

Health Overview and Scrutiny Committee
30 July 2013

**Role of Scrutiny and
Introduction to Health
Scrutiny at the County
Council**

Background to Scrutiny

- Formal scrutiny introduced as part of the move to Executive Arrangements following the Local Government Act 2000
- Authorities operating Executive Arrangements must have at least one Scrutiny Committee

Background to Health Scrutiny

- Health and Social Care Act 2001 introduced health scrutiny, as well as powers in relation to the NHS for any Local Authority with an Adult Services function.
- NHS Act 2006 embedded duty for NHS to engage and consult with local population, and made health scrutiny a statutory consultee where there is substantial variation
- H&SC Act 2012 extended powers to any provider of NHS services.

Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013

- Provided additional responsibilities for health service providers and health scrutiny
- Publication of timescales for substantial variations
- Sustainability must form part of considerations
- Joint scrutiny formalised

Role and purpose of Health Scrutiny – Terms of Reference

- To be a formal consultee in any proposal the NHS or provider of an NHS service may have under consideration which may be considered 'substantial'.
- To make recommendations to the NHS, providers of NHS services, Executive or to the County Council arising from the scrutiny process
- To conduct research and analysis of policy issues
- To hold the Executive and the Council to account (public health)

Examples of 'Substantial Variation'

Substantial variation not defined in legislation so examples taken from case law:

- Relocation of patients from one hospital to another where a hospital or ward is closing
 - A 'temporary' ward or hospital closure that becomes permanent
 - The removal of a service from a local community
- Overarching test- what does it look like from the patients point of view?

Scrutiny of Health Services

- The HOSC's role in process is to decide if change is substantial, and if so:
 - Ensure Trust has engaged and involved stakeholders in relation to changes; and,
 - Ensure that the changes proposed are in the interest of the population served.
- Proposals must be based on evidence and need, and informed by service users and carers
- Health service must be able to demonstrate improvements for service users, and show that proposals will not impact on wider stakeholders or service users



How to determine if in 'best interest'

'4 tests' of Secretary of State supports approach

- a) Informed by appropriate engagement and involvement
- b) Commissioners support the change
- c) Strength of clinical evidence and the support of senior clinicians whose services will be affected
- d) How service change affects choice for patients

- Have framework used by health services

Power of Health Scrutiny

Able to refer health service to the Secretary of State for Health if Committee agrees the following in relation to a substantial change in service:

- Timing/content/scope of consultation not adequate
- Reasons for NOT consulting not adequate
- Proposed change is not in the interests of health services in the area
 - Any referral should set out evidence and demonstrate local resolution sought
 - Any referral must be agreed by Full Council

Typical timeline of Substantial Variation

- Proposer of variation and commissioner (if not the same) attend to present proposals – HOSC determine if substantial change
- HOSC monitors and makes recommendations on consultation / engagement, feedback received to formal meeting
- HOSC determines if referral to SoS is appropriate
- May decide to hold working group in between to invite and examine evidence
- Other stakeholders involved – HWBB, Healthwatch, NHS Boards, Adult Services, etc.

Policy Development

Key work stream is to review and make recommendations either to the Executive or to the Full Council to assist in the development of future policies and strategies

Policy Review/Development

Policy Development

- Contribute to development of new or improved council policies and strategies (possibly using in-depth reviews)
- Proactive where there may be gaps

Policy/Strategy Review

- Reviewing existing policy, to consider:
 - Do we have a clear and up to date approach?
 - Is it the right approach?
 - Are policies coherent and joined up?
 - Are the policies effective when put into action - is it working? Are they delivering what was intended?

Holding the Executive and the Council to Account

- Scrutinising decisions which the Executive is planning to take (Pre-scrutiny)
- Scrutinising Executive decisions that have been taken before they are implemented (Call-in)
- Scrutinising Executive decisions after they have been implemented, whether shortly afterwards or as part of a wider review of policy to measure their effect



Scrutiny of Decisions

- Issues to consider when scrutinising decisions:
 - Are decisions evidence based?
 - Has appropriate consultation been undertaken?
 - Do decisions reflect the County Council's priorities?
 - Have alternative options been considered?

Call-in

- Only applies where a decision has been made but not yet implemented
- Can only be done within 5 working days of the date members have been notified of the decision
- A quorum of members can call a meeting of a select committee to consider an executive decision. The Committee must meet within 14 days of the of meeting being called

Call in options

The Committee must decide whether or not to recommend

- That the decision be reconsidered by the relevant decision maker
- Where the decision is not in line with the Policy or Budget Framework that the County Council should take that decision

Effect of call-in

- Any decision which is not in line with the Policy or Budget Framework cannot be implemented until the call in has been disposed of
- Urgent Key Decisions cannot be called in although they can still be scrutinised by the committee

Items for the Agenda

- Agenda mostly driven by inquiries from stakeholders and proposals or developments from health service providers and commissioners.
- Members of the Committee can suggest items for the agenda of the next meeting of the committee on policy review or an inquiry regarding a health service
- Any member can refer a matter to a committee provided it is relevant to the function of that committee
- The Executive or the County Council may request that a committee considers a matter referred by them

In-depth Reviews

- Review group established to investigate an issue outside of the formal committee meetings
- Topic scoped to identify key lines of enquiry, relevant stakeholders, timetable for undertaking etc
- Terms of Reference to Policy & Resources Select Committee for approval
- Review group considers written and oral evidence, analyses, culminates in a written report presenting the evidence and recommendations e.g: Falls Prevention, Services for Children with SEN, Fluoridation.

Light Touch Reviews/Working Groups

- Topics that do not require 'in-depth' treatment, or evidence review prior to decision by the HOSC.
- Group of Members identified to meet outside of the formal meetings. May co-opt experts or local members.
- Aims and timescale scoped, meetings held with relevant officers to discuss, culminates in summary of findings and recommendations where relevant.
- Examples in recent years include working groups on Adult Mental Health and Oak Park Community Clinic.

What will success look like?

- Scrutiny function is Member led, taking into account NHS timescales
- Issues locally resolved and good partnership working demonstrated
- Work programme is realistic, flexible and focused
- Topics are prioritised appropriately and timely in relation to service change
- Any reviews well scoped and project managed to ensure they are timely and improvement focused
- Time and resources appropriately focused



Conclusion

- Role of health scrutiny is threefold:
 - Scrutinising substantial change
 - Policy review and development
 - Holding the Executive to account
- Health scrutiny has power to refer, but local resolution preferred
- Important that responsibilities of other organisations and Committees are taken into account

Role of Scrutiny

Any Questions?



Hampshire
County Council