

Better Health Programme Joint Health Scrutiny Committee
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Scrutiny Committee

7 July 2016

Better Health Programme – Proposed
protocol, Terms of Reference and Project
Plan

Report of Principal Overview and Scrutiny Officer, Durham County
Council

Purpose of the Report

- 1 This report provides members with details of the proposed Protocol, Terms of Reference and Project Plan for the establishment of a Joint Health Scrutiny Committee under the provisions of the Health and Social Care Act 2012 involving all local authorities affected by the Better Health Programme and any associated service review proposals.

Better Health Programme

- 2 The Better Health programme is about meeting patient needs now and in the future with constantly improving health and social care delivered in the best place. Commissioners want to make sure that:
 - We improve results for patients;
 - Care is of the same high standard wherever, and whenever it is provided;
 - Services have the resources to be sustainable for the next 10 -15 years;
 - We can provide services across 7 days a week where necessary;
 - We make services easier for patients to understand and use;
 - We improve life expectancy and quality of life for everyone in Darlington, Durham and Tees.

- 3 The programme aims to continue improving the services available in Darlington, Durham and Tees but in doing so, key challenges have been identified including:

- The changing health needs of local people;
 - Meeting recommended clinical standards;
 - Availability of highly trained and skilled staff;
 - High quality seven-day services;
 - Providing care closer to home;
 - Making the best use of our money.
- 4 The Better Health Programme Board will provide the Joint Health Scrutiny Committee with a presentation which sets out the background to the Better Health Programme and also a detailed report setting out the stakeholder engagement undertaken to date.

Better Health Programme Timeline for 2016

- 5 Commissioners have stated their desire to work with stakeholder organisations and public representatives during the Programme and an indicative timeline for 2016 has been shared with stakeholders indicating that public consultation will commence around November 2016.

Provisions for consultation and engagement with Overview and Scrutiny Committees

- 6 The Local Authority (Public Health, Health and Wellbeing Board and Health Scrutiny) Regulations 2013 require the formation of a joint scrutiny arrangement, where an NHS body or relevant health service provider consults more than one local authority on proposals to make substantial variations or developments to services. They provide that all the local authorities whose residents receive such services must participate in the joint scrutiny arrangement for the purpose of responding to the consultation, using the method most appropriate to the areas and issues being considered.
- 7 A local authority can opt-out if, having considered the information provided by the NHS body or relevant health service provider proposing the service change, they determine that the proposal is not “substantial” for their residents. Where a local authority opts out in this way, they will relinquish the power to refer the proposed change to the Secretary of State for the purposes of that particular consultation.
- 8 Only the joint scrutiny committee can require the organisation proposing the change to provide information to them, or attend before them to answer questions. That organisation is under a duty to comply with these requirements. If a local authority has opted out of the joint arrangement, they may not request information or attendance from the NHS body or relevant health service provider proposing the change.
- 9 In scrutinising the proposals, the joint committee should aim to consider the proposal from the perspectives of all those affected or potentially affected by that proposal. Only the joint scrutiny arrangement can then make a report and recommendations back to the organisation proposing the change.

Establishment of a Joint Health Scrutiny Committee

- 10 The establishment of joint Health Scrutiny Committee has been proposed consisting of representatives from Darlington Borough Council, Durham County Council, Hartlepool Borough Council, Middlesbrough Borough

Council, North Yorkshire County Council, Redcar and Cleveland Borough Council and Stockton-upon-Tees Borough Council.

- 11 In accordance with the regulations detailed above, the Joint Committee will be the vehicle through which the respective Local Authorities will respond to the consultation.
- 12 A Protocol, Terms of Reference and proposed Project Plan has been developed by health scrutiny officers across the respective local authorities for the proposed Joint Health Scrutiny Committee setting out the role and function of the joint Committee as well as the proposed representation required from each Council. These documents are attached to this report.

Recommendations

- 13 The Better Health Programme Joint Health Scrutiny Committee is recommended to:-
 - (a) receive and comment upon the information detailed within the report and;
 - (b) agree the proposed Protocol, Terms of Reference and Project Plan for the Better Health Programme Joint Health Scrutiny Committee

Background papers

- Health and Social Care Act 2012 and the Local Authority (Public Health, Health and Wellbeing Board and Health Scrutiny) Regulations 2013

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Appendix 1: Implications

Finance - None

Staffing - None

Risk - None

Equality and Diversity / Public Sector Equality Duty - None

Accommodation - None

Crime and Disorder - None

Human Rights - None

Consultation – This report details the Committee’s statutory responsibilities in respect of any proposed consultation and engagement activity in respect of the Better Health Programme.

Procurement - None

Disability Issues - None

Legal Implications – This report has been produced in response to the Committee’s statutory responsibilities to engage in health scrutiny consultations as detailed in the Health and Social Care Act 2012 and the Local Authority (Public Health, Health and Wellbeing Board and Health Scrutiny) Regulations 2013 and associated Department of Health Guidance.