



Joint East Midlands Health Overview and Scrutiny Committee

RECOMMENDATION

- 1.1 To approve the appointment of a Joint East Midlands Health Overview and Scrutiny Committee
- 1.2 To appoint the chair and vice chair of the Adult Services and Health Commission to the Joint East Midlands Health Overview and Scrutiny Committee
- 1.3 To authorise the Adult Services and Health Commission to approve the protocols governing the workings of the Joint Committee

SUPPORTING INFORMATION

- 2.1 NHS health bodies have a duty to consult their local overview and scrutiny committees on any proposals they may have under consideration for substantial development and or variation in service. Under a Local Authority Directive issued by the Secretary of State for Health in 2003, where an NHS body consults more than one committee then the local authorities of those committees are required to appoint a joint overview and scrutiny committee. Only the joint committee may :
 - (a) make comments on the proposal consulted on to the local NHS body under regulation 4(4) of the Regulations;
 - (b) require the local NHS body to provide information about the proposal under regulation 5 of the Regulations; or
 - (c) require an officer of the local NHS body to attend before it under regulation 6 of the regulations; or
 - (d) Refer an issue of concern to the Secretary of State for Health for further consideration.
- 2.2 It is envisaged that health scrutiny committees will be consulted on proposals for substantial developments or variations in health services across the region over the coming months such as those work streams coming out of the Darzi Review, 'Our NHS Our Future' and/ or the Commissioning Specialised Services (broadly defined as those with low patient numbers but which need a critical mass of patients to make treatment centres cost effective).
- 2.3 The standard consultation period for consultation on substantial variations usually runs for three months. However past experience shows that it can take a considerable amount of time to establish a joint committee, not least because of

differing Council meetings cycle but also approving protocols. This time could be usefully spent in undertaking research and evaluating the proposals.

- 2.4 A steering group of members and officers of local authorities in the East Midlands with health scrutiny responsibilities has been meeting to develop a framework for a Joint East Midlands Health Overview and Scrutiny Committee to respond to future proposals for substantial variations or developments. The proposed Joint Committee will act as statutory consultee for consultation on substantial variations/ development in the area covered by the local authorities of Derby, Derbyshire, Leicester, Leicestershire, Lincolnshire, Northamptonshire, Nottingham, Nottinghamshire and Rutland. It is important to note that establishing a joint committee will not prevent our Adult Services and Health Commission from considering and responding to substantial variations/ developments within the city boundaries.
- 2.5 So far Derbyshire, Lincolnshire, Northamptonshire, Nottingham and Nottinghamshire have all taken reports to their respective committees to establish the Joint Committee and have appointed two members each to the Committee. However Leicester, Leicestershire and Rutland are opposed to establishing the Joint Committee as they feel it will consume too much member and officer time.
- 2.6 The Joint Committee will only be convened when a NHS health body consults more than one Committee. The Committee will determine whether the proposal is substantial and whether it affects the region. A protocol on how the committee will function is being developed by the steering group and will be agreed by the Joint Committee at its inaugural meeting.
- 2.7 The power to scrutinise NHS health services is exercisable only by overview and scrutiny committees of local authorities that have social services responsibilities. The Local Government Act 2000 and associated regulations enable local authorities to make use of joint arrangements with other authorities. Under our Constitution the responsibility for establishing joint committees rests with the full council.
- 2.8 The Council is requested to approve the proposal to establish a Joint East Midlands Health Scrutiny Committee, to authorise the Adult Services and Health Commission to approve the final protocol and to appoint two members, the chair and vice chair, from the Adult Services and Health Commission to the Joint Committee.

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List of appendices:	None
	Appendix 1 - Implications
	Appendix 2 - Joint East Midlands Health Scrutiny Committee protocols

IMPLICATIONS

Financial

- 1.1 There are likely to be some costs associated with our involvement in the Joint Regional Health Overview and Scrutiny such as travel and subsistence allowances. These can be met from existing budgets.

Legal

- 2.1 The Health and Social Care Act 2001 provides overview and scrutiny committees the power to review any matter relating to the planning, provision and operation of health services within their area.
- 2.2 Section 4 of the Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002 requires NHS health bodies to consult local overview and scrutiny committee on proposals for substantial development.
- 2.3 A Local Authority Directive was issued by the Secretary of State for Health on 17 July 2003 requiring authorities to appoint joint overview and scrutiny committees for the purposes of consultation on proposals for substantial developments or variations in health services where more than one authority was consulted by an NHS health body.

Personnel

- 3.1 None.

Equalities Impact

- 4.1 None.

Corporate Objectives and Priorities for Change

- 5.1 The proposal meets the Corporate Objectives of **Helping us to be Healthy, Active and independent.**