

Special Adults Wellbeing and Health Overview and Scrutiny Committee

6 September 2017



Proposed establishment of a Northumberland, Tyne and Wear and North Durham STP Joint Health Scrutiny Committee

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

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 Northumberland, Tyne and Wear and North Durham Sustainability and Transformation Plan (STP) and any associated service review proposals.

Background

- 2 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.
- 3 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.
- 4 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.
- 5 The two draft STPs were published in November 2016.

- 6 At the Committee's meeting held on 3 March 2017, members received a presentation from Mark Adams, Chief Officer, Newcastle and Gateshead Clinical Commissioning Group and Lead officer for the Northumberland, Tyne and Wear and North Durham STP set out the progress made in respect of the development and submission to NHS England of the STP.
- 7 At the meeting, members referred to the joint health scrutiny arrangements which had been successfully established to oversee the Better Health Programme which now formed part of the Durham, Darlington, Teesside, Hambleton, Richmondshire and Whitby STP. The Committee resolved that the Chair of the Committee write to Health Scrutiny Chairs within the local authorities covered by the Northumberland, Tyne and Wear and North Durham STP requesting the establishment of a joint scrutiny arrangement for the Northumberland, Tyne and Wear and North Durham STP footprint.

Establishment of a Northumberland, Tyne and Wear and North Durham STP Joint Health Scrutiny Committee

- 8 The local authorities affected by the Northumberland, Tyne and Wear and North Durham STP have provisionally agreed to establish a joint Health Scrutiny Committee to oversee the development of the STP and any associated proposals for substantial development and variation to health services contained therein or resulting therefrom.
- 9 In accordance with the regulations detailed below, the new Joint Committee will be the vehicle through which the respective Local Authorities will respond to the consultation.
- 10 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.
- 11 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.
- 12 It is proposed that the Council appoint three representatives to the Northumberland, Tyne and Wear and North Durham Sustainability and Transformation Plan Joint Health Scrutiny Committee.

Provisions for consultation and engagement of Overview and Scrutiny Committees

- 13 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.

- 14 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.
- 15 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.
- 16 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.
- 17 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.
- 18 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 for Health 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.
- 19 It is proposed that the Northumberland, Tyne and Wear and North Durham STP Joint Health Overview and Scrutiny Committee would not have the power of referral to the Secretary of State for Health and that this would be retained by the constituent Councils.

Recommendations and reasons

- 20 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 Northumberland, Tyne and Wear and North Durham STP 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 Northumberland, Tyne and Wear and North Durham 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

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 Northumberland, Tyne and Wear and North Durham 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.