

<b>TITLE OF REPORT:</b>	<b>Establishment of Northumberland, Tyne &amp; Wear &amp; North Durham STP Joint Health Scrutiny Committee</b>
<b>REPORT OF:</b>	<b>Mike Barker, Strategic Director, Corporate Services and Governance Alice Wiseman, Director of Public Health</b>

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### **Summary**

Care, Health and Wellbeing Overview and Scrutiny Committee is asked to endorse the establishment of a Joint Health Overview and Scrutiny Committee under the provisions of the Health and Social Care Act 2012 involving all local authorities affected by the Northumberland, Tyne and Wear and North Durham Sustainability and Transformation Plan and any associated proposals for major service change.

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### **Purpose of Report**

1. The OSC is asked to endorse the establishment of a Joint Health Overview and Scrutiny Committee under the provisions of the Health and Social Care Act 2012 involving all local authorities affected by the Northumberland, Tyne and Wear and North Durham Sustainability and Transformation Plan (STP) and any associated proposals for major service change.

### **Background**

2. In December 2015, the NHS shared planning guidance 2016-17 – 2020/21 outlined a new approach to help ensure that health and care services were built around the needs of local populations. To do this, every health and care system in England, involving local organisations such as NHS providers, commissioners and local authorities, were asked to produce a multi-year Sustainability and Transformation Plan (STP) showing how local services would evolve and become sustainable over the next five years – ultimately delivering the NHS Five Year Forward View vision of better health, better patient care and improved NHS efficiency.
3. The region is covered by two separate STP's. One covering Northumberland, Tyne and Wear and North Durham and a southern STP covering Durham, Darlington, Teeside, Hambleton, Richmondshire and Whitby
4. The two draft STPs were published in November 2016.
5. Currently there is no requirement, under legislation, for local authorities in the above area to establish a Joint OSC to scrutinise the STP, as the STP in its current format does not represent a major service change. However, under the Regulations local authorities can choose to establish a Joint Committee if it is considered that it is the best way of considering how the needs of a local population which happens to cross local authority boundaries are being met.

6. Where proposals represent a major service change to service provision, Overview and Scrutiny has a statutory role in considering whether any proposed developments are in the best interests of the health service in their area (National Health Service Act 2006 as amended by the Health and Social Care Act 2012).
7. Regulations also specify that where a relevant NHS Body or health service provider consults more than one local authority's health scrutiny function about proposals for major service changes there is a requirement for a mandatory joint health scrutiny committee to consider and respond to the consultation ( The Local Authority ( Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.
8. It is considered that in the longer term the issues and challenges set out in the STP are likely to lead to some proposals for major service changes and that some of these proposals for change will cross local authority boundaries from across the patch in some form or other and so warrant a mandated Joint Scrutiny Committee at that time.
9. A Joint Health OSC established initially for the specific purpose of scrutinising matters / major service changes as a result of the Better Health Programme, a major transformation programme to improve the quality of health services across County Durham and Darlington and Tees Valley, has recently had its remit extended to include scrutiny of the STP covering South Durham, Darlington, Teeside, Hambleton, Richmondshire and Whitby.

#### **Establishing a Northumberland, Tyne and Wear and North Durham STP Joint Health OSC**

10. Having regard to the above, local authorities affected by the Northumberland, Tyne and Wear and North Durham STP have provisionally agreed to establish a joint Health OSC to oversee the development of the STP and any associated proposals for substantial variation and development to health services contained therein or resulting therefrom.
11. In accordance with the regulations detailed below, the new Joint Committee will be the vehicle through which the respective local authorities respond to any consultation on the STP or associated proposals for major service changes.
12. It will be the role of the Care, Health and Wellbeing OSC to provide information and representations in respect of any consultation as it impacts on residents of Gateshead, to Gateshead's nominated representatives on the Joint Committee.
13. The protocol and terms of reference for the proposed Joint Committee are attached at Appendix 1 and they set out the role and function of the Joint Committee as well as the proposed representation required from each Council.
14. It is proposed that the Council appoints three representatives to the Joint Committee in line with the rules on political balance.

#### **Provisions for consultation and engagement of scrutiny committees**

15. As indicated in paragraph 7, Regulations require the formation of a joint scrutiny arrangement where an NHS body or relevant health service provider consults more than one local authority on proposals for major service change. The Regulations provide that all local authorities whose residents receive such services must participate in the joint scrutiny arrangement for the purpose of responding to the

consultation, using the method most appropriate to the areas and the issues being considered.

16. A local authority can opt out if, having considered the information provided by the NHS body/relevant health service provider proposing the service change, they determine that the proposal is not “substantial” for their residents. Where a local authority opts out in this way, they will relinquish the power to refer the proposed change to the Secretary of State for the purposes of that particular consultation.
17. Only the Joint Committee may require the organisation proposing the change to provide information to them, or attend before them to answer questions. That organisation has a duty to comply. If the local authority has opted out of the joint arrangements, they may not request information or attendance from the NHS body / relevant service provider proposing the change. Failure to provide information requested by a local authority not participating in the joint scrutiny process does not constitute a failure to consult that authority and is therefore not a valid reason for a referral to be made to the Secretary of State.
18. They may not participate further in the joint scrutiny arrangements, unless changes occur during the development of the proposal that make the impact substantial for residents of the local authority’s area. The local authority in these cases should not expect to revisit any matters that the Joint Committee has already considered.
19. In scrutinising the proposal, the Joint Committee should aim to consider the proposal from the perspectives of all those affected or potentially affected by that proposal.
20. Only the Joint Committee can make a report and recommendations back to the organisation proposing the change.
21. Local authorities forming a Joint Committee can choose to delegate their power of referral to the Secretary of State to a mandatory Joint Committee but they need not do so. If they do not delegate this power then each individual authority retains the right of referral. In the case of the proposed Joint Committee each of the participating local authorities will retain the right of referral to the Secretary of State.

## **Recommendation**

22. Overview and Scrutiny Committee is asked to:
  - i) Comment on the report
  - ii) Endorse the establishment of the Joint Committee, as set out in this report
  - iii) Endorse the proposed protocol and terms of reference of the proposed joint scrutiny committee
  - iv) Refer the report to Council to endorse the establishment of the Joint Committee and appoint three councillors to the Joint Committee in line with the rules on political balance.