

**CABINET MEMBER FOR ADULT SOCIAL CARE, PUBLIC HEALTH AND PUBLIC PROTECTION - CLLR JERRY WICKHAM
PUBLIC HEALTH**

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REFERENCE: PHPP-01-18

AUTHORISATION OF PROPER OFFICER UNDER PUBLIC HEALTH LEGISLATION

Purpose of Report

- 1 To approve the authorisation of the Consultants in Communicable Disease Control (CCDCs) and other equivalently qualified deputising officers in Public Health England South West as Proper Officers as required by Public Health legislation.

Relevance to the Council's Business Plan

- 2 The following council priorities are met in following the recommendation of this report:
 - Protecting the vulnerable, and
 - Working with partners as an innovative and effective council

Background

- 3 The role of the Proper Officer is detailed in the Public Health (Control of Disease) Act 1984 (as amended) and the Health Protection (Notification) Regulations 2010. One of their responsibilities is to receive, give or require information to enable action to be taken in relation to people, premises or objects where they may be infected, contaminated or could otherwise adversely affect public health. The regulations allow for local authorities to authorise proper officers employed by Public Health England.
 - 3.1 Public Health England is an executive agency which supports the Department of Health in providing public health advice, support and services tailored to local needs. The local Health Protection Team leads Public Health England's response to health related incidents together with the prevention and reduction of effects of diseases and chemical and radiation hazards. Their officers work closely with the council's public health and public protection service.
 - 3.2 Under the council's constitution the proper officer role is delegated to the Director of Public Health. The powers relate to a wide range of infectious disease controls, some of which are routinely handled by Public Health England (PHE). In discussions with the Deputy Director Health Protection at PHE it was agreed that it would be beneficial if the role of PHE officers under this legislation were formalised by authorising them under the council's constitution.

- 3.3 Public Health England employs a number of consultants and it is proposed to authorise officers shown in the schedule below. If all of them are appointed as Proper Officers this will give the council sufficient flexibility to ensure the duties placed on the council under the Act can be fully met at all times.
- 3.4 Schedule of Consultants in Communicable Disease Control (CCDCs) and other equivalently qualified deputising officers in PHE.

Consultant in communicable disease control (5)
Consultant in health protection (6)
Centre Director (1)
Consultant in public health (2)
Deputy Director of Health Protection (1)

Main Considerations for the Council

- 4 Authorising specific officers in Public Health England will provide the council with added resilience when dealing with cases under public health legislation, and formalise existing working arrangements to benefit both affected members of the public and the council.

Overview and Scrutiny Engagement

- 5 This item will not be referred to Overview and Scrutiny as this is a statutory function and does not involve the development or review of policy.

Safeguarding Considerations

- 6 There are no direct safeguarding implications arising from this report, and any indirect safeguarding issues arising from cases dealt with under the Public Health (Control of Disease) Act 1984 (as amended) will be handled in compliance to safeguarding guidelines.

Public Health Implications

- 7 The authorisation of PHE consultants will assist the delivery of the public health outcomes in relation to disease control and incident management and provide additional resilience for the council's service.

Procurement implications

- 8 There are none arising from this report.

Equalities Impact of the Proposal

- 9 Outbreaks or some notifiable diseases may be more prevalent in certain communities. In addition the implications of meeting any public health requirements made as a result of an order under the legislation may be greater for some sections of the community.

Environmental and Climate Change Considerations

10 There are none arising from this report.

Risks that may arise if the proposed decision and related work is not taken

11 Failure to authorise additional Proper Officers could mean that the council is unable to perform the functions required of it in the event of a public health outbreak and statutory requirements are not met. The authorisation of PHE officers reduces the risks to the more vulnerable community and protects the health of our residents.

Financial Implications

12 If formal action is taken under specific sections of the legislation a magistrate can require payment of compensation or expenses by the council in connection with the measures specified in a Part 2A order. This may impose restrictions or requirements on a person to prevent the spread of disease. It should be noted however that these are very rare occurrences.

Legal Implications

13 Appointment of a Proper Officer under the Public Health (Control of Disease) Act 1984 is a statutory requirement. A proper officer must report matters to the Local Authority if the officer forms the opinion that it is desirable for the protection of the public health that measures be taken to prevent the spread of infection or food poisoning or similar health hazards. Such measures can include interference with property such as breaking and entering into premises if there is hazardous material to remove or interference with a business such as closing a building to workers as well as the public. Measures can also include interference with persons in scenarios where quarantine or even medical examination is required. The Proper Officer is not only a representative of the Council but is likely to be the lead in the case of any infectious disease or outbreak and needs to be suitable qualified to hold such a position and be able to make decisions to protect the public from health hazards.

Options Considered

14 There are limited options in regard to these powers as the council has statutory duties in relation to controlling the risk associated with communicable diseases and other public health risks such as a food poisoning outbreak.

Proposal

15 To approve the authorisation of the Consultants in Communicable Disease Control (CCDCs) and other equivalently qualified deputising officers in Public Health England South West as Proper Officers as required by the Public Health (Control of Disease) Act 1984 (as amended) and the Health Protection (Notification) Regulations 2010.

Reason for Proposal

- 16 To provide increased resilience in meeting the legal requirement to appoint a Proper Officer under Public Health legislation.
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Background papers: None