

Scrutiny Committee

Our local health Scrutiny protocol



Draft - August 2014

What is Scrutiny?

Scrutiny is all about challenging decision made by the Council and other local organisations, keeping an eye on local issues and reviewing local policies.

In other words, Scrutiny acts like a watchdog for the people of South Ribble. It is about helping the council to work with local people, partners, other businesses and organisations and voluntary and community groups, to improve the quality of life of residents in the borough.

Scrutiny:

Challenges local performance so that we can raise standards, ensuring the services provided meet customers' expectations;

Questions the decisions of the Council's cabinet and other local organisations;

Reviews policies and becomes involved in the development of new policies;

Holds inquiries and reviews services provided by public organisations on issues of public interest or concern e.g. local hospitals, the police, fire service, utility companies etc.

Makes recommendations for action, change and improvement.

Who is Scrutiny?

Scrutiny is made up of twelve members of the Council who are appointed by all members of the council on an annual basis.

How can you get involved?

Local people and organisations have an important part to play in the Scrutiny process. If you use a service it is important that you let your councillors know your views on how it could be improved.

You can do this in a number of ways:

- ▶ Attend meetings
- ▶ Suggest a topic
- ▶ Get involved in a consultation

You could be asked for your views on an issue or be invited to provide specialist knowledge you have by being a witness in a Scrutiny review or by being co-opted onto one of the task groups.

More information?

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Introduction

Local authorities, the NHS and local community organisations have a history of working together to improve outcomes for local people. The health and care reforms introduced new structures and processes and working out how best to bring these together with continuing existing arrangements has been complex. But what remains constant is a shared goal: to improve health, social care and wellbeing outcomes for communities.

Councils with social care functions (top tier councils) can hold health all commissioners and providers of publicly funded healthcare and social care to account for the quality of their services through powers to obtain information, ask questions in public and make recommendations for improvements that have to be considered. The way councils use the powers is commonly known as 'health scrutiny' and forms part of councils' overview and scrutiny arrangements.

Lancashire County Council has the statutory health scrutiny powers. However South Ribble Borough Council's scrutiny committee has a strong track-record of working with partners to improve the health and wellbeing of local residents. Following the implementation of the Health and Social Care Act 2012, South Ribble Scrutiny Committee wanted to agree with partners how they will work together to ensure that the added value that the Borough Council can bring to improving health is not missed.

This simple protocol has been produced to summarise how partners and South Ribble Borough Council Scrutiny Committee will work together, and is based on the diagram in appendix 1 which was produced following a stakeholder event on in April 2014. The meeting discussed how the Borough Council scrutiny committee can add value and contribute to the improvement of health services and outcomes for health. It is the ambition of this protocol that all signatories will have clear and distinct roles.

The protocol provides an overarching framework for joint working; it does not override the statutory duties and powers of any organisation and is not enforceable in law.

This protocol was developed and has been signed by:

- ▶ South Ribble Borough Council Scrutiny Committee
- ▶ Lancashire County Council Health Scrutiny Committee
- ▶ Healthwatch Lancashire
- ▶ Chorley and South Ribble / Greater Preston CCGs
- ▶ Lancashire Care NHS Trust
- ▶ Lancashire Teaching Hospitals NHS Trust
- ▶ Care Quality Commission
- ▶ NHS England - Local Area Team

Key drivers and principles

The key drivers for developing this protocol:

- ▶ Borough council scrutiny reviews have been a helpful platform for developing relationships and better understanding of local health needs and services.
- ▶ Borough councils are closer to communities and well placed to review the wider determinants and their impact on health, understanding of the experience and quality of health services.
- ▶ Scrutiny has been identified as key to building effective relationships – and that it had brought together all health partners to improve knowledge and awareness.
- ▶ The need to align Borough and County Scrutiny – who does what and what can be done best jointly.
- ▶ The need for early involvement of scrutiny in to developments, service and policy design.
- ▶ A desire to formalise a role for Borough Council scrutiny within the health and social care agenda.
- ▶ Improve co-ordination and reduce duplication.
- ▶ Pro-active scrutiny and a thematic approach generates greater awareness of local health needs and can be used to ensure that resources are focused in areas of greatest need.
- ▶ Understand what good or outstanding scrutiny looks like.

The signatories are committed to putting people first and, in ensuring that health and care services meet the needs of the people using the services, we will:

- ▶ Be committed to ensuring the quality of services provided
- ▶ Have open and transparent dealings with each other
- ▶ Work in partnership to improve services
- ▶ Use resources effectively and efficiently
- ▶ Ensure individual activities are complementary and reduce duplication

Ways of Working

Between LCC Scrutiny Committee and South Ribble Borough Council Scrutiny committee

Health scrutiny, by its nature, is extremely complex; with top tier Health Overview and Scrutiny Committees given 'special' powers to hold external bodies within the health service to account. Health scrutiny committees can:

- ▶ Summon officers of health commissioners and providers to committee meetings.
- ▶ Require information from NHS bodies on the planning and provision of health services.
- ▶ Be consulted by health bodies about significant changes to service provision.
- ▶ Report to the Secretary of State for Health where:
 - The committee is concerned that consultation on substantial variations or developments of services has been inadequate.
 - The committee considers that the proposal is not in the interests of the health service.

In Lancashire, the County Council has a Health Overview and Scrutiny Committee to carry out the health scrutiny role set out above. In line with the changes to health arrangements brought about by the Health and Social Care Act 2012, all parties recognise the role borough councils can play in scrutinising and improving the health and wellbeing of South Ribble residents.

It is recognised that whilst a county council has statutory powers to hold all providers and commissioners of health and care services to account- it is a large agenda; and one that can be supported by timely scrutiny by a district council. The table below is based on the diagram in appendix 1 seeks to split responsibilities and tasks by referring to 'strategic and experience'.

Strategic

Fulfilling the County Council's statutory duty to oversee and review strategic plans and decisions.

- (a) County Council - this will be undertaken by the Lancashire County Council Health Scrutiny Committee. The membership of this committee is x County Councillors and 12 District/Borough Councillors (one from each of the District/Borough areas within Lancashire). Resourced by the County Council

Experience

Maximising the unique selling point of a borough councils proximity to communities and the public

(b) Borough Council - this will be undertaken by South Ribble Borough Council Scrutiny Committee and resourced locally.

Lancashire County Council scrutiny	South Ribble Borough Council scrutiny
The development of county-wide strategy	People's experience of local health and care services
The impact of county-wide strategy	The impact of strategy locally – and feed in to county-wide review
The work and impact of the Health and wellbeing Board	Enough focus on Borough within Health and Wellbeing Board, Joint Strategic Needs Assessment, Joint Health and Wellbeing Strategy
The content of the Joint Strategic Needs Assessment and Joint Health and Wellbeing Strategy	The wider determinants of health and their impact on health locally
NHS England (specialised commissioning and primary care)	Thematic reviews
The quality of services – taking the lead in quality accounts but working with or delegating work to the Borough Council	The quality of local services – through a quality account
Public Health	Consistency of good practice across Primary Care
Clinical Commissioning Groups	Local services – reconfiguration
Health service reconfiguration	

Appendix 1 and formulated following the stakeholder event in April 2014

The choice of topics for scrutiny lies with the appropriate Committee, but the planning and co-ordination of scrutiny activity is important to assure the quality of scrutiny activity and to ensure the best use of resources. In order to avoid duplication, the following principles are accepted:

- (a) That the Committees will develop their approach to involving interested stakeholders and the public in the preparation of their annual work programmes, including each other.
- (b) That work programmes have a degree of flexibility to adapt to unforeseen issues arising.
- (c) Where appropriate, a joint meeting between the County Council and South Ribble Borough Council will be held to scrutinise health issues. The agreement to hold joint meetings will lie with the appropriate Chairs - the resourcing of joint work on matters of common interest, including training and development, will be agreed on a case-by-case basis.

When undertaking scrutiny activity, Borough Councillors and County Councillors will be the prime link for keeping each other up-to-date about progress and final recommendations. However, copies of all agendas, reports and minutes of County

Council and Borough Council in relation to health scrutiny will be shared through Scrutiny/Committee officers. It will be the responsibility of the Committee producing/receiving the final report to take follow-up action.

Between health decision makers (HWBB/CCGs) and South Ribble Borough Council Scrutiny Committee

Scrutiny is responsible for ensuring that decisions relating to the planning and delivery of health care are accountable to residents. Whilst the County Council retain the statutory responsibility for holding health bodies to account and are a statutory consultee on proposals for substantial developments or variations to the local health service, the Borough Council can add significant value to this by understanding how services are impacting locally.

The Borough Council Scrutiny also engages actively with service users and the HWBB may wish to refer local issues pertaining to South Ribble to the scrutiny committee in order for those issues to be fully investigated, and to provide recommendations for improvement. Many scrutiny reviews have identified recommendations aimed at reducing health inequalities and it has been demonstrated that NHS commissioners have been able to use the evidence that has been gathered when designing services to provide an extra level of assurance as to the quality of their services. There would be a mutual benefit in the HWBB considering recommendations from South Ribble scrutiny policy reviews.

Therefore decision makers agree to work with South Ribble Borough scrutiny committee on matters concerning the provision of health and care services for the population of South Ribble; and seek to gain their views on local health services.

Relationship between Healthwatch and South Ribble Scrutiny Committee

Health Scrutiny and Healthwatch serve complementary roles in ensuring that health and social care is accountable to, and meets the needs of, local residents. Both Scrutiny (County Council) and Healthwatch have a responsibility to monitor the quality and performance of service provision. Local Healthwatch will be able to alert Healthwatch England to concerns about specific care providers.

Local Healthwatch agree to work with South Ribble Borough Council to assure the quality of services servicing the population of the Borough Council; and also in sharing information on experience to ensure that reviews carried out by the committee are robust and effective.

Relationship between Care Quality Commission, NHS England and South Ribble Scrutiny Committee

CQC and NHS England will work with South Ribble Borough Council Scrutiny Committee to hold providers to account, by exchanging information about local services (particularly care homes, domiciliary care agencies, GP practices and community mental health services)

Information Sharing Arrangement

All parties to this protocol will seek to communicate information with each other in a way that enables each organisation to carry out its functions effectively. Partners to this protocol will reserve the right to define what constitutes relevant information in the context of forward and strategic planning within their own organisation however the basis of this protocol is a presumption that information is to be shared.

In particular parties to this protocol will endeavour to share information pertaining to South Ribble with the South Ribble Scrutiny Committee:

- a) Information relating to circumstances where changes to services are to be made locally.
- b) Local proposals for plans, policies and strategies
- c) Information on progress against improvements and the quality of local services provided
- d) Development of local commissioning intentions
- e) Information of proposed public or user/carer engagement and consultation plans (in accordance with requirements of the Duty to Involve) and, where appropriate, significant local health, wellbeing and social care issues arising from engagement activity.
- f) Draft reports where appropriate in order to ensure accuracy.

Engaging with service users

All parties to this protocol recognise that they have both joint and separate approaches to engaging with service users and members of the public. Wherever possible all parties will ensure that such health, wellbeing and social care engagement activity is jointly planned and co-ordinated, to ensure maximum coverage and capacity, to avoid duplication and 'consultation fatigue' and to ensure appropriate quality and outcomes.

Implementation and Review

The protocol may be amended at any time by agreement between partners. The protocol will be reviewed and evaluated, and where appropriate, the protocol will be updated to take account of any changes to legal responsibilities. The first review of the Protocol will take place in six months.

Appendix 1

Roles Diagram

The diagram attempts to distinguish between what could be perceived as strategic responsibilities to be performed by a county council and those where a borough council can add value and provide

