

Part 2 - The Articles

Chapter 8a – Health Scrutiny Committee

1. Status, Membership, Quorum and Meeting Frequency

- 1.1 The Health Scrutiny Committee is a committee established under Section 21 of the Local Government Act 2000, as amended by the Localism Act 2011.
- 1.2 The membership of the Committee shall be six Councillors and the quorum shall be two.
- 1.3 The Assembly shall appoint the membership, including the Chair and Deputy Chair, at its Annual Meeting. Political balance requirements of Section 15 of the Local Government and Housing Act 1989 apply when determining membership.
- 1.4 The Health Scrutiny Committee shall meet quarterly. Additional meetings may be arranged to deal with specific matters such as the Cabinet's budget proposals, Call-in's etc. if considered necessary.
- 1.5 Informal meetings of the Health Scrutiny Committee, such as task and finish groups and site visits, may be arranged as appropriate, however only one group may be in place at any one time.

2. Functions and Responsibilities

- 2.1 The Health Scrutiny Committee has the following functions and responsibilities:

(a) Statutory Functions

- i) The Health Scrutiny Committee shall carry out health scrutiny in accordance with Section 244 (and Regulations under that section) of the National Health Services Act 2006 as amended by the Local Government and Public Involvement in Health Act 2007 relating to local health service matters. Where a proposal to substantially vary a health service relates to more than one local authority area, it must be considered by a Joint Health Overview and Scrutiny Committee appointed by each of the local authorities in question (in accordance with Part 2, Chapter 14, paragraph 2).
- ii) The Health Scrutiny Committee shall have all the powers of an Overview and Scrutiny Committee as set out in section 9F of the Local Government Act 2000, Local Government and Public Involvement in Health Act 2007 and Social Care Act 2001 (including associated Regulations and Guidance).

(b) General Role

- i) Review and scrutinise decisions made or actions taken in connection with the discharge of the Council's functions in relation to health;

- ii) Assist the Assembly and the Cabinet in the development of the budget and policy framework by in-depth analysis of policy issues, as required;
- iii) Review and scrutinise the performance of the Council, other public bodies and partner organisations in the area, invite them to address the Health Scrutiny Committee, and prepare reports about their initiatives and performance;
- iv) Conduct pre-decision scrutiny to test the robustness and impact of health-related key decisions to be considered by the Cabinet;
- v) Engage with, and represent local people and create opportunities to involve them in the scrutiny process;
- vi) In all of the above, make reports and recommendations to the Cabinet and/or Assembly and/or any Committee in connection with the discharge of any functions;
- vii) Produce an annual report which the Chair of the Health Scrutiny Committee shall present to the Assembly.

3. Terms of Reference

3.1 The Health Scrutiny Committee's terms of reference are as follows:

- Scrutiny of the work of the NHS bodies serving Barking and Dagenham in accordance with the Health and Social Care Act 2001 and associated Regulations and Guidance and the provision, planning, management and performance of services relating to adult social care.
- The planning, provision and operation of the health service in the borough or accessed by Barking and Dagenham residents.
- Requesting information from NHS bodies and any health service provider
Exempt from this power are requests for information that are confidential (i.e. information that identifies a living person or is prohibited under any enactment) or relate to NHS Trusts in special administration (this function may be carried out by the Joint Health Overview and Scrutiny Committee in accordance with Part 2, Chapter 14, paragraph 2).
- Requesting attendance from any member or employee of a relevant NHS body or health service provider to attend before it to answer any questions; provided those questions do not relate to confidential information or information that they would be entitled to refuse to provide in a court of law. The request for attendance may also be refused if reasonable notice has not been given (this function may be carried out by the Joint Health Overview and Scrutiny Committee in accordance with Part 2, Chapter 14, paragraph 2).
- Acting on behalf of the Council as the statutory consultee where NHS bodies propose substantial developments or variations in the provision of services and thus have a duty to consult with the local authority before taking a decision. When being consulted with, the Health Scrutiny

Committee must notify the relevant NHS body of its response to the consultation and any intention to refer the matter to the Secretary of State within the timescales agreed by both parties (this function may be carried out by the Joint Health Overview and Scrutiny Committee in accordance with Part 2, Chapter 14, paragraph 2).

- Exercising the Council's right of referral to the Secretary of State on substantial variations to local health services. The Health Scrutiny Committee will have regard to the criteria and process for making a referral to the Secretary of State which are prescribed in the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.
- Acting on behalf of the Council to make all arrangements for establishing and participating in Joint Health Overview and Scrutiny Committees, including the appointment of three Members to the membership of the JHOSC. Any such JHOSC shall have such terms of reference and shall exist for so long as the appointing authorities may agree.
- Receiving referrals from the local Healthwatch on matters relating to the planning, provision, and operation of health services in the borough, acknowledging receipt within five working days. Further to the regulations, Healthwatch can expect a referral to be discussed at the next formal meeting of Health Scrutiny Committee, or at a formal meeting within three months (whichever is most timely). In accordance with the regulations the Health Scrutiny Committee is obligated to keep the referrer informed of any action taken in relation to the matter.
- Holding to account the Health and Wellbeing Board for the delivery of its functions, and in doing so, having particular regard to the robustness of the Joint Strategic Needs Assessment and Health and Wellbeing Strategy as effective documents to ensure commissioning of health and social care services is reflective of local need.
- Monitoring progress of implementation of recommendations in accordance with the Council's agreed processes, ensuring that decision-makers have due regard to findings and recommendations arising from scrutiny investigations.
- Representing local people and bringing local concerns and feedback about health and social care services to the attention of leaders within the local health and social care economy, formally advising the Health and Wellbeing Board of any such concerns in the process.
- Monitoring of performance indicators that fall within the remit of the Health Scrutiny Committee.
- Addressing any Call-ins as allocated by the Designated Scrutiny Officer (to be carried out in accordance with Part 2, Chapter 8, paragraph 6). Where the decision called-in is owned by the Health and Wellbeing Board the Health Scrutiny Committee will, by default, be the receiving Committee of that Call-in regardless of the subject of the decision.

4. Petitions

- 4.1 The Health Scrutiny Committee will be responsible for receiving and debating petitions relating to health matters in accordance with the Council's Petition Scheme which can be found on the Council's website

<https://www.lbbd.gov.uk/council/get-involved/petitions/petition-scheme/>

2. Health Scrutiny Sub Committee

- 2.1 The Health Scrutiny Committee shall appoint a Sub-Committee which shall be convened as necessary to consider relevant Call-Ins and petitions, upon receipt and validation.
- 2.2 The Sub-Committee shall consist of the Chair of the Committee and two other Members of the Committee. The quorum shall be two Members.

3. Scrutiny Procedure Rules

3.1 Work Programme

- 6.1.1 The Health Scrutiny Committee shall be responsible for setting and maintaining the work programme, which will be agreed at the start of the municipal year in consultation with the Council's Designated Scrutiny Officer.
- 6.1.2 The Health Scrutiny Committee may receive suggestions from the following for particular topics to be scrutinised:
- Members of the public
 - Relevant partner organisations
 - Officers of the Council
 - Co-optees
 - Cabinet
 - Individual Members of the Council
- 6.1.3 The Health Scrutiny Committee shall typically go through a topic selection process in order to shortlist the areas for review.

6.2 Scrutiny Reviews

- 6.2.1 The Health Scrutiny Committee may undertake scrutiny reviews on any matter that is consistent with its terms of reference.
- 6.2.2 Before conducting a scrutiny review, the Health Scrutiny Committee will ensure it meets the **PAPER** criteria:
- **P**ublic Interest;
 - **A**bility to Change;
 - **P**erformance;
 - **E**xtent of the Issue; and
 - **R**eplication.

- 6.2.3 The Health Scrutiny Committee shall not undertake a scrutiny review on any matter directly or indirectly linked to work being undertaken by the Cabinet or a Policy Task Group.
- 6.2.4 The Health Scrutiny Committee may conduct research, consultation and anything which is reasonable to assist or inform its deliberations, including a general call for evidence, commission research, site visits, public surveys, public meetings and the involvement of the local community.
- 6.2.5 The Health Scrutiny Committee may appoint advisers and call witnesses to assist in its work and pay reasonable fees and expenses for such assistance within available budgets.
- 6.2.6 The process for scrutiny reviews and reports will follow the process below, subject to any variation agreed with the Chair in consultation with the Designated Scrutiny Officer:
- Gather evidence from Council officers, Members and statutory authorities;
 - Identify where processes, policies or services could be improved;
 - Develop formal draft recommendations to deliver these improvements and discuss them with the relevant portfolio holder(s) and, if appropriate, relevant statutory authorities either at a committee meeting or in writing;
 - Submit the draft final report, with recommendations, to the relevant portfolio holder(s) and, if appropriate, relevant statutory authorities for comment;
 - Present the final report (including portfolio holder comments) to the Health Scrutiny Committee for approval;
 - Publish the approved report on the Council's website and circulate to relevant stakeholders, including those who gave evidence to the committee;
 - Present an action plan to the committee for approval, allocating the recommendations to the decision-maker (as determined by the Scheme of Delegation) and agreeing a timeframe for their implementation;
 - Report back to the committee within six months with a progress update on implementation of the recommendations.
- 6.2.7 Where the Health Scrutiny Committee makes a report and recommendations on services, it will provide a copy of the report to the relevant responsible authorities, notifying them of their duty (under the Local Government and Public Involvement in Health Act 2007) to:
- i) consider the report or recommendations;
 - ii) respond to the Health Scrutiny Committee in writing within 28 days indicating what (if any) action it proposes to take, and;
 - iii) have regard to the report or recommendations in exercising its functions.

6.3 Public Participation

- 6.3.1 Residents of the London Borough of Barking and Dagenham and those working, studying or with a business interest in the area are able to participate in the scrutiny process by:

- a) Suggesting topics for review by the Health Scrutiny Committee;
- b) Attending meetings;
- c) Presenting petitions;
- d) Asking a question;
- e) Making a statement or forming a deputation (lobbying) to the Health Scrutiny Committee;
- f) Being involved in a scrutiny investigation;
- g) Responding to surveys.

6.3.2 When there is a scrutiny investigation that would benefit from public participation the Officer supporting such investigation will ensure such participation is facilitated.

6.3.3 Members of the public interested in participating in a particular scrutiny investigation can do so by contacting the Scrutiny staff or the Chair directly.

6.4 Accountability and Attendance

6.4.1 The Health Scrutiny Committee may scrutinise and review any decisions made or actions taken in connection with the discharge of any Council function or other matter that is within its terms of reference. As well as reviewing documentation, the Health Scrutiny Committee fulfilling the scrutiny role, may require any Member of the Cabinet, Chief Officer and/or senior Officer to attend (only when invited) before it to explain, in relation to matters within their remit:

- a) Any particular decision or series of decisions;
- b) The extent to which the actions taken implement Council policy;
- c) The performance of relevant services.

and it is the duty of those persons to attend if so required.

6.4.2 The Health Scrutiny Committee may also require any Council Member to attend before it to answer questions on any function which the Member has power to exercise.

6.4.3 Any Councillor or member of the public shall be entitled to attend meetings of the Health Scrutiny Committee and to speak on any agenda item at the discretion of the Chair.

6.4.4 Where any Cabinet Member, Ward Member or Officer is required to attend an Health Scrutiny Committee meeting, Scrutiny Officers will, within reasonable time, inform that Member or Officer in writing of the Committee meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the Committee.

- 6.4.5 Where the account to be given to the Committee will require the production of a report, then the Member or Officer concerned will be given sufficient notice to allow for preparation of that documentation.
- 6.4.6 Where, in exceptional circumstances, the Member or Officer is unable to attend on the required date, then a substitute may be asked to attend or the Health Scrutiny Committee may, in consultation with the Member or Officer, arrange an alternative date for attendance, which shall be no later than the next scheduled meeting.
- 6.4.7 The Health Scrutiny Committee may invite people other than those people referred to above to address it, to discuss issues of local concern and/or answer questions. For example, it may wish to hear from residents; other interested parties, officers in other parts of the public sector, or experts.
- 6.4.8 In undertaking the scrutiny of local health bodies, the Health Scrutiny Committee may invite representatives of the health organisations to address it, discuss the issue of local concern and/or answer questions. An officer of a trust/ organisation must attend meetings to provide information needed by the Committees to discharge its functions. However, reasonable notice must be given.
- 6.5 Rights to Information**
- 6.5.1 The Health Scrutiny Committee will have access to the Forward Plan of key decisions of the Cabinet and timetable for decisions and intentions for consultation.
- 6.5.2 In addition to their rights as Councillors, Members of Health Scrutiny Committee have the additional right to documents and to notice of meetings as set out in the Access to Information rules (Part 2, Chapter 17) and in line with The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.
- 6.5.3 Nothing in this paragraph shall prevent more detailed liaison between the Cabinet and the Health Scrutiny Committee if considered appropriate for the particular matter under consideration.