

## Scrutiny Board Terms of Reference

Date: 21 June 2022

Report of: Head of Democratic Services

Report to: Scrutiny Board (Adults, Health and Active Lifestyles)

Will the decision be open for call in?  Yes  No

Does the report contain confidential or exempt information?  Yes  No

### **What is this report about?**

**Including how it contributes to the city's and council's ambitions**

- This report presents the terms of reference for the Scrutiny Board (Adults, Health and Active Lifestyles).
- While general Terms of Reference is applied to all Scrutiny Boards, the variations in the Scrutiny Boards' remits, together with their special responsibilities, are captured within Article 6 of the constitution.
- The report also highlights the likely impact of the Health and Care Act 2022 on aspects of the Council's constitution, including potential implications for the Scrutiny Board's future terms of reference.
- Further information is presented within this report to show how each of the five individual Scrutiny Boards align to 2022/23 Officer Delegated Functions and Executive Portfolios.
- In line with the Scrutiny Board Procedure Rules, the Scrutiny Boards will also continue to ensure through service review that equality and diversity/cohesion and integration issues are considered in decision making and policy formulation.

### **Recommendations**

Members are requested to note the Scrutiny Board's terms of reference and the likely future impact of the Health and Care Act 2022, which will be reported to the Board in due course.

## Why is the proposal being put forward?

1. This report presents the terms of reference for the Scrutiny Board (Adults, Health and Active Lifestyles).
2. The general Terms of Reference applied to all Scrutiny Boards is set out in Appendix 1.
3. The variations in the Scrutiny Boards' remits, together with their special responsibilities, are captured within Article 6 of the constitution (see Appendix 2).
4. Further detail has been provided to illustrate how the five individual Scrutiny Boards align to 2022/23 Officer Delegated Functions and Executive Portfolios (see Appendix 3).

### Health and Care Act 2022

5. During the course of the previous municipal year, the Scrutiny Board maintained an overview of the development, progress and implications of the Health and Care Bill 2021-22 – predominantly in the context of the health and social care system across West Yorkshire and Leeds, particularly with regard to the development of the local Integrated Care System (ICS). The previous Scrutiny Board received and considered the latest position presented by NHS Leeds Clinical Commissioning Group at its consultative committee meeting on 26 April 2022.
6. The Bill received Royal Assent on 28 April 2022, becoming the Health and Care Act 2022 (the Act). This confirmed the formal establishment of Integrated Care Boards and the dissolving of Clinical Commissioning Groups (CCGs) from 1 July 2022. ICBs will take on the commissioning responsibilities of CCGs and lead the integration of health and care services across their area. Details of the specific proposals for West Yorkshire and Leeds were set out in more detail in the briefing note presented to the Board on 26 April 2022.
7. Partnership working and the integration of health and care services has been a key feature of Leeds' health and care landscape for a number of years, however the Act introduces a formal duty for ICBs to promote the integration of health services where this would improve quality; and reduce inequalities of access and outcomes for individuals.
8. Dissolving existing CCGs is also a feature of the Act and has some specific implications for the Council and its Constitution, for example around the membership of the Health and Wellbeing Board. Such implications and any necessary revised arrangements are currently being worked through and any necessary constitutional amendments will be considered and progressed through the appropriate decision-making processes within the Council.

### New Secretary of State intervention powers

9. The Health and Care Act 2022 also introduces new Secretary of State intervention powers associated with substantial service reconfigurations across the NHS. Details of those powers and associated arrangements are available at the following link [Health and Care](#)

[Act 2022 \(legislation.gov.uk\)](https://legislation.gov.uk) and includes the requirement for guidance to be provided on how the Secretary of State proposes to exercise these specific functions.

10. It is expected that the new Secretary of State intervention powers will supersede the local authority's powers (currently delegated to the Scrutiny Board (Adults, Health and Active Lifestyles) to make formal referrals to the Secretary of State on matters associated with service reconfigurations that the authority is being consulted on. However, it is also expected that the new Secretary of State intervention powers will not be introduced until April 2023, therefore the existing power of referral will remain in place during this transitional period. Such arrangements may require transitional government guidance.
11. Council officers will continue to maintain oversight of the ongoing developments specifically related to the new Secretary of State intervention powers and associated arrangements, providing future updates to the Scrutiny Board as and when further details become available.
12. Any specific requirements to amend the Council's Constitution arising from the new Secretary of State intervention powers will be considered and progressed through the appropriate decision-making processes within the Council.

#### What impact will this proposal have?

**Wards affected: All**

Have ward members been consulted?       Yes       No

13. This report seeks to provide clarity surrounding the terms of reference for the Scrutiny Board (Adults, Health and Active Lifestyles) and highlight ongoing consideration of the Health and Care Act 2022, and specific implications for the Council and its Constitution.

#### What consultation and engagement has taken place?

14. The Terms of Reference were formally considered and approved by Council at the Annual General Meeting on 26 May 2022.

#### What are the resource implications?

15. This report has no specific resource implications.

#### What are the legal implications?

16. This report has no specific legal implications.

#### What are the key risks and how are they being managed?

17. This report has no risk management implications.

#### Does this proposal support the council's three Key Pillars?

Inclusive Growth       Health and Wellbeing       Climate Emergency

18. The terms of reference of the Scrutiny Boards will continue to promote a strategic and outward looking Scrutiny function that focuses on the Best City Ambition.

## **Appendices**

19. Appendix 1 - General Terms of Reference applied to all Scrutiny Boards.
20. Appendix 2 - Article 6 of the constitution showing the variations in the Scrutiny Boards' remits, together with their special responsibilities.
21. Appendix 3 – Details of how individual Scrutiny Boards align to 2022/23 Officer Delegated Functions and Executive Portfolios.

## **Background papers**

22. None.