

Adults Wellbeing and Health Overview and Scrutiny Committee

17th February 2011

Health and Social Care Bill



Report of Lorraine O'Donnell, Assistant Chief Executive

Purpose of the Report

- 1 To provide Members of the Adults Wellbeing and Health Overview and Scrutiny Committee with information on the Health and Social Care Bill.

Background

- 2 The Health and Social Care Bill has now started its passage through Parliament, following its introduction to the House of Commons on 19 January 2011.
- 3 In the Queen's 2010 speech, the government announced that "the voice of patients and the role of doctors will be strengthened in the National Health Service to improve public health alongside actions to reduce health inequalities. A commission will be appointed to consider a sustainable long-term structure for the operation of social care." The Bill provides for this and other key coalition agreement health commitments.
- 4 Information within this report formed part of a wider policy paper considered by Cabinet on 26th January covering all elements of the Coalition Government's agenda and the implications for the Council and County Durham.
- 5 The bill includes the following provisions:
 - Establishing the NHS Commissioning Board answerable to the Secretary of State for Health
 - Establishing Commissioning Consortia answerable to the NHS Commissioning Board
 - Abolition of Primary Care Trusts, Strategic Health Authorities and NHS Trusts (to become Foundation Trusts)
 - An extended role for "Monitor" as the economic regulator with a remit for promoting competition where appropriate
 - Local Authorities to become responsible for local health improvement, and jointly appointing Directors of Public Health with the Secretary of State
 - Establishing local "Healthwatch" organisations and the Healthwatch England Committee within the Care Quality Commission (CQC)

- Local Authority Scrutiny of NHS Bodies and NHS-funded providers
 - Health and Wellbeing Boards to be set up by local authorities with statutory membership for commissioning consortia who will be partners in Joint Strategic Needs Assessments and Health and Wellbeing Strategies
 - The National Institute for Health and Clinical Excellence (NICE) to produce quality standards to cover social care, to produce guidance on behalf of the NHS Board and to publish a charter describing how it will operate
 - A new health and Social Care Information Centre established for the collection, analysis and publication of information following guidance for the Secretary of State for Health and the NHS Board
 - Duties on Monitor, the CQC, the NHS Board, NICE and the Information Centre to co-operate in their functions. Non-cooperation would result in Secretary of State Intervention
 - Changes to health and social care professional regulation.
- 6 The Bill proposes a significant scale and pace of change within the NHS and also will have far reaching implications for Local Government.
- 7 Local Authorities have the responsibility of improving the health of their populations through measures such as information, services, financial incentives, assistance and training. The Director of Public Health will continue to produce an Annual Report that will be published by the Council.

Public Involvement and Scrutiny

- 8 Local authorities will secure local Healthwatch organisations to replace Local Involvement Networks (LINKs). As well as their consultation and Involvement roles, the establishment of local Healthwatch organisations will enable recommendations to be made to Healthwatch England about special reviews or investigations to conduct.
- 9 Local Authorities will be required to make such arrangements “as it considers appropriate” for the provision of independent advocacy services to support people making a complaint relating to NHS services.
- 10 Regulations will enable Local Authority Overview and Scrutiny Committees to exercise Health Scrutiny functions which will cover local NHS Bodies, relevant providers, members and employees.

Health and Wellbeing Boards and Strategies and Joint Strategic Needs Assessments

- 11 Commissioning consortia will be statutory partners for councils in establishing Joint Strategic Needs Assessments (JSNA) – any consortium which falls wholly or partly within the area of the local authority would be involved. The ‘responsible local authority’ and each partner commissioning consortium must prepare and publish a joint strategy for meeting needs identified in the JSNA.

- 12 The local authority must establish health and wellbeing boards (as committees of the local authority) with statutory membership consisting of at least one councillor, directors of adult services, children's services and public health, a Healthwatch representative, a representative from each of the partner commissioning consortia, plus other members as appropriate. Consortia have a duty to cooperate with the board.
- 13 Health and wellbeing boards will also have a duty to encourage integrated working in persons who arrange the provision of health and social care. They may also encourage persons who arrange health related services to work closely together (e.g. services that impact on health such as housing). The NHS Commissioning Board must appoint a representative to health and wellbeing boards for the purpose of preparation of the JSNA or strategy and must send a representative, if requested by the board, for matters relating to the work of the national board in the local area.

Recommendations

- 14 That Members of the Adults Wellbeing and Health Overview and Scrutiny Committee note the content of information.

Background Papers

- 15 Local Government Information Unit Briefing 'The Health and Social Care Bill'

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Appendix 1: Implications

Finance – There may be financial implications arising from the transfer of the Public Health function across to the Council.

Staffing – There may be staffing implications arising from the transfer of the Public Health function across to the Council.

Equality and Diversity - None

Accommodation – There will be accommodation issues arising out of the proposed transfer of the Public Health function and associated staff into the Council

Crime and Disorder – None

Human Rights - None

Consultation - None

Procurement - None

Disability Discrimination Act - None

Legal Implications - None