

## **Local Authority Health Scrutiny: Proposals for Consultation**

### **Summary**

1. This report asks Members to consider and comment upon the consultation document at **Annex A** to this report and the draft proposed response at **Annex B** to this report.

### **Background**

2. The Health and Social Care Act 2012 made changes to the regulation making powers in the 2006 Act around health scrutiny. In future, regulations will:
  - a. 'Confer health scrutiny functions on the local authority itself, rather than on an overview and scrutiny committee specifically. This will give local authorities greater flexibility and freedom over the way they exercise these functions in future, in line with the localism agenda. Local authorities will no longer be obliged to have an overview and scrutiny committee through which to discharge their health scrutiny functions, but will be able to discharge these functions in different ways through suitable alternative arrangements, including through overview and scrutiny committees. It will be for the full council of each local authority to determine which arrangement is adopted;
  - b. Extend the scope of health scrutiny to 'relevant NHS bodies' and 'relevant health service providers'. This includes the NHS Commissioning Board, Clinical Commissioning Groups (CCGs) and providers of NHS and public health services commissioned by the NHS Commissioning Board, CCGs and the local authority, including independent sector providers.'

3. The above changes were consulted on as the Act was going through its various parliamentary stages. The attached consultation document does not further consult on these changes.

#### The Consultation Document

4. The document attached at **Annex A** to this report sets out the Government's further proposed changes to health scrutiny in local authorities and asks for comments on a number of proposals around changes to the current position on service reconfiguration and referrals to the Secretary of State, namely:
  - i. requiring local authorities to publish a timescale for making a decision on whether a proposal will be referred
  - ii. requiring local authorities to take account of financial consideration when considering a referral
  - iii. introducing a new intermediate referral stage for referral to the NHS Commissioning Board for some service reconfigurations
  - iv. requiring the full council of a local authority to discharge the function of making a referral to the Secretary of State for Health
5. In addition to this the consultation asks:

'Do you agree that the formation of joint overview and scrutiny arrangements should be incorporated into regulations for substantial service developments or variations where more than one local authority is consulted? If not, why not?'
6. Current regulations enable joint scrutiny arrangements for consultations on substantial developments or variations to health services but do not require them to be formed. Where an NHS body is carrying out a consultation across boundaries, current directions require the local authorities to form a joint HOSC as the body that will undertake the health scrutiny function. The Government is proposing to incorporate this requirement into regulations. It asks whether respondents agree with this proposal and if not, why not.

#### **Consultation**

7. This is a national consultation being run by the Department of Health. It is open to all who want to respond and the closing date is 7<sup>th</sup> September 2012. However, the Health Overview and Scrutiny Committee have been granted an extension until 14<sup>th</sup> September 2012.

## **Options**

8. There are no direct options associated with this report. Members are asked to consider the draft response at **Annex B** to this report and make any amendments or additions they would like to see prior to this being formally submitted to the Department of Health.

## **Analysis**

9. The draft response is set out at **Annex B** to this report. Members are asked to highlight any amendments/additions to the response that they may wish to make prior to it being formally submitted.

## **Council Plan 2011-2015**

10. This is a national consultation and is not directly linked with the themes that run through the Council Plan.

## **Implications**

11. There are no known implications associated with the recommendations in this report.

## **Risk Management**

12. There are no known risks associated with the recommendations in this report. However, there is a risk that the voice of the Health OSC will not be heard if they do not respond to this consultation.

## **Recommendations**

13. Members are asked to consider the draft response at **Annex B** to this report and highlight any amendments/additions they may wish to make.

Reason: To respond to the national consultation on Local Authority Health Scrutiny.

## Contact Details

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Report  
Approved



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**Specialist Implications Officer(s)** None

**Wards Affected:**

All



**For further information please contact the author of the report**

**Background Papers:**

None

### Annexes

**Annex A** Consultation Document

**Annex B** Proposed Response