

Report of the Head of Democratic Services

Report to West Yorkshire Joint Health Overview and Scrutiny Committee

Date: 10 September 2019

Subject: Update on the West Yorkshire Joint Health Overview and Scrutiny Committee Governance Arrangements

Are specific electoral wards affected? If yes, name(s) of ward(s):	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Has consultation been carried out?	<input checked="" type="checkbox"/> Yes <input 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

1. Purpose of this report

- 1.1 The purpose of this report is to provide an update around the review of the West Yorkshire Joint Health Overview and Scrutiny Committee (the JHOSC) governance arrangements.

2. Background information

- 2.1 The Local Authority (Public health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 (the Regulations) set out the legal framework and provisions for local authority scrutiny of local health services and commissioners and providers of NHS services.

Joint overview and scrutiny committees

- 2.2 The Regulations also make provision for two or more local authorities to appoint a (discretionary) joint committee to discharge relevant health scrutiny functions from those local authorities, subject to any terms and conditions considered appropriate.
- 2.3 Where NHS bodies seek to consult more than one local authority in relation to a specific proposed substantial development or variation in the provision of health services, those local authorities must appoint a (mandatory) joint overview and scrutiny committee for the purposes of the consultation.

- 2.4 In July 2018 the JHOSC formally requested that officers:
- (a) Proceed to review the current West Yorkshire Joint Health Overview and Scrutiny Committee arrangements and to develop proposals for the establishment of new (refreshed) arrangements and terms of reference of a discretionary health overview and scrutiny committee to reflect the geography and work of the West Yorkshire and Harrogate Health and Care Partnership and associated arrangements.
 - (b) Look to develop proposals for the establishment of a statutory joint health overview and scrutiny committee arrangements and terms of reference to reflect any future substantial NHS service changes or developments affecting all of the member local authorities; and,
 - (c) Explore the potential to establish statutory joint health overview and scrutiny committees (as sub-committees of the discretionary JHOSC) to reflect any future substantial NHS service changes or developments, where those proposals are likely to impact on two or more, but not all of the member local authorities (as required).
- 2.5 The JHOSC also resolved that it be provided with the opportunity to comment on any draft terms of reference and proposed procedural rules prior to them being finalised and agreed by each constituent authority.
- 2.6 In late January 2019, the Chairs of the constituent authorities received notification from NHS England (Specialised Commissioning) of its intentions to consult on proposed substantial changes to regional vascular services, requiring the establishment of a mandatory joint health overview and scrutiny committee to consider and comment on the proposals.
- 2.7 Details associated with the establishment of a North Yorkshire and West Yorkshire Joint Health Overview and Scrutiny Committee (Vascular Services) are presented elsewhere on the agenda.

3. Main issues

- 3.1 This update focuses on the following principal matters:
- (a) Refreshing the Terms of Reference for the discretionary JHOSC; and,
 - (b) Interpretation of the regulations that deal with establishing mandatory joint committees.

Refreshing the Terms of Reference for the discretionary JHOSC

- 3.2 Good progress was initially made toward the end of 2018. However, needing to deal with matters relating to vascular proposals highlighted by NHS England (Specialised Services) have, perhaps understandably, impacted on further progress.
- 3.3 As mentioned above, matters relating to the establishment of a North Yorkshire and West Yorkshire Joint Health Overview and Scrutiny Committee (Vascular Services) are presented elsewhere on the agenda. The vascular arrangements are well progressed, therefore it is proposed to revisit the discretionary arrangements in the near future.
- 3.4 Progress will be reported to a future meeting of the JHOSC.

Interpretation of the regulations that deal with establishing a mandatory JHOSC

- 3.5 While progressing arrangements for the establishment of a North Yorkshire and West Yorkshire Joint Health Overview and Scrutiny Committee (Vascular Services), it became apparent there were different interpretations of the regulations dealing with the establishment of a mandatory JHOSC.
- 3.6 To help with the development of any future mandatory JHOSC arrangements that may become necessary, it may be helpful for further work to be undertaken to ensure there is a shared, mutually agreed and consistent interpretation of the regulations around establishing a mandatory JHOSC.
- 3.7 This work could be included as part of the overall scope for refreshing the Terms of Reference for the discretionary JHOSC; or it might be a distinct workstream. In order to further inform this work, it may be helpful for the JHOSC to provide an agreed view on how this might be progressed.

4. Corporate considerations

4.1 Consultation and engagement

- 4.1.1 Officers from each of the constituent authorities have been engaged in the review of the current governance arrangements. There has also been the opportunity for further discussions with other officers and members from individual constituent authorities.

4.2 Equality and diversity / cohesion and integration

- 4.2.1 There are no equality and diversity implications arising from this report; however, any specific implications will be considered prior to formally agreeing any changes to the future governance arrangements.

4.3 Council policies and best council plan

- 4.3.1 There are no specific implications for the corporate priorities and policies of the constituent authorities arising from this report. Any specific implications will be considered prior to formally agreeing any changes to the future governance arrangements.

Climate emergency

- 4.3.2 The existing JHOSC arrangements reduce the potential number of meetings that may otherwise be required across the constituent authorities – thus reducing the potential number of meetings and associated use of natural resources.
- 4.3.3 Any specific climate emergency implications will be considered prior to formally agreeing any changes to the future JHOSC governance arrangements.

4.4 Resources and value for money

- 4.4.1 Resources to support the ongoing work of the JHOSC will need to be considered be prior to formally agreeing any changes to the future JHOSC governance arrangements.

4.5 Legal implications, access to information, and call-in

- 4.5.1 The legal framework and regulations associated with the establishment of joint scrutiny committee arrangements are set out elsewhere in this report.
- 4.5.2 There are no specific access to information implications arising from the report. As a council function the decision is not eligible for Call In.

4.6 Risk management

- 4.6.1 There are no risk management implications arising from this report; however, any specific implications will be considered prior to formally agreeing any changes to the future governance arrangements.

5. Recommendations

- 5.1 The West Yorkshire Joint Health Overview and Scrutiny Committee is asked to:
 - (a) Note the content of this report and make comment on the review of the joint committee's governance arrangements.
 - (b) Provide an agreed view on how to structure the work to help ensure there is a shared, mutually agreed and consistent interpretation of the regulations around establishing a mandatory JHOSC.

6. Background documents¹

- 6.1 None

¹ 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.