



Committee and Date
Council

26 September 2013

10.00 a.m.

Item

19

Public

JOINT HEALTH SCRUTINY ARRANGEMENTS

Contact: Tom Dodds, Performance Manager [Statutory Scrutiny Officer]
e-mail: tom.dodds@shropshire.gov.uk Tel: 01743 252011

1.0 Summary

- 1.1 There are two issues that require consideration to ensure that the Health Scrutiny Arrangements in Shropshire have the relevant provisions for Joint Health Overview & Scrutiny Committees [HOSC]:
- Voting rights for co-opted Members on the Shropshire and Telford & Wrekin Joint Health Overview and Scrutiny Committee
 - Provisions to establish a Joint Health Overview and Scrutiny Committee with other Local Authority areas if required.
- 1.2 If agreed, both these issues will require amendments to the Council's Constitution. Agreement of all Members is necessary in order to relax political balance requirements.

2.0 Recommendations

- A. To agree the voting scheme for the co-opted Members of the Joint Health Overview & Scrutiny Committee as set out in Appendix 1.
- B. To agree the procedure to establish future Joint Health Overview and Scrutiny Committees as set out in section 6 of this report and the consequent changes to the Constitution as detailed in Appendix 2.

REPORT

3.0 Risk Assessment and Opportunities Appraisal

- 3.1 There may be circumstances where the Council will need to respond quickly to a consultation on NHS service reconfiguration. Currently this would require working with other authorities to agree the political balance requirements of a Joint HOSC and Full Council appointing the Shropshire Council representatives. The arrangements proposed enable the Local Authority to respond appropriately with other Councils that have similar arrangements.

4.0 Financial Implications

- 4.1 There are no significant financial implications from this report. However, there may be a requirement for additional Scrutiny resources to deal with future specific and time limited consultations. Any request will be subject to resources being available at the time and with appropriate approval being given.

5.0 JOINT HEALTH SCRUTINY ARRANGEMENTS

- 5.1 Shropshire Council values the contribution of co-opted members on the Council's Joint Health Overview and Scrutiny Committee. At Full Council on 29 April 2010 it was decided to confer voting rights on the 3 independent co-opted Shropshire members of the Joint Health Overview and Scrutiny Committee with Telford & Wrekin Council. Under the Scheme co-opted members can only exercise their right to vote in respect of matters relating to the re-configuration of health services that were subject to consultation by Shropshire PCT and Telford & Wrekin PCT during 2009. The scheme set out that when the matter of the re-configuration of health services in Shropshire and Telford & Wrekin had been finally determined, this Scheme would be revoked. Telford & Wrekin Council agreed the same scheme to confer voting rights for Telford & Wrekin co-optees on the Joint HOSC.
- 5.2 At its meeting on 12 April 2010 the Joint HOSC considered the Full Business Case for the service reconfiguration and has continued to monitor the implementation of the service changes and the travel and transport plan. The Joint HOSC is developing the work programme for 2013/14 and many of the issues are outside the remit of the current voting scheme e.g. review of accident and emergency services, 111 service and stroke services.
- 5.3 Following discussion with the co-chairs of the Joint HOSC it is proposed that both Shropshire Council and Telford & Wrekin Council extend the voting rights of the co-optees to all matters considered by the Joint HOSC, but that the scheme is time limited and reviewed every 3 years. A draft scheme is attached at Appendix 1.

6.0 Provision for Establishing Future Joint Health Overview and Scrutiny Committees

- 6.1 Shropshire Council has a long standing and successful Joint Health Overview and Scrutiny Committee with Telford & Wrekin Council. However the Local Authority needs to be in a position to respond to any proposed changes to NHS services that will affect a wider geographical area than is covered by this Joint HOSC. The draft Health Scrutiny Guidance sets out that:
- The Health Scrutiny regulations require the appointment of a Joint HOSC where a health service commissioner or provider consults more than 1 local authority's health scrutiny function on substantial reconfiguration.

- The Joint HOSC will need to reflect the political make up of the participating local authorities, unless exceptions under the Local Government and Housing Act 1969 apply.
- Only the Joint HOSC may make comments on the proposal consulted on or require the health service commissioner or provider which has the proposal under consideration to provide information to them, or require a member or employee of that body or provider to attend before them to answer questions.
- Only the Joint HOSC can then make a report and recommendations back to the organisation proposing the change.
- The power to refer to the Secretary of State can be exercised by any of the local authorities participating in the Joint HOSC or by (and only by) the Joint HOSC where the power to refer has been delegated to it.
- Local authorities will need to consider arrangements/protocols for Joint Committees with other authorities so that these can be quickly established when the need arises.

6.2 Considerable time is required to establish a politically balanced Joint HOSC and could result in a short time for the Joint HOSC to consider the NHS proposals, gather the evidence required and respond to the consultation.

6.3 A model adopted by several other authorities waives the requirement for political balance on any future Joint HOSC established if all the other participating authorities agree to this. Under these circumstances the Chair of the HOSC would be the Shropshire representative on this Joint HOSC and will share and discuss documents with the health spokespeople. If any of the participating authorities do not agree to waive political balance the Members of the Joint HOSC will be appointed by the relevant Scrutiny Committee. The arrangements adopted by Solihull MBC are attached as an example at Appendix 3.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Health and Social Care Act 2012

Draft Health Scrutiny Guidance

Cabinet Members (Portfolio Holders)

Councillor Tim Barker

Councillor Karen Calder

Local Member

All

Appendices

Appendix 1- Scheme to give voting rights to co-opted members of the Joint Health Overview and Scrutiny Committee

Appendix 2 - Articles of the Constitution – Joint HOSC

Appendix 3 - Extract of Solihull MBC Overview and Scrutiny Management Board – 2 June 2009