

## Adults Wellbeing and Health OSC

7 July 2017



**Durham, Darlington and Teesside,  
Hambleton, Richmondshire and Whitby  
STP Joint Health Scrutiny Committee**

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### **Report of Lorraine O'Donnell, Director of Transformation and Partnerships**

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

- 1 This report invites members to consider 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 Durham, Darlington and Teesside Hambleton Richmondshire and Whitby Sustainability and Transformation Plan and any associated service review proposals.
- 2 The proposed Joint Committee would assume responsibility for those provisions and considerations previously undertaken by the "Better Health Programme Joint Health OSC".

#### **Background**

- 3 The Adults Wellbeing and Health Overview and Scrutiny Committee have received a series of updates in respect of the Better Health Programme under its former guises of the Quality Legacy Project and Securing Quality in Health Services (SeQIHS).
- 4 In March 2016, the Adults Wellbeing and Health OSC agreed to the establishment of the Better Health Programme Joint Health Scrutiny Committee was agreed consisting of representatives each from Darlington Borough Council, Durham County Council, North Yorkshire County Council, Hartlepool Borough Council, Middlesbrough Borough Council, Redcar and Cleveland Borough Council and Stockton-upon-Tees Borough Council. This was to reflect the patient footprint within the Better Health Programme.
- 5 To date, the Better Health Programme Joint Health Scrutiny Committee has met on 7 occasions to consider proposals being developed under the programme.
- 6 The Adults Wellbeing and Health Overview and Scrutiny Committee have received a series of updates in respect of the Better Health Programme the last being received at the Committee's meeting held on 1 September 2016. Representatives of the Adults Wellbeing and Health OSC continue to sit on the Joint Committee.

## **Sustainability and Transformation Plans**

- 7 In December 2015, the NHS shared planning guidance 2016/17 – 2020/21 outlined a new approach to help ensure that health and care services were built around the needs of local populations. To do this, every health and care system in England, involving local organisations such as NHS providers, commissioners, and local authorities, were asked to produce a multi-year Sustainability and Transformation Plan (STP), showing how local services would evolve and become sustainable over the next five years – ultimately delivering the NHS Five Year Forward View vision of better health, better patient care and improved NHS efficiency.
- 8 County Durham is covered by two separate STPs. The North Durham CCG area is included within the Northumberland, Tyne and Wear and North Durham STP. The Durham Dales, Easington and Sedgefield CCG area is included within the Durham, Darlington, Teesside, Hambleton, Richmondshire and Whitby STP.
- 9 NHS system leaders met to discuss how best to create these plans, reflecting on the work that has already been developed in a number of areas across the North East and Cumbria and the STP draft documents were submitted to NHS England in October 2016.
- 10 The two draft STPs were published in November 2016.

## **Implications for the Better Health Programme of STP Development**

- 11 During consideration of the Better Health Programme development and associated proposals by the Better Health Programme Joint Health Scrutiny Committee, a number of presentations have been given in respect of the emerging Durham Darlington Teesside, Hambleton Richmondshire and Whitby Sustainability and Transformation Plan.
- 12 The Joint Committee have been advised that the work undertaken as part of the Better Health programme features within the STP as part of the “Quality of Care in our hospitals” theme as well as the “Health and care in communities and neighbourhoods” and that there will be a statutory requirement for consultation in respect of the draft STP.
- 13 Accordingly, the Better Health Programme Joint Health Scrutiny Committee have discussed the potential for the Committee’s remit to be broadened to include the draft STP documents and any associated proposals for significant developments or service variations arising therefrom.

## **Redesignation of the former Better Health Programme Joint Health Scrutiny Committee**

- 14 In view of the integration of the Better Health Programme the Durham Darlington Teesside, Hambleton Richmondshire and Whitby STP, it is proposed that the Better Health Programme Joint Health OSC be re-designated the Durham, Darlington and Teesside Hambleton Richmondshire and Whitby Sustainability and Transformation Plan Joint Scrutiny Committee.

- 15 In accordance with the regulations detailed within this report, the new Joint Committee will be the vehicle through which the respective Local Authorities will respond to the consultation.
- 16 Accordingly, it is for the Council's Adults Wellbeing and Health Overview and Scrutiny Committee to provide information and representations in respect of the consultation as it impacts upon the residents of County Durham to its nominated representatives.
- 17 The protocol and terms of reference for the revised Joint Health Scrutiny Committee have been drafted by health scrutiny officers across the respective local authorities setting out the updated role and function of the joint Committee as well as the proposed representation required from each Council. These are attached to this report. (Appendix 2)
- 18 It is proposed that the Council's representatives appointed to the Better Health Programme Joint Health OSC would assume the three positions on the revised Durham, Darlington and Teesside Hambleton Richmondshire and Whitby Sustainability and Transformation Plan Joint Health Scrutiny Committee.

### **Provisions for consultation and engagement of Overview and Scrutiny Committees**

- 19 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.
- 20 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.
- 21 Only the joint scrutiny committee may 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. Failure by an NHS body or relevant health service provider to provide information requested by a local authority who is not participating in the joint scrutiny process and who is therefore not entitled that that information does not constitute a failure to consult that authority and is therefore not a valid reason for a referral to be made to Secretary of State.

- 22 They may not participate further in the joint scrutiny arrangements, unless changes occur during the development of proposals that make the impact substantial for residents in the local authority's area. The local authority, in these cases, should not expect to revisit any matters that the joint committee has already considered.
- 23 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. The provisions of co-option set out above apply, enabling the involvement of district councils in the scrutiny process.
- 24 Only the joint scrutiny arrangement can then make a report and recommendations back to the organisation proposing the change. The power to refer to Secretary of State should only be exercised once the NHS body or relevant health service provider proposing the service change has responded to the comments of the joint scrutiny committee and all forms of local resolution have been exhausted. However, it can be exercised by any of local authorities originally consulted or by the joint arrangement where the power to refer has been delegated to it.
- 25 The existing Better Health Programme Joint Health OSC does not have the power of referral to the Secretary of State delegated to it and it is proposed that the re-designated Committee will not have this power either.

### **Recommendations and reasons**

- 26 The Adults Wellbeing and Health Overview and Scrutiny Committee are recommended to:-
- (a) Receive and comment upon the information detailed within the report;
  - (b) Agree to the establishment of a Durham, Darlington and Teesside, Hambleton Richmondshire and Whitby Joint Health Overview and Scrutiny Committee under the terms of the Health and Social Care Act 2012 as set out in this report;
  - (c) Agree the proposed protocol, Terms of Reference and membership of the Joint Health Scrutiny Committee that will be set up to scrutinise the Durham, Darlington and Teesside, Hambleton Richmondshire and Whitby STP and associated consultation and engagement plans.

### **Background papers**

Reports and minutes of the Adults Wellbeing and Health OSC – 1 March 2016; 1 September 2016 and 3 March 2017

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## **Appendix 1: Implications**

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**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 Council’s statutory responsibilities in respect of any proposed consultation and engagement activity in respect of the Durham, Darlington and Teesside Hambleton Richmondshire and Whitby Sustainability and Transformation Plan Joint Health Scrutiny Committee.

**Procurement - None**

**Disability Issues - None**

**Legal Implications** – This report has been produced in response to the Council’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.