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## Health Scrutiny Committee

6<sup>th</sup> October 2008

Report of the Head of Civic, Democratic and Legal Services

## Protocol for the Yorkshire and Humber Councils Joint Health Scrutiny Committee

### Summary

1. The purpose of this report is to present Members with the draft protocol for the Yorkshire and Humber Councils Joint Health Scrutiny Committee (attached at Annex A to the report). Members will need to investigate whether they wish to adopt this or not.

### Background

2. The Centre for Public Scrutiny (CfPS) in its publication entitled 'Joint Health Scrutiny Committees – A Practical Guide' (the full version of this is available on CfPS website) states that:

'It is important that Health Overview and Scrutiny Committees work together to bring the views of their communities into the processes for planning and delivering health services and to work in partnership with the NHS to discuss plans for 'substantial' changes at an early stage. It is likely that all Health Overview and Scrutiny Committees and NHS bodies will, sooner or later, be involved with a Joint Health Overview and Scrutiny Committee and it is crucial that everyone considers how to make joint health scrutiny arrangements work.'

In July 2003 the Secretary of State for Health issued a Direction about situations where Health Overview and Scrutiny Committees are required to establish a joint committee. In cases where an NHS body consults more than one Health and Overview and Scrutiny Committee (because its proposals affect the residents of each of their areas) those health Overview and Scrutiny Committees that consider the proposals to be 'substantial' are required to form a joint committee.'

While most health scrutiny reviews focus on local services and the health of local communities, Health Overview and Scrutiny Committees can join together to carry out health scrutiny reviews or consider health issues that cross boundaries.

3. The protocol has been developed as a framework for carrying out scrutiny of regional and specialist health services that impact upon residents across

Yorkshire and the Humber under powers for Local Authorities to scrutinise the NHS contained in the Health and Social Care Act 2001.

4. It is proposed that the regional health scrutiny protocol will replace existing sub-regional protocols. The protocol has been jointly drafted by scrutiny officers from across the region and is currently being presented for adoption to the 15 Local Authorities that it affects.

### **Potential Impact**

5. Particularly with the advent of 'Choose and Book', health services are now provided to patients living in an increasingly wider geographical area. A proposed service change could easily affect patients from an area that spans two or more local authorities that are not in the same sub-region.
6. To address these issues the Regional Health Scrutiny Network has drafted a protocol (Annex A) that suggests how the 15 Local Authorities in the Yorkshire and Humber region could undertake scrutiny work together. It provides a framework for any number of authorities (from 2 to 15) to meet, investigate any issues and make recommendations, taking the best elements from all the sub-regional protocols that are currently in existence. As of August 2008, 7 of the 15 Local Authorities had adopted the protocol.

### **Consultation**

7. The Regional Health Scrutiny Network has consulted the individual Local Authorities through their contact Scrutiny Officers to ensure all authorities in region have the opportunity to consider adopting the proposed protocol.
8. The Chair of the Health Scrutiny Committee has had sight of the draft protocol and he can see no reason not to adopt it.

### **Options**

9. Members have the following options:
  - Option 1** Adopt the Protocol for the Yorkshire and the Humber Councils Joint Health Scrutiny Committee.
  - Option 2** Do not adopt the Protocol

### **Analysis**

10. Adopting the regional protocol will allow City of York Council to clarify its part in scrutinising health services which could affect York residents, but are not necessarily provided within an NHS Trust within the Council's boundaries.
11. There are two grounds on which Health Overview and Scrutiny Committees may come together to work jointly on issues affecting local services:

- a. **Discretionary Joint Health Overview & Scrutiny Committees** – While most health scrutiny reviews focus on local services and the health of local communities, Health Overview and Scrutiny Committees may choose to join together to carry out health scrutiny reviews or consider health issues that cross boundaries.
- b. **Statutory Joint Health Overview & Scrutiny Committees** – Health Overview and Scrutiny Committees are required under a Direction from the Secretary of State issued in July 2003 to establish a Joint Health Overview and Scrutiny Committee to consider and respond to proposals for developments or variations in health services that affect more than one local authority area and that are considered ‘substantial’ by the Health Overview and Scrutiny Committees for the areas affected by the proposals. (Points a and b are taken from ‘Joint Health Scrutiny Committees – A Practical Guide’.) as referred to in paragraph 2 of this report.

## **Corporate Strategy 2007-2011**

12. The proposals in this report affect the following corporate priority for improvement:

‘Improve the health and lifestyles of the people who live in York, in particular among groups whose levels of health are the poorest.’

## **Implications**

13. **Financial** – There are no direct financial implications from this report. Any administrative costs arising from regional health scrutiny work would be either met by the host organisation or, if more substantial, be shared between those authorities that are working on that particular investigation. Arrangements and terms of reference would need to be agreed between relevant authorities if a joint review took place under the protocol.
14. **Human Resources** – There are no known Human Resources implications associated with this report. However if York became a lead authority as part of a joint review under the protocol, scrutiny administrative support would need to be identified.
15. **Legal** – Constitutionally the Health Scrutiny Committee has the power to establish Joint Committees with other Local Authorities to undertake overview and scrutiny of health services. They also have the authority to delegate functions of overview and scrutiny of health to another Local Authority Committee.
16. There are no known Equalities, Crime and Disorder, Information Technology or Property implications.

## Risk Management

17. In compliance with the Council's risk management strategy there are no known risks associated with the recommendations in this report.
18. If City of York Council does not adopt the protocol it will not affect this Council's Health Scrutiny Committee's right to be legally consulted on health service changes which may affect residents in the area. However, not adopting the protocol could potentially create a risk in that the authority would not be party to any established formal process for participating in joint reviews.

## Recommendations

19. Members are asked to consider adopting the protocol for the Yorkshire and Humber Council's Joint Health Scrutiny Committee.

Reason: To ensure Members can fully take part in necessary health consultation.

## Contact Details

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Report Approved

Date 10.09.2008

**Specialist Implications Officer(s)** None

**Wards Affected:**

All

For further information please contact the author of the report

## Background Papers:

Joint Health Scrutiny Committees – A Practical Guide

## Annexes

Annex A – Draft Protocol for the Yorkshire and Humber Councils Joint Health Scrutiny Committee.