

# **Adults Wellbeing and Health Overview and Scrutiny Committee**

**1 October 2012**



## **Health and Social Care Act 2012 and the implications for Health Overview and Scrutiny – Update Report**

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### **Report of Assistant Chief Executive**

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#### **Purpose of the Report**

- 1 This report details the progress made in implementing the recommendations of the Health and Social Care Act 2012 and the implications for Health Overview and Scrutiny report considered by the AWH Overview and Scrutiny Committee at its special meeting held on 13 August 2012.

#### **Background**

- 2 At its meeting held on 13 August 2012, the AWH Overview and Scrutiny Committee considered a report which:-
  - (a) examined the implications for Health Overview and Scrutiny of NHS Reforms presented in the Health and Social Care Act 2012;
  - (b) explained how Health Scrutiny has developed in County Durham, and
  - (c) invited consideration of how relationships can be developed between the Adults Wellbeing and Health Overview and Scrutiny Committee (AWH OSC) and the emerging Clinical Commissioning Groups, the shadow Health and Wellbeing Board and local HealthWatch as well as wider NHS and Social Care providers
- 3 In agreeing the report, members of the Committee recommended that Durham County Council discharge its powers of review and scrutiny on such matters designated within the Health and Social Care Act 2012 and which may be subject to Regulation and Guidance from the Department of Health through the Adults Wellbeing and Health Overview and Scrutiny Committee and that :-
  - (a) arrangements be made for an information sharing presentation to be given to the Clinical Commissioning Groups and the shadow Health and Wellbeing Board detailing the role, function approach and work programme of the County Council's Adults Wellbeing and Health Overview and Scrutiny Committee and how this contributes to the Health agenda in County Durham.

- (b) Clinical Commissioning Groups be invited to share their draft "Clear and Credible Plans" for future commissioning arrangements with the Adults Wellbeing and Health Overview and Scrutiny Committee at the earliest opportunity.
- (c) the Council ask that each Clinical Commissioning Group identify a nominated representative to act as liaison officer with the Council's Adults Wellbeing and Health Overview and Scrutiny Committee.
- (d) the Shadow Health and Wellbeing Board be invited to share the refreshed JSNA and the ongoing work in developing the Joint Health and Wellbeing strategy with the Adults Wellbeing and Health Overview and Scrutiny Committee.
- (e) the examples of good practice detailed within this report in respect of the Partnerships approach to Health scrutiny shown by the County Council and NHS Partners be used as the foundation for future health scrutiny arrangements following NHS reform.
- (f) those Public Health services that are transferred across to the Council as part of the NHS/Public Health reforms are subject to existing Overview and Scrutiny arrangements that apply to Council services and that the Adults Wellbeing and Health Overview and Scrutiny Committee will have responsibility for this function, recognising that the Public Health service is a cross-cutting service and may be required to input into other Overview and Scrutiny activity.
- (g) a protocol for working together be developed between the Adults Wellbeing and Health Overview and Scrutiny Committee and key stakeholders including the National Commissioning Board, Health and Wellbeing Board, Clinical Commissioning Groups, HealthWatch, NHS Partners and the Adults Wellbeing and Health service grouping – the protocol could include information sharing, communication, engagement reporting mechanisms and organisational liaison.
- (h) arrangements for a special meeting of the Adults Wellbeing and Health Overview and Scrutiny Committee to consider the Department of Health consultation on Local authority Health scrutiny be noted and agreed.

### **Progress made against recommendations**

- 4 Initial meetings between officers within the Overview and Scrutiny team and representatives from the Durham Dales, Easington and Sedgefield and North Durham Clinical Commissioning Groups are being arranged to discuss the best forums to deliver the proposed information sharing presentation to CCGs on the role, function approach and work programme of the County Council's Adults Wellbeing and Health Overview and Scrutiny Committee and how this contributes to the Health agenda in County Durham. It is anticipated that these presentations will have been delivered by the end of October 2012.

- 5 The Health and Social Care Act 2012 and the implications for Health Overview and Scrutiny report has been considered by the Shadow Health and Wellbeing Board. Members will recall that this report contained a significant amount of information on how Health Scrutiny has developed in County Durham, giving specific examples of partnership working between the Council's AWH OSC and NHS partners. It is proposed that a further presentation outlining the Work programme issues that have been identified for the Committee to be shared with the Shadow Health and Wellbeing Board.
- 6 In respect of CCG's Clear and Credible Plans, Members will recall that at a special meeting of the AWH Overview and Scrutiny Committee held on 25 May 2012, a detailed presentation was given by Dr Stewart Findlay, Interim Accountable Officer for the NHS Durham Dales, Easington and Sedgefield CCG and Dr Neill O'Brien, Interim Accountable Officer for the NHS North Durham CCG which set out the parameters within which the CCGs had been set up as well as the initial key aims of both CCG's Clear and Credible plans. Whilst this initial presentation proved informative, Scrutiny officers are arranging for the CCG's final Clear and Credible plans to be formally presented to the Adults Wellbeing and Health Overview and Scrutiny Committee. It is envisaged that this will be to a special meeting of the Committee in early November subject to CCG agreement.
- 7 The CCGs have identified lead officers within their organisations to act as Overview and Scrutiny Liaison leads. The officers are:-

**NHS Durham Dales, Easington and Sedgefield CCG – Dr Joseph Chandy**

**NHS North Durham CCG – TBC**

- 8 The refreshed Joint Strategic Needs Assessment (JSNA) has been considered by the Adults Wellbeing and Health OSC at its meeting held on 16<sup>TH</sup> April 2012. Representatives of the Committee were invited to participate in a "Big Tent" engagement event which sought views upon County Durham's first Joint Health and Wellbeing Strategy, in particular the draft strategic objectives from the following perspectives:
- (a) Carers
  - (b) Children and families
  - (c) Wider factors relating to health and wellbeing
  - (d) Families
  - (e) People with learning disabilities
  - (f) Mental health problems
  - (g) Older people
  - (h) People with sensory or physical disabilities
  - (i) Veterans and ex-service personnel
- 9 The County Durham shadow Health and Wellbeing Board is currently consulting upon the Draft Health and Wellbeing Strategy and comments are invited by Friday 19 October 2012. A report on the draft document and the consultation process will be considered by the Adults Wellbeing and Health Overview and Scrutiny Committee on 15 October 2012 and members will be

invited to comment on this with a response to be submitted within the identified deadlines.

- 10 The Adults Wellbeing and Health Overview and Scrutiny Committee has received regular update reports informing them of progress in respect of the transfer of certain Public Health services/functions from NHS County Durham to Durham County Council. A detailed presentation on this process was considered by members at a special meeting held on 26 June 2012 and the latest update report will be submitted to a special meeting of the Committee on 15 October 2012.
- 11 Work has commenced on the development of a protocol for working together be developed between the Adults Wellbeing and Health Overview and Scrutiny Committee and key stakeholders including the National Commissioning Board, Health and Wellbeing Board, Clinical Commissioning Groups, HealthWatch, NHS Partners and the Adults Wellbeing and Health service grouping. The basis of the protocol will be around information sharing, communication, engagement reporting mechanisms and organisational liaison. The starting point for the development of this protocol has been the Consultation and Engagement protocol previously developed between NHS County Durham, County Durham Local Involvement Network and Durham County Council (Led jointly by the Council's Adults Wellbeing and Health service grouping and the Assistant Chief Executive's service (Overview and Scrutiny). It is anticipated that a draft protocol will be available in mid-November 2012.
- 12 The Adults Wellbeing and Health considered a report at its special meeting on 13 August 2012 which detailed the Department of Health Consultation on "Local Authority Health Scrutiny". The Committee raised a number of issues regarding the consultation proposals and subsequently submitted a formal response on 7 September 2012. A further report inviting endorsement of the response has been submitted for consideration to today's meeting.

### **Recommendation**

- 13 The Adults Wellbeing and Health Overview and Scrutiny Committee is asked to receive this report and note the progress made in implementing the recommendations previously agreed in respect of the implications for Health Overview and Scrutiny of NHS Reforms presented in the Health and Social Care Act 2012.

### **Background papers**

- (a) Joint Strategic Needs Assessment – Presentation by and Report of Head of Planning and Performance, Adults Wellbeing and Health to AWH Overview and Scrutiny Committee 16 April 2012
- (b) Minutes of the AWH Overview and Scrutiny Committee – 25 May, 26 June, 13 August 2012
- (c) Health and Social Care Act 2012 and the implications for Health Overview and Scrutiny – Report of Assistant Chief Executive to AWH Overview and Scrutiny Committee 13 August 2012

- (d) Department of Health Consultation – Local Authority Health Scrutiny –  
Report of Assistant Chief Executive to AWH Overview and Scrutiny  
Committee 13 August 2012

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## **Appendix 1: Implications**

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**Finance - None**

**Staffing - None**

**Risk** – The proposals outlined within this report are aimed at mitigating any potential risks to the Council’s Health Overview and Scrutiny function by ensuring that a robust network of relationships are developed between the Adults Wellbeing and Health Overview and Scrutiny Committee and existing NHS Partners and those bodies newly established under the terms of the Health and Social Care Act 2012.

**Equality and Diversity / Public Sector Equality Duty - None**

**Accommodation - None**

**Crime and Disorder - None**

**Human Rights - None**

**Consultation** – The report details the work of the Adults Wellbeing and Health Overview and Scrutiny Committee in responding to the Department of Health Consultation on Local Authority Health Scrutiny.

**Procurement - None**

**Disability Issues - None**

**Legal Implications – None**