

Draft Template Report

Report: Joint Health Scrutiny Arrangements and Healthier Together
Report of: Chief Executive and Borough Solicitor
Report to: Council
Date: 28th May, 2014
Contact: Andrew Burridge, Policy Manager (Greater Manchester Integrated Support Team, a.burridge@agma.gov.uk, Tel: 0161 234 3284

1. Summary

- 1.1 Greater Manchester local authorities previously agreed to set up a Joint Health Scrutiny Panel for the purposes of scrutinising the NHS in Greater Manchester.
- 1.2 The NHS in Greater Manchester plan to launch a formal consultation on Healthier Together, a major programme of health service reform. Under the Health Scrutiny Regulations the affected local authorities are required to appoint a Joint Scrutiny Committee for the purposes of responding to the Healthier Together consultation. This report recommends that the existing Greater Manchester Joint Health Scrutiny Panel be formally appointed as the Joint Scrutiny Committee for the purposes of the Healthier Together consultation.
- 1.3 A review of the existing Panel's Terms of Reference has been carried out to ensure that they are fit for purpose. In addition to responding to the formal consultation requirements of Healthier Together, it is proposed to refresh the Terms of Reference to bring these up to date, reflecting the changing structure of the NHS and scrutiny requirements.
- 1.4 The revised Terms of Reference suggest renaming the existing Panel as the Greater Manchester Joint Health Scrutiny Committee. This more accurately reflects the status of the scrutiny committee (as defined at Regulation 30 of The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 ("the Health Scrutiny Regulations")) and the language used by members and the NHS in GM.
- 1.5 Any joint health scrutiny committee is not a Committee of the GM Combined Authority or the AGMA Executive, and therefore decisions about the Joint Scrutiny arrangements need to be taken by the individual local authorities.
- 1.6 **The Council is invited to:**
 - **Approve the revised Terms of Reference and the renaming of the Greater Manchester Joint Health Scrutiny Panel to the Greater Manchester Joint Health Scrutiny Committee.**
 - **Approve the Greater Manchester Joint Health Scrutiny Committee for the purposes of the Healthier Together consultation.**

2. Current Joint Health Scrutiny arrangements

- 2.1 Greater Manchester local authorities previously agreed to constitute a Joint Health Scrutiny Panel for the purposes of undertaking all the necessary functions of health scrutiny¹. The rationale for a standing Greater Manchester Health Scrutiny Panel is based upon:
- A coherent Greater Manchester health economy which increases the likelihood of GM-wide service change.
 - The need to develop collective understanding of health issues amongst the membership of the Panel, and to build relationships with the NHS in Greater Manchester so that an open and partnership based approach to scrutiny can be maintained.
 - The opportunity to provide an advisory group for the NHS which can help determine which service changes should be considered substantial and proceed to formal consultation.

3. Healthier Together

- 3.1 For the purposes of the Healthier Together NHS consultation Greater Manchester councils are required by the Health Scrutiny Regulations to appoint a Joint Scrutiny Committee for the purposes of the consultation. The Joint Scrutiny Committee will be the body that acts as the formal consultee and has the power to refer the proposals to the Secretary of State.
- 3.2 The Health Scrutiny Regulations set out the responsibilities upon the NHS in relation to consultation with local authorities:
- In summary, where a “responsible person” (which in the case of the Healthier Together Consultation is the Committees in Common (CiC) of the Association of Greater Manchester Clinical Commissioning Groups) has under consideration any proposal for a “substantial development of the health service in the area of a local authority”, or for “a substantial variation in the provision of such service” the person must consult the authority.
 - The affected authority may report to the Secretary of State in writing where it is not satisfied that consultation on the proposal i) has been adequate, or ii) if it feels that the proposal would not be in the best interests of the health service in its area.
 - Where a responsible person is required to consult more than one local authority, the Health Scrutiny Regulations require that those local authorities *must* appoint a joint overview and scrutiny committee for the purposes of the consultation. The NHS has taken legal advice and confirmed that only Greater Manchester local authorities will be affected by Healthier Together proposals for the purposes of this consultation.
- 3.3 Greater Manchester local authorities should be aware that under the Health Scrutiny Regulations *only* the joint scrutiny committee may make comments on the Healthier Together proposals, request provision of information, and request members or

¹ In accordance with the Health and Social Care Act 2001 relating to reviewing and scrutinising health services matters where these are at a Greater Manchester level, and to provide a body to which Health Services Providers have a duty to consult under the Local Health Regulations 2013.

employees of the responsible person to attend it to answer questions. It should be stressed that NHS colleagues supporting Healthier Together have committed to engaging local Health Scrutiny Committees throughout the process (although these Committees will not have the *powers* to request attendance or information, or to refer the consultation to the Secretary of State).

- 3.4 It is proposed that the existing GM Health Scrutiny Panel be formally appointed as the Joint Scrutiny Committee for the purposes of the Healthier Together consultation.
- 3.5 The current GM Health Scrutiny Panel has received updates on Healthier Together within regular briefings on issues of strategic importance to the NHS. Meetings of the GM Health Scrutiny Panel were held on 9 April and 14 May prior to the Healthier Together consultation. This enabled the NHS to test its consultation process with the Scrutiny Panel – which is part of the NHS-required assurance.

4. Terms of Reference

- 4.1 The existing Terms of Reference of the Panel are out of date and need to be updated. This requires the agreement of the ten Greater Manchester local authorities. The revised Terms of Reference are set out at Appendix A.
- 4.2 Key features include:
 - Amending the name of the Panel to a Committee. This more accurately reflects this body's status as a Joint Committee.
 - Updating the relevant organisations to include Clinical Commissioning Groups and NHS England.
 - Protocols which describe how the Committee will seek to behave in discharging its duties and expectations upon NHS partners.

5. Recommendations

- 5.1 **The Council is requested to:**
 - **Approve the revised Terms of Reference and the renaming of the Greater Manchester Joint Health Scrutiny Panel to the Greater Manchester Joint Health Scrutiny Committee**
 - **Approve the Greater Manchester Joint Health Scrutiny Committee for the purposes of the Healthier Together consultation.**
- 5.2 Nominations to the Greater Manchester Joint Health Scrutiny Committee will be made through the annual local district nomination process to Greater Manchester meetings. Membership will be reported at the AGMA Executive Board AGM in June 2014.

Appendix A: Terms of Reference and Protocols for Working



TERMS OF REFERENCE AND PROTOCOLS FOR WORKING

GM JOINT HEALTH SCRUTINY COMMITTEE

MAY 2014

Terms of Reference

These reviewed arrangements take into account the extended role for Health Scrutiny as detailed in the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 (“the Local Health Scrutiny Regulations”).

Membership

The membership of the GM Joint Health Scrutiny Committee will be nominated by the ten Greater Manchester local authorities. Each local authority will nominate one non-Executive/Cabinet member. Where possible, members will be drawn from the individual local Scrutiny Panels/Committees that have responsibility for scrutinising Health and Social Care issues within their area.

Officers of Individual District Health Scrutiny Panels/Committees are invited to attend to support and advise Members from their local authority on Health Scrutiny Issues and will have access to all agendas, briefing notes and minutes.

Substitutes will be allowed but will need to be non-Executive/Cabinet members of the respective local authority.

Role

The GM Joint Health Scrutiny Committee has the delegated powers from the 10 Authorities of Greater Manchester (Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Stockport, Tameside, Trafford and Wigan) to undertake all the necessary functions of health scrutiny in accordance with the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 (“the Local Health Scrutiny Regulations”), relating to reviewing and scrutinising health services matters where these are at a Greater Manchester level, and to provide a body to which Health Services Providers have a duty to consult under the Local Health Scrutiny Regulations.

The Committee will scrutinise:

1. The strategies, policies, actions and consultations of:
 - NHS England Greater Manchester Local Area Team

- The joint work of the Greater Manchester Clinical Commissioning Groups (the Association of GM CCGs)
 - Public Health England (Greater Manchester)
 - Local Authorities across Greater Manchester regarding their role as providers and commissioners of social care, and as public health agencies.
 - All other cross-boundary NHS services i.e. North West Ambulance Service, Christies, Specialist Children's Services provided by the Royal Manchester Children's Hospital
2. Services provided to patients living and working across Greater Manchester
 3. Specific health issues that cut across geographical boundaries
 4. Individual authorities will reserve the right to undertake scrutiny of any of those authorities listed above with regard to matters relating specifically to their local population

Objectives

1. To ensure that the needs of local people are considered as an integral part of the delivery and development of health services; and to contribute to the reduction of health inequalities by ensuring that services are accessible to all local people.
2. To review proposals for consideration or items relating to proposed substantial developments/substantial variations to services provided across Greater Manchester by NHS organisations, including;
 - Changes in accessibility of services
 - Impact of proposal on the wider community
 - Patients affected
3. To engage pro-actively with the GM Health and Social Care Reform Programme as it develops.
4. To keep abreast of organisational changes and key policy implementation within the NHS.
5. To bring together the responsibilities of local authorities to promote health service provision, delivery and accessibility within the remit of the Health Scrutiny function.

Support

Officers from the Greater Manchester Integrated Support Team (GMIST) will provide policy and administrative support to the Panel.

Protocols For Working

The Protocol for the GM Joint Health Scrutiny Committee has been produced between the AGMA Authorities and the CCGs, NHS England, and NHS Trusts servicing the whole of Greater Manchester. The Protocols have been produced to provide a framework for scrutiny to take place.

1. Membership

The GM Joint Health Scrutiny Committee has the delegated powers from the 10 Authorities of Greater Manchester (Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Stockport, Tameside, Trafford and Wigan).

In addition, as many of the sub-regional issues the Committee considers are also of interest to neighbouring authorities, representatives from surrounding local authorities are invited to attend all meetings if they wish. This role is for information, questions and comments. If a vote is taken only the 10 AGMA authorities have voting rights.

AGMA members may agree to confer full voting rights to some or all “associate members” in relation to specific issue being considered, if it is felt that this issue under consideration cuts across Greater Manchester boundaries. This decision would be at the discretion of Committee Members.

2. Principles of Scrutiny Operation:

The GM Joint Health Scrutiny Committee will be positive, objective and constructive. It will acknowledge good practice and will recommend improvements where they could be of benefit. The GM Joint Health Scrutiny Committee will concentrate on service outcomes and seek to add value to each service that it considers.

The health and well being of Greater Manchester residents is dependant upon many factors including the health services provided in partnership by the CCGs, NHS England, NHS Trusts, voluntary services and services provided by AGMA Authorities. This shared responsibility will be acknowledged by scrutiny and will feature in scrutiny reviews.

The GM Joint Health Scrutiny Committee will only be truly successful if key organisations work and co-operate together in an atmosphere of mutual respect and trust with an understanding and commitment to its aims.

The key organisations involved in health scrutiny must be willing to share information, knowledge and reports which relate to the delivery and success of health services in Greater Manchester and carry out duties that would be reasonably expected of them to enable health scrutiny to be successfully undertaken.

At all times both officers and members of the organisation involved in health scrutiny, patient representatives and members of the public will be treated with respect and courtesy. Matters of confidentiality will be treated with respect.

The GM Joint Health Scrutiny Committee will be open and transparent. Any person involved in health scrutiny will always declare any personal or other pecuniary interest that they have either in a scrutiny exercise or during a meeting of the Scrutiny Committee in accordance with the Code of Conduct relating to standards of conduct and ethics.

The GM Joint Health Scrutiny Committee whilst working in partnership, is independent of the NHS, the AGMA Executive, District Health Scrutiny Panels and the voluntary and community sector.

The GM Joint Health Scrutiny Committee will be focused on improving services and service provision for the people of Greater Manchester and will concentrate on outputs that are intended to help improve their health.

All dates and times of meetings of the GM Joint Health Scrutiny Committee, agendas, minutes and reports will be circulated to members and Partners in accordance with the Local Government (Access to Information) Act 1985 or subsequent legislation.

CCGs, NHS England, NHS Trusts and other Partners will be consulted on Annual Work Programmes and informed in advance of scrutiny exercises that the GM Joint Health Scrutiny Committee is intending to undertake. Partners will be informed of the scope of all scrutiny exercises and will be given adequate notice of invitations to attend meetings of GM Joint Health Scrutiny Committee and any required information.

The CCGs, NHS England, NHS Trusts and other partners will be consulted on any draft reports before they are published. Final reports will be presented to AGMA Executive, the NHS Trusts, be published on AGMA Website and circulated in accordance with the regulations on health scrutiny.

The GM Joint Health Scrutiny Committee will not be used as a complaint procedure. Case Studies may however be used as part of supporting information for scrutiny exercises.

The CCGs, NHS England, NHS Trusts and partners will be informed of any press releases relating to Health Scrutiny although the GMIST may speak to the press in advance of the meeting to brief them about forthcoming Scrutiny Committee meetings.

The GM Joint Health Scrutiny Committee will at all times comply with the Constitution of AGMA and the GMCA.

3. Expectations upon Greater Manchester CCGs, NHS England and NHS Trusts

The CCGs, NHS England, and NHS Trusts will:

- work in partnership with GM Joint Health Scrutiny Committee to provide objective and effective scrutiny of health services in Greater Manchester and the health of its residents. They will be mindful of their duty to consult on the planning, provision or operation of a health service within Greater Manchester.
- provide information relating to the planning and operation of health services that is required by the Scrutiny Committee so that it can undertake health scrutiny. This includes responses to NHS Plans, proposals and consultations and undertaking health scrutiny reviews. This will not include confidential information that identifies individual people, unless it can be presented in a way in which does not identify individuals or if an individual consents to the information being disclosed.
- provide the GM Joint Health Scrutiny Committee with such information within one month of the receipt of the request.
- respond to health scrutiny reviews within one month of receipt. A copy of such response will be sent to the AGMA Executive and all other organisations involved in the review.

- carry out consultations with the GM Joint Health Scrutiny Committee on plans for substantial developments in services, or substantial variations in service provision.
- work jointly with GM Joint Health Scrutiny Committee to compile annual work programmes for health scrutiny.
- ensure that officers attending Scrutiny Committee meetings are able to answer questions openly and are given appropriate support by their line managers.

4. Number / Time of Meetings and voting

The GM Joint Health Scrutiny Committee will meet on a quarterly basis. Dates of forthcoming meetings will be confirmed at the first meeting of each municipal year. In addition, extra meetings may be scheduled to effectively deliver the work programme for the forthcoming year. There must be five local authorities represented at each meeting in order for it to be quorate.

Voting will be made by a simple majority, the Chair will have the casting vote.

5. Elections of Chairs and Vice-Chairs Scrutiny Meetings

The Chair and Vice Chair of the GM Joint Health Scrutiny Committee will be appointed by the GM Joint Health Scrutiny Committee at its first meeting at the beginning of the Municipal Year, and will serve for a 1 year term.

6. Work Plan

The GM Joint Health Scrutiny Committee will determine in consultation with CCGs, NHS England and NHS Trusts, Partners and the Association of Greater Manchester PCTs, an annual work programme. The GM Joint Health Scrutiny Committee is however responsible for setting its own agenda. CCGs, NHS England, NHS Trusts and Partners may only make recommendations. Also in setting the work programme the GM Joint Health Scrutiny Committee should take into account the wishes of members on that committee who are not members of the largest political group on the Council.

7. Recommendations

Once it has formed recommendations on proposals for development, the GM Joint Health Scrutiny Committee will prepare a formal report and submit it to the appropriate officer for consideration by the CCG, NHS England or NHS Trust.

The CCGs, NHS England and NHS Trusts shall consider the report of the GM Joint Health Scrutiny Committee and make a response to the Scrutiny Committee within one month of it being submitted.