

**Report of Head of Scrutiny and Member Development**

**Report to Scrutiny Board (Adult Social Services, Public Health, NHS)**

**Date: 23 June 2015**

**Subject: Local Authority Health Scrutiny**

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

**Summary of main issues**

1. This report presents the Department of Health '*Local Authority Health Scrutiny (June 2014)*' guidance and proposes the establishment of a working group to assist the Scrutiny Board (Adult Social Services, Public Health, NHS) fulfill part of its health scrutiny role and function.

**Recommendation**

2. Members are requested to:
  - (a) Note the Department of Health '*Local Authority Health Scrutiny (June 2014)*' guidance.
  - (b) Establish the Health Service Developments Working Group for the municipal year 2015/16, in line with the proposed Terms of Reference (presented at Appendix 2).
  - (c) Determine the membership of the Health Service Developments Working Group for the municipal year 2015/16.

## 1.0 Purpose of this report

- 1.1 This report presents the Department of Health '*Local Authority Health Scrutiny (June 2014)*' guidance and proposes the establishment of a working group to assist the Scrutiny Board (Adult Social Services, Public Health, NHS) fulfill part of its health scrutiny role and function.

## 2.0 Main issues

- 2.1 As detailed elsewhere on the agenda, the Scrutiny Board (Adult Social Services, Public Health, NHS) has a specific remit / responsibility in relation to reviewing and scrutinising any matter relating to the planning, provision and operation of local health services. There is also a responsibility to consider and comment on specific NHS service changes or developments, as referred to the authority by a relevant NHS body or health service provider. These functions of Council are delegated to the Scrutiny Board (Adult Social Services, Public Health, NHS) and detailed in the terms of reference presented elsewhere on the agenda.

### Local Authority Health Scrutiny

- 2.2 In June 2014, the Department of Health published its '*Local Authority Health Scrutiny*' guidance to support local authorities and partners deliver effective health scrutiny. Some of the key messages from the guidance are presented below for ease of reference.
  - The primary aim of health scrutiny is to strengthen the voice of local people, ensuring that their needs and experiences are considered as an integral part of the commissioning and delivery of health services. The new legislation extends the scope of health scrutiny and increases the flexibility of local authorities in deciding how to exercise their scrutiny function.
  - Health scrutiny also has a strategic role in taking an overview of how well integration of health, public health and social care is working and in making recommendations about how it could be improved.
  - At the same time, health scrutiny has a legitimate role in proactively seeking information about the performance of local health services and bodies; in challenging the information provided to it and in testing this information by drawing on different sources of intelligence.
  - Health scrutiny is part of the accountability of the whole system and needs the involvement of all parts of the system. Engagement of relevant NHS bodies and relevant health service providers with health scrutiny is a continuous process. It should start early with a common understanding of local health needs and the shape of services across the whole health and care system.
  - Effective health scrutiny requires clarity at a local level about respective roles between the health scrutiny function, the NHS, the local authority, health and wellbeing boards and local Healthwatch.
  - In the light of the Francis Report, local authorities will need to satisfy themselves that they keep open effective channels by which the public can communicate concerns about the quality of NHS and public health services to health scrutiny bodies. Although health scrutiny functions are not there to deal with individual complaints, they can use information to get an impression of services overall and to question commissioners and providers about patterns and trends.

- In addition, health scrutiny needs to consider ways of independently verifying information provided by relevant NHS bodies and relevant health service providers – for example, by seeking the views of local Healthwatch.
- Health scrutiny should be outcome focused, looking at cross-cutting issues, including general health improvement, wellbeing and how well health inequalities are being addressed, as well as specific treatment services.
- Where there are concerns about proposals for substantial developments or variation in health services (or reconfiguration as it is also known) local authorities and the local NHS should work together to attempt to resolve these locally if at all possible, taking advice from the Independent Reconfiguration Panel (IRP) and/or the Centre for Public Scrutiny (CfPS) if appropriate and necessary.
- If the decision is ultimately taken to formally refer the local NHS's reconfiguration proposals to the Secretary of State for Health, then this referral must be accompanied by an explanation of all steps taken locally to try to reach agreement in relation to those proposals.
- In considering substantial reconfiguration proposals health scrutiny needs to recognise the resource envelope within which the NHS operates and should therefore take into account the effect of the proposals on sustainability of services, as well as on their quality and safety.
- Local authorities should ensure that regardless of any arrangements adopted for carrying out health scrutiny functions, the functions are discharged in a transparent manner that will boost the confidence of local people in health scrutiny.
- Health scrutiny should be held in an open forum and local people should be allowed to attend and use any communication methods such as filming and tweeting to report the proceedings. This will be in line with the new transparency measure in the Local Audit and Accountability Act 2014 and will allow local people, particularly those who are not present at scrutiny hearing-meetings, to have the opportunity to see or hear the proceedings.

2.2 The full Department of Health guidance is attached at Appendix 1 for information.

#### Local Authority Health Scrutiny

2.3 Historically, to help the relevant Scrutiny Board fulfill part of its health scrutiny role and function – particularly in relation to proposals around proposed changes or developments to local health services – an appropriate working group has been established.

2.4 It is recommended that similar arrangements are established for the current municipal year (i.e. 2015/16) and draft Terms of Reference are presented at Appendix 2.

2.5 Should the Scrutiny Board (Adult Social Services, Public Health, NHS) agree to establish the proposed working group for 2015/16, it may also wish to determine the membership of that working group.

### **3.0 Corporate Considerations**

#### **3.1 Consultation and Engagement**

- 3.1.1 The Department of Health '*Local Authority Health Scrutiny (June 2014)*' guidance and working group terms of reference were considered by the former Scrutiny Board (Scrutiny Board (Health and Wellbeing and Adult Social Care)) in July 2014. This is the first opportunity to provide similar, updated information, during the new municipal year (2015/16).
- 3.1.2 Consultation with key stakeholders around the working group terms of reference was undertaken prior to July 2014.

### **3.2 Equality and Diversity / Cohesion and Integration.**

- 3.2.1 In line with the Scrutiny Board Procedure Rules, the Scrutiny Boards will continue to ensure that equality and diversity/cohesion and integration issues are considered in decision making and policy formulation.

### **3.3 Council Policies and the Best Council Plan**

- 3.3.1 As this report relates to the Scrutiny Board's health scrutiny function relating to the NHS, there are no specific Council Policy or Best Council Plan implications. However, the Scrutiny Board may need to consider if there are any specific implications relating to any future NHS service development and/or change proposals.

### **3.4 Resources and Value for Money**

- 3.4.1 This report has no specific resource and value for money implications.

### **3.5 Legal Implications, Access to Information and Call In**

- 3.5.1 This report has no specific legal implications.

### **3.6 Risk Management**

- 3.6.1 This report has no risk management implications.

## **4.0 Recommendation**

- 4.1 Members are requested to:

- (d) Note the Department of Health '*Local Authority Health Scrutiny (June 2014)*' guidance.
- (e) Establish the Health Service Developments Working Group for the municipal year 2015/16, in line with the proposed Terms of Reference (presented at Appendix 2).
- (f) Determine the membership of the Health Service Developments Working Group for the municipal year 2015/16.

## **5.0 Background documents<sup>1</sup>**

- 5.1 None

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<sup>1</sup> The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.