOCAL DEMOCRATIC LEGITIMACY – POWERS AND DUTIES	CCGs	Local Authority	NHS CB	Local Healthwatch	Health and Wellbeing Board
Duty to act with a view to secure continuous improvement in outcomes achieved	X				
Duty to exercise functions with regard to need to reduce inequalities between patients in outcomes and access to services	X		X		
Duty to when exercising their functions promote the involvement of patients, their carers and representatives in decisions about the provision of health services to the patient	X				
Duty to when exercising their functions promote innovation in the provision of health services	X				
Duty to exercise functions with a view to securing integration in the provision of health services, and the provision of health and social care services, or health and health-related services, to improve the quality of the services or reduce inequalities between patients in outcomes of and or access to, services	X		X		

X*- duty must be discharged via HWB

X^ - this includes the directors of adult social services, children’s services, public health and elected representatives nominated by the Leader, Mayor or in some cases the local authority itself

*** - “health services”, “health-related services” and “social care services” are defined in s.195 of the Health and Social Care Act 2012:

- “health services” – means services that are provided as part of the health service in England where “the health service” has the same meaning as in the NHS Act 2006;
- “social care services” – means services that are provided in pursuance of the social services functions of local authorities (within the meaning of the Local Authority Social Services Act 1970).
- “health-related services” – means services that may have an effect on the health of individuals but are not health or social care services