Title: Joint Health Overview and Scrutiny Committee

Report of the Chief Executive

Open Report  |  For Decision
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Summary:

This report is to:

i. Inform the Health and Adults Services Select Committee (HASSC) of the local arrangements for joint health scrutiny and

ii. Ask the Committee to appoint a HASSC member to the Joint Health Overview and Scrutiny Committee.

This report and the appended draft terms of reference explain local joint health scrutiny arrangements amongst the boroughs of Barking and Dagenham, Havering, Redbridge, and Waltham Forest which cover the Outer North East London area.

The terms of reference state that the Joint Health Overview and Scrutiny Committee (JHOSC) will consist of three Members of each local authority represented, appointed by each borough's health overview and scrutiny committee. In previous years the Lead and Deputy Lead members have been put forward to fill two of the three vacancies.

Recommendations

The HASSC is recommended to:

(i) Note the draft terms of reference for the JHOSC; and

(ii) Agree to appoint three HASSC members to the JHOSC

Reason

To accord with joint health scrutiny arrangements.
1. Introduction and Background

1.1 Regulations under the National Health Service Act 2006 state that local authorities in England have the power to:

- "Review and scrutinise matters relating to the planning, provision and operation of the health service in the area. This may well include scrutinising the finances of local health services.
- Require information to be provided by certain NHS bodies about the planning, provision and operation of health services that is reasonably needed to carry out health scrutiny.
- Require employees including non-executive directors of certain NHS bodies to attend before them to answer questions.
- Make reports and recommendations to certain NHS bodies and expect a response within 28 days.
- Set up joint health scrutiny committees with other local authorities and delegate health scrutiny functions to an overview and scrutiny committee of another local authority.
- Refer NHS substantial reconfiguration proposals to the Secretary of State if a local authority considers:
  - The consultation has been inadequate in relation to the content or the amount of time allowed.
  - The NHS body has given inadequate reasons where it has not consulted for reasons of urgency relating to the safety or welfare of patients or staff.
  - A proposal would not be in the interests of the health service in its area".\(^1\)

2. Joint Health Scrutiny Arrangements

2.1 The Department of Health Guidance ('the Guidance') issued in June 2014 describes two types of joint scrutiny committees; discretionary and mandatory. Discretionary joint committees are set up by local authorities by choice to scrutinise health matters that cross local authority boundaries. Mandatory joint committees are required by regulation to be set up when a relevant NHS body or health service provider consults more than one local authority’s health scrutiny function about substantial reconfiguration proposals.

2.2 In such circumstances, the regulations state that:

- "Only the joint committee may respond to the consultation (i.e. rather than each individual local authority responding separately).
- Only the joint committee may exercise the power to require the provision of information by the relevant NHS body or health service provider about the proposal.
- Only the joint committee may exercise the power to require members or employees of the relevant NHS body or health service provider to attend before it to answer questions in connection with the consultation." \(^2\)

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\(^1\) Department of Health, Local Authority Health Scrutiny Guidance, 27 June 2014, p12
\(^2\) Department of Health, p17
2.3 Individual councils or departments would still be able to respond informally to any consultations but the responsibility to give a formal response would lie with the mandatory JHOSC.

3. **Referrals to the Secretary of State**

3.1 The Guidance makes it clear that the above restrictions do not apply to referrals to the Secretary of State. "Local authorities may choose to delegate their power of referral to the mandatory joint committee but they need not do so. If a local authority had already appointed a discretionary committee, they could even delegate the power to that committee if they choose to. If the local authority has delegated this power, then they may not subsequently exercise the power of referral. If they do not delegate the power, they may make such referrals."³

3.2 The London Borough of Barking and Dagenham's revised Constitution, agreed by the Assembly on 17 September 2014 delegates the power of referral to the Secretary of State to the HASSC.

4. **Outer North East London Joint Health Overview and Scrutiny Committee**

4.1 The Outer North East London Joint Health Overview and Scrutiny Committee (JHOSC) consists of three Members from each of the following boroughs:

- Barking & Dagenham
- Havering
- Redbridge and
- Waltham Forest.

The Essex County Council Health Overview and Scrutiny Committee is permitted to appoint one Member to the JHOSC.

4.2 **Background to the JHOSC**

The Outer North east London JHOSC was established by the health overview and scrutiny committees of the above boroughs, exercising their powers under section 7 of the Health and Social Care Act 2001 and the Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002. This legislation, together with directions issued by the Secretary of State for Health in 2003, required all Local Authorities affected by what they consider to be 'substantial variations' in local health services to form a Joint Health Overview and Scrutiny Committee to consider those changes.

5. **Appointment of a HASSC Member to the JHOSC**

5.1 In previous years the HASSC has agreed to appoint the Lead and Deputy Lead members to fill two of the three vacancies. In July 2014 the Scrutiny Officer requested nominations via email for a third HASSC member to be appointed to the JHOSC. This process did not yield any nominations, and therefore if the HASSC agree to the Lead and Deputy Lead members' appointments, there would still remain one vacancy.

³ Department of Health, p17
5.2 There are typically four JHOSC meetings a year with the four boroughs taking turns to host each meeting. The chair of the health scrutiny committee from the hosting borough chairs the meeting. The meetings are clerked by Anthony Clements, Principle Committee Officer at the London Borough of Havering, who charges the boroughs for the support in proportion to the number of Members they may appoint to the Committee.

5.3 There was a JHOSC meeting hosted by Barking and Dagenham on 22 July 2014, chaired by Councillor Keller. The following matters were discussed at this meeting:

- BHRUT Improvement Plan
- BHRUT - Breast Care Services - Change of Location
- Cancer and Cardiovascular Proposals
- Transforming Services, Changing Lives

5.4 Three further JHOSC meetings have been scheduled for the remainder of the municipal year as follows:

- 14 October 2014, 2.00pm, Havering
- 13 January 2015, 2.00pm, Redbridge
- 14 April 2014, 2.00pm, Waltham Forest

5.5 The appended draft terms of reference describe the remit and governance of the JHOSC. The terms of reference have recently been amended to reflect legislation and the Guidance and will be agreed by the JHOSC at its meeting in October.

5.6 Should the HASSC agree to the Lead and Deputy Lead members' appointments to the JHOSC, it would need to appoint one final member. The HASSC is therefore asked for nomination(s) for a third representative to be appointed to the JHOSC. If more than one nomination is received, a vote will be conducted to determine the appointment.

Background Papers Used in the Preparation of the Report:

Barking and Dagenham Council Constitution


List of appendices:

Appendix 1 Joint Health Overview and Scrutiny Committee, draft Terms of Reference