

### STATUTORY RESPONSIBILITIES OF THE DIRECTOR OF PUBLIC HEALTH

A number of the Director of Public Health's specific responsibilities and duties arise directly from legislation. In particular the NHS Act 2006, the Health and Social Care Act 2012 and related regulations. Some of these duties are closely defined but most allow for local discretion in how they are delivered.

In general the statutory responsibilities of the Director of Public Health outlined in the Health and Social Care Act 2012 are designed to match exactly the corporate public health duties of their local authority. The exception is the Director of Public Health's annual report on the health of the local population where he/she has a duty to write one, whereas the authority's duty is to publish it. Otherwise section 73A(1) of the 2006 Act, inserted by section 30 of the 2012 Act, gives the Director of Public Health responsibility for:

- all of their local authority's duties to take steps to **improve public health**;
- any of the Secretary of State's **public health protection** or health improvement functions that s/he delegates to local authorities, either by arrangement or under regulations – these include services mandated by regulations made under section 6C of the 2006 Act, inserted by section 18 of the 2012 Act;
- their local authority's role in planning for, and responding to, **emergencies** that present a risk to public health;
- their local authority's role in co-operating with the police, the probation service and the prison service to assess the risks posed by **violent or sexual offenders**; and
- such other public health functions that the Secretary of State specifies in **regulations**.

As well as these core functions, the Acts and regulations give the Director of Public Health some more specific responsibilities from April 2013:

- Director of Public Health is a mandated member of the local health and wellbeing board (section 194(2)(d) Of the 2012 Act); and
- through regulations made under section 73A(1) of the 2006 Act, inserted by section 30 of the 2012 Act, the Department intends to confirm that the Director will be responsible for their local authority's public health response as a responsible authority under the Licensing Act 2003, such as making representations about **licensing applications** (a function given to local authorities by sections 5(3), 13(4), 69(4) and 172B(4) of the Licensing Act, as amended by Schedule 5 of the 2012 Act).