

TIME LIMITED HEALTH SCRUTINY PANEL DATE: 31 OCTOBER 2005	Agenda Item No.
ARRANGEMENTS FOR SCRUTINISING THE RECONFIGURATION OF HEALTH SERVICE IN WALSALL Ward(s) All	
Portfolios: Councillor A Paul – Health and Social Care Summary of report: <p>On 4 July 2005 the Council resolved to establish a time limited health scrutiny (the panel) to consider proposals for the future delivery of hospital services in the Borough. On consideration of the issue members were aware of the possible need to establish joint scrutiny arrangements with other authorities affected by the proposals and sought further information from officers regarding the possibility of how this could be approached. This report outlines the officer's findings.</p>	
Background papers: None	
Reason for scrutiny: <p>Health Overview and Scrutiny Committees of Social Services authorities are required to fulfil their statutory obligations to establish joint health scrutiny arrangements to consider and respond to proposals for developments or variations in health services that effect more than one local authority area and that are considered 'substantial' by the Health Overview and Scrutiny Committee for the areas affected by the proposals.</p> <p>Recommendations</p> <p>This Panel is recommended to:</p> <ol style="list-style-type: none"> 1. Consider and note the information which has been received from the Black Country Review Implementation Board. 2. Come to a conclusion as to whether the proposals regarding the provision of health services in the Borough are considered to be 'substantial' and therefore warrant the establishment of the joint scrutiny committee. 3. Make appropriate recommendations to Council as to the establishment of a joint scrutiny committee. 	

4. Consider the details of the terms of reference for the Joint Scrutiny Committee set out as **appendix 1** to the report now submitted and to decide whether Council should be requested to:

(a) appoint 4 or more representatives from Walsall to establish a joint scrutiny committee on a politically balanced basis.

or

(b) waive (a) above and choose to have a specific number of representatives from this Authority.

(c) adopt the remainder of the terms of reference for the joint scrutiny committee as set out in the appendix.



Signed:

Executive Director: **Dave Martin**

Date: 25 October 2005

Resource and legal considerations:

The Health and Social Care Act 2001 provides the basis for the establishment of joint scrutiny arrangements if changes to service delivery are considered 'substantial'.

Citizen impact:

Substantial changes to the provision of NHS services will be of interest to all citizens within the Borough. The total inclusion of all the views of residents is therefore paramount.

Environmental impact:

There is no environmental impact for this report.

Performance management:

There are no specific performance management issues relating to this report.

Equality Implications:

There are no equality issues relating to this report.

Consultation:

In this instance the role of scrutiny is to consult with officers from other affected local authorities the Centre for Public Scrutiny and the Black Country Implementation Board and to consider the consultation process and proposals of the NHS Trust in relation to the long term provision of services for the people of Walsall.

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1. Background

- 1.1 Having received initial information from Walsall Teaching Primary Care Trust (tPCT) and the Manor Hospital Trust at the Panel's meeting in August members considered that the suggested proposals may be "substantial" and requested that officers meet with officers from Wolverhampton and Dudley to discuss possible ways forward. An officers meeting was held.
- 1.2 At the last Panel meeting held on 16 September 2005 consideration was given to the preparation of a document setting out the terms of reference for the establishment of a Joint Scrutiny Committee between the Local Authorities likely to be affected by the proposed reconfiguration of health services.
- 1.3 Although the exact details of the proposals and which local authorities are affected was not known the Panel agreed to consider the draft document which had been prepared by officers in respect of the joint scrutiny arrangements in preparation for the publication of the consultation document from the NHS bodies.
- 1.4 Members gave their views on the draft document and requested that officers continue to develop this document for submission to the next meeting.
- 1.5 At the time of writing this report it was not clear when the proposed NHS consultation would be published or which Local Authorities would be consulted. The draft terms of reference however, reflects the views of the Local Authorities who are perceived as likely to be affected by the NHS proposals.

2. Joint Scrutiny arrangements

- 2.1 Officers from Walsall, Wolverhampton, Dudley and Staffordshire met on 5 October 2005 to consider the draft terms of reference which is set out as **appendix 1** to this report. A representative from the Centre for Public Scrutiny (CfPS) was also in attendance in an advisory capacity. The CfPS representative confirmed that no individual Local Authority could influence the representations being put forward from other affected Local Authorities. The Joint Scrutiny Committee would collectively agree on the total membership and how that membership is comprised i.e. either by a political proportionality or by waiving this method in favour of agreeing to a specific number of representatives from each local authority
- 2.2 In preparing the terms of reference officers considered the various comments made by this Authority's Special Health Scrutiny Panel particularly in relation to the overall political balance of the proposed joint committee and the chairmanship.
- 2.3 Other officers present at the joint officers meeting confirmed that their Local Authorities were now in a position to commence with the joint scrutiny process as soon as the details of the proposals were made known by the NHS Body. The proposed makeup of the representatives from the potential participating Local Authorities were indicated at the officers meeting as follows:-

Walsall (proportionally represented)
4 members – 2 conservative, 1 labour and 1 liberal democrat

Wolverhampton (proportionally represented)
4 members – 3 labour, 1 conservative

Dudley (proportionally represented)
4 members - 2 conservatives, 1 labour, 1 liberal democrat

Staffordshire (not politically balanced)
4 members – 3 conservatives, 1 labour

- 2.4 There is scope for this panel to discuss further the maximum number of members it wishes to see sitting on the joint committee. Having looked at other authorities in the country where similar joint scrutiny has already taken place, in particular Bradford and Bedfordshire where up to 6 local authorities have been involved, a total membership of between 15 and 20 had been adopted.
- 2.5 If members wish to keep the proportional representation method of nominating members, the minimum number from this Authority will be 4. The panel could however waive this method and choose to have a specific number of representatives from this Authority.
- 2.6 The panel will need to make recommendations to Council as to the total number of representatives to be appointed by this authority to the joint committee.
- 2.7 Consideration was also given to members suggestions regarding the chairing of the joint committee as set out in the appendix to this report. This issue is still a matter of further consideration by local authorities and will be the subject of discussion at the next meeting of the officers meeting on 2 November 2005.
- 2.8 It has however, been emphasised to other potentially affected Local Authorities that this Council's Special Scrutiny Panel would prefer the position of chair to be on a rotating basis between the two authorities to be mostly affected by the proposals.
- 2.9 Cath Cunningham, a representative of the Black Country Review Implementation Board which is the organisation leading the consultation process has been invited to attend this meeting with a view to advising members of the present position surrounding the proposals and the consultation process. It is hoped that members will be in the position at the end of this meeting to make recommendations to Council at its next meeting on 7 November 2005, as to the substantiality of the proposals and therefore the necessity to establish a joint scrutiny panel.

3. Moving Forward

- 3.1 Statutory Health Overview and the Scrutiny Committees are required under the direction from the Secretary of State issued in July 2003 to consider and respond jointly to proposals for development or variation in health services that affect more than one Local Authority and are considered substantial by

individual Health Overview Scrutiny Committees. As a result of this direction, Local Authorities should make provision in their constitution for joint scrutiny.

- 3.2 Members will also be aware as a result of their involvement in the pending consultation process of the tight deadline involved in establishing a joint scrutiny committee prior to the commencement of the consultation process.
- 3.3 With this in mind members may wish to request that Council consider changes to the constitution to reflect the establishment of future joint scrutiny arrangements as good practice suggests and seek a decision as to whether such authority be delegated to the Health and Social Care Scrutiny and Performance Panel by way of speeding up the process, as part of their existing delegated power to scrutinise the health service or to delegate the powers to another body to be agreed by Council.