

HAMPSHIRE COUNTY COUNCIL

Decision Report

Decision Maker:	Cabinet
Date:	24 June 2013
Title:	Health & Social Care Act 2012: Establishment of a Health and Wellbeing Board for Hampshire and amendments to the terms of reference of the Health (Overview and Scrutiny) Committee
Reference:	4925
Report From:	Director of Policy and Governance – Corporate Services

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1. Executive Summary

- 1.1 The purpose of this report is to set out the amendments that will be required to the County Council's Constitution to reflect the provisions of the Health and Social Care Act 2012 (the Act) and the Local Authority (Public Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 (the Regulations). This is particularly with reference to the establishment of a Health and Wellbeing Board (HWBB) and changes required to the terms of reference of the Health Overview and Scrutiny Committee (HOSC).
- 1.2 Cabinet are asked to agree the proposals set out in the report for recommendation to the County Council for approval at its meeting on 18 July 2013.

2. Contextual information

- 2.1 The Act sets out the major reforms to the NHS including a requirement for the County Council to establish a Health and Wellbeing Board. The subsequent Regulations also provide flexibility in the way in which the County Council can undertake its health scrutiny role.
- 2.2 The Act provides that the HWBB must be a committee of the County Council with certain aspects of the normal local authority governance regime disappplied

to enable the Board to function as envisaged. It is therefore important to understand and agree on the constitutional choices for the County Council.

- 2.3 HWBBs are intended to provide a forum for NHS and local authority commissioners to come together on a geographical basis. The governance structure for the Boards is designed to give flexibility for Boards to choose to do their work at whatever level “makes sense locally”. HWBBs are intended to ensure strategic coordination of commissioning services across NHS, social care, children’s, public health and other services such as leisure or housing.
- 2.4 The Act includes a legal obligation on the NHS, including GP and local authority commissioners, to have regard to a Joint Health and Wellbeing Strategy (JHWS) in exercising their commissioning functions. Thus the work of the HWBBs is about influencing, shaping and driving services through a local authority led, new dynamic, collaborative leadership.
- 2.5 Hampshire has been operating a Shadow HWBB since 2012 which has prepared a draft Joint Health and Wellbeing Strategy for the formal Board to approve once established. The draft Strategy was agreed by Cabinet at their meeting on 23 March 2013.
- 2.6 The Council has had a duty to operate a Health Overview and Scrutiny Committee since 2001 following the Health and Social Care Act 2001. The Regulations allow for changes to the way in which the County Council can undertake its health scrutiny function by removing the requirement for health scrutiny to be undertaken by an Overview and Scrutiny Committee.

3. Health and Wellbeing Board

- 3.1 While the HWBB will be a normal committee of the County Council the Regulations provide the County Council with more flexibility in terms of formal governance than is normally the case with a County Council committee. This has been achieved by disapplying selected elements of the existing legislation¹ in relation to political proportionality, membership of committees and voting rights.
- 3.2 The Act sets out a minimum statutory membership for HWBBs and this is provided for in the draft terms of reference which are attached as Appendix 1. The statutory members of the Board which are: at least one Hampshire County Council elected Member nominated by the Leader of the County Council, the Director of Adult Services, the Director of Children’s Services, the Director of Public Health, a representative of each relevant Clinical Commissioning Group within Hampshire nominated by the relevant Clinical Commissioning Group, a representative of NHS England (Wessex) and a representative of the Local Healthwatch organisation for Hampshire nominated by the Local Healthwatch organisation.
- 3.3 The Act provides that additional members can be appointed by the County Council and it is therefore proposed that the following additional members are

¹ The Local Government Act 1972 and the Local Government and Housing Act 1989

appointed, the Police and Crime Commissioner for Hampshire, up to two District Council elected Member representatives, one District Council Chief Executive, the Director of Policy and Governance and a representative of the voluntary sector.

- 3.4 The nomination of County Council Members to the Board is within the gift of the Leader of the Council who can, because appointments to the committee do not have to be made on a proportional basis, nominate as many Members as the Leader deems appropriate as long as at least one Member is appointed.
- 3.5 At the recent AGM the Leader nominated Cllr K Mans as Deputy Leader and Executive Member for Children's Services, Cllr A McNair Scott as Executive Member for Adult Services and Cllr L Fairhurst as Executive Member for Health. The Leader is minded to nominate these Executive Members as the County Council representatives on the HWBB, with Cllr Mans to be nominated as Chairman. It is proposed that these nominations be recommended to the County Council for confirmation.
- 3.6 The Regulations provide for all members of the Board to have equal voting rights, including County Council and District Council officer members, but also provide for an exception whereby the County Council can direct that certain members of the Board should not have full voting rights, subject to consulting the Board before making any such direction. However, the principle of equality of voting rights for all members is emphasised in the guidance on the composition of Boards and is based on the principles of inclusiveness and shared ownership. It is therefore recommended that all members of the Board should retain full voting rights.
- 3.7 The first seven roles and functions of the Board set out in paragraph 9.1 of the draft terms of reference come directly from the Health and Social Care Act 2012. The remaining functions reflect the role the HWBB plays as a consultee. While the Act provides that other functions of the County Council (both executive and non executive) can also be delegated to the Board if the County Council so wishes it is not recommended that any other functions of the County Council are delegated to the Board at this time.
- 3.8 Other proposals are contained in the draft terms of reference including provision for the Vice Chairman of the Board to be appointed by the Board itself. This differs from other committees of the County Council where the Vice Chairman is appointed along with the Chairman at the AGM of the Council. This variation is intended to promote partnership working by facilitating the appointment of a non County Council Member as the Vice Chairman if so desired by the Board. It is further proposed that provision is made for the appointment of substitute members to ensure full engagement and participation in the Board by all member bodies. A standing invitation to the Chair of the HOSC to attend meetings of the Board is proposed to reflect the need for co-operation between the HOSC and the Board. The HOSC chairman cannot be a member of the Board due to potential conflicts of interest.

4. Health Overview and Scrutiny

- 4.1 The Regulations also allow for changes to the way in which the County Council can undertake its health scrutiny function by removing the requirement for health scrutiny to be undertaken by an Overview and Scrutiny Committee.
- 4.2 Under the Regulations it is the County Council, not specifically the HOSC as was previously the case that is the holder of the statutory health scrutiny power. This means that the health scrutiny function can now therefore be undertaken in a number of different ways:
- a) The County Council can retain responsibility for the Health Scrutiny Function itself, although this is likely to present significant administrative challenges alongside the range of County Council functions. In addition, the meeting cycle of the County Council means that it is unlikely to be able to comply with the timescales required to respond to health consultations.
 - b) The delegation of the function to a Select Overview and Scrutiny Committee with a wider scope of responsibility, for example Health and Adult Social Care. This might address the perception of some Members that there is significant overlap between the work of the Health (Overview and Scrutiny) Committee and the Safe and Healthy People (Overview and Scrutiny) Committee. However, the Health (Overview and Scrutiny) Committee is a very busy Committee with a heavy agenda and consequently one committee may not be able to adequately scrutinise such a wide range of activities.
 - c) Delegation of the function to a normal Committee of the County Council, i.e. a Committee without scrutiny powers. Such a Committee would be a proportional committee of the County Council with the powers of a normal Committee of the County Council. It would not therefore have the additional statutory powers of a (Overview and Scrutiny) Committee, although it would have the specific additional powers relating to a committee performing health scrutiny functions. The most significant difference would be that there would be no power to call-in decisions relating to the health functions of the County Council (there would also be a significant limitation placed on the Committee's powers as referred to in paragraph 4.4 below).
 - d) The retention of a dedicated Health (Overview and Scrutiny) Committee to perform the function. This option would maintain the current position with only an update of the terms of reference of the Committee, to reflect the new requirements around consultation and reporting to the Secretary of State where the Committee is not in agreement with a proposal for significant change or variation of the health arrangements in Hampshire, being required.
- 4.3 Given the importance of Health Scrutiny, and in the interests of good governance, it is recommended that the HOSC is retained (subject to review within 12 months) and that its terms of reference are updated to reflect the new statutory requirements. Amended terms of reference for the HOSC are set out in Appendix 2.

- 4.4 As the function of performing health scrutiny has been now been allocated to the County Council guidance suggests that there should be ongoing full Council involvement in any decision to report matters to the Secretary of State. It is therefore proposed to achieve this by requiring the HOSC to obtain the agreement of Full Council before it refers a matter to the Secretary of State. In practice, reports to the Secretary of State are a 'last resort' and the County Council has rarely had to resort to them in the past.
- 4.5 The role and function of health scrutiny is entirely separate and distinct from the role and functions of the Health and Wellbeing Board. The role of holding the Health Service to account and performing health scrutiny is specifically allocated to the County Council. The functions of the Health and Wellbeing Board are subject to scrutiny from the County Council through the HOSC.

5. Conclusion

- 5.1 The Act has made significant changes to the way that the NHS operates and to the landscape of joint working between local authorities and the health sector. The introduction of the HWBB brings a degree of democratic accountability to the arena of collaboration.
- 5.2 It is important to put in place the formal governance arrangements for the HWBB so that the Board can begin to influence the commissioners and providers of health and social care to ensure improved outcomes for local residents.
- 5.3 It is also important to consider the County Council's operation of the health scrutiny function and its relationship with other scrutiny issues for the Council and the role of the HWBB.

6. Recommendations

That the Cabinet agrees the following recommendations to be made to the County Council at its meeting on 18 July 2013:

- 6.1 That the County Council establishes the Health and Wellbeing Board for Hampshire with terms of reference as set out in Appendix 1.
- 6.2 That the County Council delegates the function of health scrutiny to the Health (Overview and Scrutiny) Committee (subject to review within 12 months) and that the amended terms of reference for the Health Overview and Scrutiny Committee set out in Appendix 2 be approved
- 6.3 That the Head of Governance be given authority to make the necessary amendments to the Constitution including any consequential amendments.

CORPORATE OR LEGAL INFORMATION:

Links to the Corporate Strategy

1. Hampshire safer and more secure for all:	yes
Corporate Improvement plan link number (if appropriate):	
2. Maximising well-being:	yes
Corporate Improvement plan link number (if appropriate):	
3. Enhancing our quality of place:	yes
Corporate Improvement plan link number (if appropriate):	

Other Significant Links

Links to previous Member decisions:		
<u>Title</u>	<u>Reference</u>	<u>Date</u>
Hampshire Joint Health and Wellbeing Strategy	4726	25 March 2013
Direct links to specific legislation or Government Directives		
<u>Title</u>	<u>Date</u>	
Health and Social Care Act	2012	
Local Authority (Public Health and Wellbeing Boards and Health Scrutiny) Regulations	2013	

Section 100 D - Local Government Act 1972 - background documents	
<p>The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)</p>	
<u>Document</u>	<u>Location</u>
None	

Health and Wellbeing Board Terms of Reference (Appendix 1)

The Health and Wellbeing Board

1. The Health and Wellbeing Board

The County Council has appointed a Health and Wellbeing Board for Hampshire which will be a key partnership for promoting the health and wellbeing of the residents of Hampshire.

2. Composition

2.1 The Health and Wellbeing Board includes within its membership:

- At least one Hampshire County Council elected Member nominated by the Leader of the County Council
- The Director of Adult Services
- The Director of Children's Services
- The Director of Public Health
- The Director of Policy and Governance
- A representative of each relevant Clinical Commissioning Group within Hampshire nominated by the relevant Clinical Commissioning Group
- A representative of the Local Healthwatch organisation for Hampshire nominated by the Local Healthwatch organisation
- A representative of NHS England (Wessex) nominated by NHS England (Wessex)
- The Police and Crime Commissioner for Hampshire
- Up to two elected members of the District, Borough and City Councils within Hampshire nominated by those Councils
- A representative of the Chief Executives of the Hampshire District, Borough and City Councils to be nominated by those Councils
- A representative of the voluntary and community sector nominated by the Hampshire Voluntary Sector Consortium

3. Proportionality

3.1 The rules relating to political proportionality for appointments to County Council Committees do not apply to the Health and Wellbeing Board.

4. Appointment of Substitute Members of the Health and Wellbeing Board

4.1 Allocation

- a) As well as allocating seats on the Health and Wellbeing Board, the County Council will at the Annual General Meeting of the County Council in each year appoint a designated Substitute Member for each member of the Health and Wellbeing Board.

4.2 Powers and duties

- a) Substitute Members will have all the powers and duties of any Ordinary Member of the Board but will not be able to exercise any special powers or duties exercisable by the person they are substituting.

4.3 Substitution

- a) Substitute members may attend meetings in that capacity only:
- to take the place of the ordinary member for whom they are the designated substitute;
 - where the ordinary member will be absent for the whole of the meeting; and
 - after notifying the Chief Executive 5 Working days before the meeting of the intended substitution.

5. Chairman of the Health Overview and Scrutiny Committee

- 5.1 The Chairman of the County Council's Health Overview and Scrutiny Committee shall have a standing invitation to attend Meetings of the Health and Wellbeing Board and shall, at the discretion of the Chairman be able to participate in the meeting, but shall not be able to vote on any matter.

6. Election of Chairman and Vice-Chairman of the Health and Wellbeing board

- 6.1 The Chairman of the Health and Wellbeing Board will be appointed by the County Council at the Annual General Meeting of the County Council in each year pursuant to Standing Order 6 of the County Council's Standing Orders. The Vice Chairman of the Board will be elected by the Health and Wellbeing Board at the first Meeting of the Health and Wellbeing Board following the Annual General Meeting of the Council in each year.

7. Voting rights of members of the Health and Wellbeing Board

- 7.1 All members of the Health and Wellbeing Board and any Sub- Committee of the Board shall be full voting members of the Board or Sub-Committee.

8. Sub-Committees

- 8.1 The Health and Wellbeing Board may appoint one or more Sub- Committees of the Board to advise the Board with respect to any matter relating to the discharge of functions by the Board.

9. Role and function

9.1 The role and function of the Health and Wellbeing Board will be:

- For the purpose of advancing the health and wellbeing of the people of Hampshire, to encourage persons who arrange for the provision of any health or social care services in Hampshire to work in an integrated manner.
- To provide such advice, assistance or other support as it thinks appropriate for the purpose of encouraging the making of arrangements under Section 75 of the National Health Service Act 2006 in connection with the provision of such services.
- To encourage persons who arrange for the provision of any health or social care services in its area to work with the Health and Wellbeing Board.
- To encourage persons who arrange for the provision of any health or social care services and persons who arrange for the provision of any health-related services in Hampshire to work closely together.
- To undertake a Joint Strategic Needs Assessment ('JSNA') for Hampshire having regard to any guidance issued by the Secretary of State and ensuring the involvement of the Local Healthwatch organisation, the people who live and work in Hampshire and each relevant District, Borough or City Council.
- To oversee and assure the translation of that JSNA into a Joint Health and Wellbeing Strategy ('JHWS') to address the identified health and social care needs, having regard to the extent to which the needs could be met more effectively by the making of arrangements under Section 75 of the National Health Service Act 2006 and to guidance issued by the Secretary of State and ensuring the involvement of the Local Healthwatch Organisation and the people who live and work in Hampshire.
- To give the County Council its opinion on whether the County Council, in the exercise of its functions, is giving due regard to the JSNA and the JHWS.
- To join up commissioning through a robust knowledge of need by ensuring the delivery of a comprehensive JHWS by the County Council, Clinical Commissioning Groups ('CCG's') and other partners.
- To provide an opinion to CCG's and the County Council on whether commissioning plans have taken proper account of the JHWS and to give the NHS Commissioning Board its opinion on the matter where appropriate.
- To consider the exercise or proposed exercise of the commissioning functions of the NHS Commissioning Board in relation to Hampshire.

Health and Overview Scrutiny Committee draft Terms of Reference (Appendix 2)

B Health (Overview and Scrutiny) Committee

5.7 Membership of the Health (Overview and Scrutiny) Committee

- (i) Members of the County Council, appointed in proportion to the political representation of the County Council; and
- (ii) Four District and Borough Council Members (nominated via the Hampshire and Isle of Wight Local Government Association)

5.8 Roles and Functions of the Health (Overview and Scrutiny) Committee

The Health (Overview and Scrutiny) Committee will have the following roles and functions:

- 5.8.1 To review and scrutinise any matter relating to the planning, provision and operation of the health service in Hampshire.
- 5.8.2 To make reports and recommendations to relevant NHS bodies and to relevant health service providers (as defined in the Local Authority (Public Health, Health and Wellbeing Board and Health Scrutiny) Regulations 2013) on any matter that it has reviewed or scrutinised.
- 5.8.3 To act as consultee to relevant NHS bodies or relevant health service providers on issues of:
 - a) Substantial developments of the health service in Hampshire; and
 - b) Any proposals to make any substantial variation to the provision of such services.
- 5.8.4 Subject to the approval of the County Council to report contested proposals for major health service changes to the Secretary of State;
- 5.8.5 To scrutinise the social care services provided or commissioned by relevant NHS bodies or relevant health service providers exercising local authority functions under Section 31 of the Health Act 1999;
- 5.8.6 To review or scrutinise health services commissioned or delivered in Hampshire within the framework set out below:

- a) Arrangements made by relevant NHS bodies or relevant health service providers to secure hospital and community health services to the inhabitants of Hampshire;
- b) The provision of such services to those inhabitants;
- c) The provision of family health services, personal medical services, personal dental services, pharmacy and NHS ophthalmic services;
- d) The public health arrangements in Hampshire; e.g. arrangements by the County Council for public health promotion and health improvement (including addressing health inequalities) in Hampshire.
- e) The planning of health services in Hampshire, including plans setting out a strategy for improving both the health of the local population and the provision of health care to that population; and
- f) The arrangements made by relevant NHS bodies and relevant health service providers for consulting and involving patients and the public.

5.9 Delegation of Functions of the Health (Overview and Scrutiny) Committee

- 5.9.1 The County Council may delegate health scrutiny powers to a joint Scrutiny Committee and appoint Members to that Committee when there is an intention by a relevant NHS body or relevant health service provider to consult on a substantial variation or development to health services that extend beyond Hampshire.
- 5.9.2 The Chief Executive, in consultation with the Chairman of the County Council and the Chairman of the Health (Overview and Scrutiny) Committee, may agree to the formation of such a committee, its membership and terms of reference, if there is insufficient time for that decision to be taken by the County Council, subject to the details being submitted for approval to the next meeting of the County Council.
- 5.9.3 Any joint committee so convened should work to a specific proposal and with clear terms of reference, which would be restricted to consideration of and agreeing a response to the proposal on which the committee had been consulted.

5.10 Proceedings of the Health (Overview and Scrutiny) Committee

The Health (Overview and Scrutiny) Committee will conduct its proceedings in accordance with the Health (Overview and Scrutiny) Committee Procedure, set out in Part, 3 Chapter 3 of this Constitution.

5.11 Annual Report of Health (Overview and Scrutiny) Committee

The Health (Overview and Scrutiny) Committee will submit to the County Council as soon as reasonably practicable in each financial year an account of the activities and outcomes of the health scrutiny function for the last year and a tentative list of intended scrutiny inquiries for the follow year.

Part 3 Chapter 3

B Health (Overview and Scrutiny) Committee Scrutiny Procedures

2.1 Background

The County Council will have the Health (Overview and Scrutiny) Committee set out in Part 1, Chapter 12 B of the Constitution, and it will appoint members to the Committee in accordance with Part 2, Chapter 5, Paragraph 5.7. The Health (Overview and Scrutiny) Committee may appoint working groups of Members and Officers to advise it. Such working groups may be appointed for a fixed period, if appropriate, on the expiry of which they shall cease to exist.

2.2 Membership of Health (Overview and Scrutiny) Committee

Members of the Health (Overview and Scrutiny) Committee – all members of the County Council (except members of the Executive) may be members of the Health (Overview and Scrutiny) Committee. No member may be involved in scrutinising a decision in which he or she has been directly involved;

2.3 Co-optees

Co-optees – the Health (Overview and Scrutiny) Committee may have within its membership any person or persons as a non-voting co-optee where the committee considers this would be advantageous to their work;

2.4 Borough, District or City Council Members

The Health (Overview and Scrutiny) Committee may in addition have within its membership one or more of the members of the Overview and Scrutiny Committees of the District, Borough and City Councils within Hampshire. Such members shall be full voting members of the Committee.

2.5 Meetings of the Health (Overview and Scrutiny) Committees

The Health (Overview and Scrutiny) Committee will normally meet six times a year, in accordance with a timetable to be published by the Chief Executive. In

addition, extraordinary or ad hoc meetings may be called from time to time as and when appropriate. A meeting may be called by the Chairman of the Committee, by a quorum of the members of the Committee or by the Chief Executive if he or she considers it necessary or appropriate.

2.6 Chairing the Health (Overview and Scrutiny) Committee

The Chairman and Vice-Chairman of the Committee shall be appointed by the County Council at its Annual General Meeting. In the absence of the Chairman, the Vice-Chairman will preside. In the event that neither the Chairman or the Vice-Chairman are present within 10 minutes from the time appointed for any meeting to begin, the Committee may appoint a person to chair it from amongst the members sitting on it. Sub-Committees and working groups shall appoint their own Chairman from among their membership. An officer of the County Council may not chair a working group;

2.7 Work Programme

The Health (Overview and Scrutiny) Committee will be responsible for proposing its own work programme of activities within its planned meetings structure and, in doing so, shall take into account wishes of members on that Committee who are not members of the largest political group on the County Council.

2.8 Agenda items

2.8.1 Any member of the Health (Overview and Scrutiny) Committee shall be entitled to give notice to the Chief Executive that they wish an item relevant to the functions of the Committee or Sub-Committee to be included on the agenda for the next convenient meeting (Section 9 FC (1) (a) and (b) of Part 1A of the 2000 Act). On receipt of such a request, the Chief Executive will ensure that it is so included;

2.8.2 Any member of the County Council may refer to the Health (Overview and Scrutiny) Committee, any local government matter which is relevant to the function of the committee in accordance with Section 9 FC (1) (c) of Part 1A of the Local Government Act 2000, and which is not an excluded matter under Section 9 FC (5) of Part 1A of the 200 Act. In considering whether to exercise this power, the member must have regard to any relevant statutory guidance;

2.8.3 A local health watch organisation or local health watch contractor may refer any matter relating to the planning, provision and operation of health services or social care service to the Health (Overview and Scrutiny) Committee and any such referral shall be acknowledged by the Committee within 20 working days of the referral being made and the referrer shall be kept informed of any action taken in regard to the matter;

2.8.4 A matter referred to the Health (Overview and Scrutiny) Committee under paragraph 2.8.2 shall be included in the agenda for, and discussed at, a

meeting of the Committee. Arrangements for the handling of a matter so referred shall be in accordance with the Councillor Call for Action Protocol and the provision of the 2000 Act;

2.8.5 The County Council or the Executive may request the Health (Overview and Scrutiny) Committee to consider matters referred by it or them. Where this occurs, the matter shall be placed on the agenda of the next convenient meeting of the Committee and the Committee will decide what further action should be taken.

2.9 **Review and Scrutiny**

2.9.1 The Health (Overview and Scrutiny) Committee must, when reviewing or scrutinising any matter, invite interested parties to comment on the matter and take account of relevant information available to it and in particular information provided by the Local Healthwatch organisation or a Local Healthwatch contractor pursuant to paragraph 2.8.3.

2.10 **Reports from the Health (Overview and Scrutiny) Committee**

2.10.1 The Health (Overview and Scrutiny) Committee may make reports and recommendations to relevant NHS bodies or relevant health service providers or to the Executive or the County Council. Such reports and recommendations shall include:

- An explanation of the matter reviewed or scrutinised:
- a summary of the evidence considered;
- a list of the participants involved in the review or scrutiny: and
- an explanation of any recommendations on the matter reviewed or scrutinised.

2.10.2 Where the Health (Overview and Scrutiny) Committee requests a response from a relevant NHS body or relevant health service provider to whom it has made a report or recommendation, that body must respond to the request within 28 calendar days of the date of the request.

2.10.3 Where the Health (Overview and Scrutiny) Committee has completed its review and made reports and recommendations to relevant NHS bodies or relevant health service providers scrutinised, the Scrutiny Officer will copy the report to:

- The Cabinet;
- The Local MPs and MEPs;

- The relevant Clinical Commissioning Groups;
- The local health watch organisation; and
- Other bodies or organisations that have expressed an interest in the inquiry.

The Scrutiny Officer will also place a copy of the report on the County Council's website.

2.11 Consultation

- 2.11.1 Each relevant NHS body or relevant health service provider has a duty to consult the Health (Overview and Scrutiny) Committee on any proposals for any substantial development of the Health Service in Hampshire or any proposals to make any substantial variation in the provision of such services.
- 2.11.2 When consulting the Health (Overview and Scrutiny) Committee the relevant NHS body or relevant health service provider must provide the Committee with the proposed dates by which the relevant NHS body or relevant health service provider intends to make a decision to proceed with the proposal and the date by which the Health (Overview and Scrutiny) Committee is required to comment on the proposal.
- 2.11.3 The relevant NHS body or relevant health service provider must inform the County Council of any change in the dates provided under Paragraph 2.11.2 and publish those dates, including any change to those dates.
- 2.11.4 The relevant NHS body or relevant health service provider may undertake a substantial development or substantial variation to the health service in Hampshire without consulting the Health (Overview and Scrutiny) Committee where it is satisfied that the decision had to be taken without consultation because of a risk to safety or welfare of patients or staff subject to notifying the County Council immediately of the decision and the reason why no consultation has taken place.
- 2.11.5 The Health (Overview and Scrutiny) Committee may make comments and recommendations on the proposal consulted on by the specified date.
- 2.11.6 When the Health (Overview and Scrutiny) Committee's comments include a recommendation and the relevant NHS body or relevant health service provider disagrees with that recommendation.
- 2.11.6.1 the relevant NHS body or the relevant health service provider must notify the Health (Overview and Scrutiny) Committee of the disagreement

- 2.11.6.2 the relevant NHS body or relevant health service provider and the Health (Overview and Scrutiny) Committee must take such step as are reasonably practicable to try to reach agreement in relation to the subject at the recommendation
- 2.11.7 When the Health (Overview and Scrutiny) Committee has not commented or when it has commented but its comments do not contain a recommendation the Health (Overview and Scrutiny) Committee must inform the relevant NHS body or the relevant health service provider whether or not it intends to report the matter to the Secretary of State and if applicable the date by which it proposes to make the report or the date by which it proposes to make a decision as to whether to report the proposal to the Secretary of State.
- 2.11.8 Subject to Paragraph 2.11.9 the Health (Overview and Scrutiny) Committee may report to the Secretary of State in writing when :
- 2.11.8.1 the Health (Overview and Scrutiny) Committee is not satisfied that that consultation on a proposal has been adequate in relation to the content or time allowed
 - 2.11.8.2 in a case where Paragraph 2.11.4 applies the Health (Overview and Scrutiny) Committee is not satisfied that the reasons given are adequate
 - 2.11.8.3 the Health (Overview and Scrutiny) Committee considers that the proposal would not be in the interests of the health service in Hampshire
- 2.11.9 The Health (Overview and Scrutiny) Committee may not make a report to the Secretary of State unless the Health (Overview and Scrutiny) Committee is satisfied that :
- 2.11.9.1 the steps specified in Paragraph 2.11.6.1 and 2.11.6.2 have been taken but agreement has not been reached in a reasonable time
 - 2.11.9.2 the relevant NHS body or relevant health service provider has failed to comply with its duty under Paragraph 2.11.6.2 within a reasonable time
 - 2.11.9.3 in a case where Paragraph 2.11.7 applies unless the Health (Overview and Scrutiny) Committee has complied with its duty under Paragraph 2.11.7 and that
 - 2.11.9.4 it has obtained the agreement of the County Council to the making of the report to the Secretary of State
- 2.11.10 A report made under Paragraph 2.11.8 must include

- 2.11.10.1 an explanation of the proposal to which the report relates
 - 2.11.10.2 the reason why the Health (Overview and Scrutiny) Committee believes the consultation to have been inadequate or the reasons why the Health (Overview and Scrutiny) Committee does not agree that the proposal should be implemented without consultation
 - 2.11.10.3 in the case of a report under Paragraph 2.11.8.3 a summary of the evidence considered including evidence of the effect or potential effect of the proposal on the sustainability or otherwise of the health service in Hampshire
 - 2.11.10.4 an explanation of the steps the Health (Overview and Scrutiny) Committee has taken to try to reach agreement with the relevant NHS body or relevant Health service provider in relation to the proposal
 - 2.11.10.5 in a case falling within Paragraph 2.11.6 evidence to demonstrate that the Health (Overview and Scrutiny) Committee has complied with the conditions in Paragraph 2.11.9
 - 2.11.10.6 an explanation of the reasons for the making of the report
 - 2.11.10.7 any evidence in support of those reasons
- 2.11.11. A relevant NHS body or relevant health service provider undertaking a consultation should be prepared to attend the Health (Overview and Scrutiny) Committee, if so requested, to explain the rationale behind the proposals and the options for change being considered.

2.12 Members, Officers and NHS bodies attendance at the Health (Overview and Scrutiny) Committee

- 2.12.1 The Health (Overview and Scrutiny Committee) may scrutinise and review decisions made or actions taken in connection with the discharge of any County Council functions within its terms of reference. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any member of the Executive, the Chief Executive, and/or any other senior officer to attend before it to explain, or give evidence, in relation to matters within their remit and it is the duty of those persons to attend if so required;
- 2.12.2 Where any member or officer is required to attend a Health (Overview and Scrutiny) Committee or working group under this provision, they shall be given reasonable notice of the meeting they are required to attend. The notice will state the nature of the matter on which they will be asked to explain or answer, and they will also be given notice of whether any

papers are required to be produced. Where attendance is likely to require the production of a report, the member or officer concerned will be given sufficient notice to allow for preparation of that documentation.

2.12.3 The Health (Overview and Scrutiny) Committee may require the attendance of an officer from a relevant NHS Body or relevant health service provider to answer question the relevant Body or relevant health service provider are under a duty to comply with such a request. Any request for an officer from a relevant NHS Body or relevant health service provider to attend must make clear the nature of the information requested, its relevance to its review, and must give the officer requested to attend reasonable notice.