Health Scrutiny and Performance Panel **Agenda Item No. 5**

21 June 2012

Consideration of Panel Work Programme for 2012/13

Ward(s) All

Portfolio Holders: Councillor McCracken

Summary of report:

The purpose of this report is to provide relevant background information for Members so that the Panels work programme can be agreed for 2012/13.

It is important for Members to consider the wide range of potential issues within their remits that they could consider during the year which could range from council specific to completely external issues.

When agreeing items it is important that consideration is given to what, value the Panel can add and what tools and performance measures are available to support them in their work.

RECOMMENDATIONS:

That

1. **Member's agree a work programme for 2012/13;**
2. **the discretionary Joint Overview and Scrutiny Committee with Dudley Council be re-established until the end of the 2012/13 municipal year, along with terms of reference and membership as set out in appendix 3.**

Background papers:

Scrutiny Annual Report 2011/12
Minutes of previous meetings

Resource and legal considerations:

In terms of resources it is important that the right balance and number of items and working groups are selected so that the work programme can be completed during the year without placing undue pressure on Member capacity.

Legal considerations for specific items will need to be addressed as and when necessary based on the items that are selected for inclusion on the work programme.

Citizen impact:

An effective work programme will enable the Panel to focus its work on the most important issues within its remit. Consideration of these issues and subsequent recommendations, if accepted, could improve the quality of services delivered to local residents.

Environmental impact:

The level of environmental impact will be dependant on which issues are selected to become a part of the panels work programme for 2012/13. The borough's Sustainable Community Strategy places an importance on considering the impact of present decisions on future generations which includes environmental issues.

Performance management:

The report asks Members to consider performance management information when deciding on their work programme, and also to consider how they wish to use performance management information and tools in assisting them with their work over the course of the year.

Equality Implications:

Ensuring equality for all is a key theme in the boroughs Sustainable Community Strategy as well as being one of the Council's core values. Members are advised to consider what, if any, equality implications there are for any items on their work programme.

Consultation:

Members may wish to consider the results of any formal or informal consultation exercises, including that with the public and partners, when considering what items they wish to include in their work programme. Whilst Council officers carry out a range of consultation activity on behalf of the Council, Members themselves engage with the public on a much more frequent basis and it is valuable to consider feedback from these sources as well.

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Introduction

At the start of each municipal year it is good practice for scrutiny and performance panels to spend some time discussing and agreeing its work programme for the year ahead for issues within its remit.

For information the Panels remit in Article 6 of the Walsall Council Constitution reads as:

Health Scrutiny and Performance Panel

All aspects and general services related to health service matters, for example, health partnership matters and the public health agenda as conferred under the Health and Social Care Act 2001 within the functions set out in section 21 of the Local Government Act 2000.

Work Programme

In agreeing its work programme for 2012/13 the Panel will be informed from a range of sources, including all 60 Members, last years Panel work streams and suggested carry over items , Council Officers, Partners and the Public.

When agreeing the items to be included in its work programme focus should be given to the range of performance management information available that could assist the Panel with each particular issue. A whole host of performance information is available on a range of subjects that Members could utilise to measure success or otherwise.

Working Groups

Members need to decide whether they want to operate any working groups for this year. Working Groups are at their most effective when they are considering broad policy areas that require detailed investigation time that cannot be completed at Panel level. The Panel will set the working group remit, its membership and once a working group has completed its investigations it will report its findings and recommendations to the Panel for consideration and adoption.

It is very important that Member capacity is considered when deciding on what working groups are formed as many members sit on more than one panel and their respective working groups. As such getting suitable dates in the municipal diary and getting suitable attendance at those meetings is difficult if too many working groups are formed. In previous years experience and given the increased number of Panel's in this years municipal diary, it is suggested that each Panel should look to run only one working group at any one time. Panels that wish to operate more than working group during the year could timetable the second to start as the first finishes.

A copy of the councils working group toolkit has been despatched separately to Members and is available to members of the public by request. Member's are asked to familiarise themselves with this toolkit ahead of deciding what, if any, working groups they wish to run.

Appendices

Suggested Items

Appendix One contains a number of suggested items completed on a standard template to assist Members with deciding what they wish to include on their work programme. This includes; -

- **What the Issue Is**
- **Where it has come from-** for example it could be a carry over item from last year's panel, a suggestion from a Councillor or member of the public or it could be a new item officers are aware of that is coming up this year,
- **Why it is important-** with limited time available to Members they need to be able to prioritise their work and concentrate on those things that really matter.
- **Who it affects-** Does it impact on any particular ward or user group? Does it concern partner agencies or staff groups? Any potential equalities issues may be highlighted here if the item is likely to have a disproportionate affect on any particular group.
- **How can scrutiny add value-** What specifically can Scrutiny do? E.g. provide feedback and recommendations ahead of a Cabinet (or partner executive) decision, support the development of policy, service review, public engagement etc. Suggestions have also been made here for it the item is particular suited to a particular method of scrutiny such as a working group or value for money review.
- **Timings-** This will highlight any critical timings that would need to be taking into consideration such as statutory deadlines which would dictate when scrutiny would need to have considered the item by if they are to have any valuable input

The items highlighted at appendix one are not an exhaustive list, but only those that it is possible to provide in advance of the meeting. Members should consider these alongside any items they wish to raise themselves and use them to develop a balanced work programme that concentrates on what is important to them and on where they believe they can make a difference.

Appendix Two is a copy of the forward plan for July to October 2012

Appendix Three is a report recommending the re-establishment of the Joint Dudley Walsall Health Scrutiny Committee 2012/13

Appendix 1

Proposed Items for Scrutiny Work Programme

Issue	Public Health Transfer to Local Authority (April 2013)					
Who from	Previous years panel	Individual Member	Officer X	Public	Other Council Committee	Other
Why is it important?	Following the approval of the Health & Social Care Bill (2012), the Government is introducing a new system with the intention of delivering better public health outcomes in future. This places new statutory duties on Local Authorities to protect and improve the health of their local population and for influencing the commissioning of health services. These changes provide a unique opportunity to co-ordinate resources more effectively to meet the major challenges to the health and well-being of the people of Walsall. The public health (PH) transition is focussed on the safe, timely and effective transfer of the Public Health functions from NHS Walsall to the Local Authority. All organisations are committed to ensuring that the existing quality and standards of Public Health services is not compromised during the transition period. Walsall Council and NHS Walsall have established the *'Public Health Transition project'* as a joint project with staff from both organisations. To address the complexities of the planned transition the areas under focus are: ?***Strategic*** – provide overall direction to the project, including political engagement ?***Systems design*** (Working Smarter where appropriate) ?***Workforce*** – the management of the TUPE process to ensure a smooth transition of PH staff to Walsall Council ?***Contracts Management*** – to transfer all contracts to WMBC ?***Finance*** - to identify and transfer budgets to WMBC from NHS ?***Infrastructure (ICT & Estates)*** – provision of ICT and accommodation requirements for the transitioning staff ?***Communications*** – tracking the overall communications for the project From April 2013, the Local Authority will have allocated to it					

	£13m to plan, provision and deliver Public Health services to the citizens of Walsall.
Who does it affect?	The project will affect all Walsall citizens currently utilising/intend to use Public Health services across the Borough. It will also affect service providers currently providing services on behalf on the NHS.
Who needs to be involved?	Wide range of stakeholders including: Councillors, service providers, commissioning groups, service users, NHS
How can scrutiny add value?	To monitor the way services are provided and to make recommendations as whether changes to policies are required. To bring the views of key stakeholders including service users and citizens.
Timings	The transition of Public Health services to the Local Authority must complete by April 1st 2013. A number of interim milestones have also been published by the Department of Health to help keep track of transition progress.
Performance Information	Numerous performance indicators exist to support taking a holistic approach in commissioning and delivering public health services to the citizens of Walsall. Additionally, the "Your place, your well being" household survey (3500 responses) will contribute further to understanding the requirements of service users and citizens.

Appendix 1

Proposed Items for Scrutiny Work Programme

Issue	Dudley and Walsall Mental Health NHS Trust – Service Transformation Programme					
Who from	Previous years panel	Individual Member	Officer	Public	Other Council Committee	Other
Why is it important?	D&WMHT is embarking on the second year of a wide-ranging and ambitious programme of change within mental health services which will both improve quality and deliver financial efficiencies. The Service Transformation programme is one the most significant strategic priorities for the Trust. At the present time, the Trust is in the process of evaluating the year 1 changes (2011/12) and implementing the year 2 changes (2012/13). Thus far, none of the developments that have been made are considered to be substantial variations in service and therefore, the Trust has not embarked on formal public consultations. However, the Trust has updated both Walsall and Dudley Scrutiny Committees at regular intervals and therefore, would recommend that this item of business remains on the Committee's work plan for 2012/13.					
Who does it affect?	Ultimately, the Service Transformation Programme will affect people using mental health services provided by the Trust, to varying degrees.					
Who needs to be involved?	It may be helpful for the Committee to consider the option of establishing a Joint Scrutiny function with Dudley MBC to consider the Service Transformation programme.					
How can scrutiny add value?						

Appendix 1

Timings	Evaluation of year 1 and implementation of year 2 developments are currently underway. Outline planning for year 3 will be taking place towards the end of 2012/13.
Performance Information	

Walsall Council

Re-establishment of the Joint Dudley Walsall Health Scrutiny Committee 2012/13

TO: **Health Scrutiny and Performance Panel**
DATE: 21 June 2012

Walsall and Dudley Health Scrutiny Panels have been keen to put in-place effective arrangements to jointly evaluate the progress of the Dudley Walsall Mental Health Trust (DWMHPT) since its inception in September 2008. The DWHPT was created as a provider of mental heath services in Boroughs. The establishment of the Joint Dudley Walsall Health Scrutiny Committee was prompted by concerns that centralising services may affect the quality of service experienced by service users.

Against this background, the Health Scrutiny and Performance Panel approved proposals at its meeting in September 2009 to establish a discretionary Joint Overview and Scrutiny Committee with Dudley Council. The purpose of the joint committee was to oversee progress of the DWMHPT and the agreed terms of reference are attached to this report.

Subsequently, the first Joint meeting was held at Walsall Council House in March 2010. At this meeting, Members noted performance against key national and local indicators and other service developments. This enabled them to assess impact on service delivery users and identify where added value had been achieved. In addition, the Committee agreed to convene at six-monthly intervals.

In order to hold a joint meeting at six-monthly intervals it is necessary to re-establish the Joint Dudley Walsall Health Scrutiny Committee and re-appoint membership for the municipal year 2012/2032. The DWMHPT has indicated that it would hope to share the following with the joint committee:-

- The Trusts approach to service transformation;
- The Trusts quality account;
- Consult on foundation trust status.

Recommendations

1) That the discretionary Joint Overview and Scrutiny Committee with Dudley Council be re-established to oversee progress of the DWMHPT for the 2011/12 municipal year;

2) That the attached terms of reference be approved;

3) That the Panel appoint 5 members, one of which should be the Chair of the Scrutiny Panel, to the Joint Overview and Scrutiny Committee as follows:-

2 Conservative
2 Labour
1 Liberal Democrat

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Walsall Council

Dudley Metropolitan Borough Council

Terms of Reference for a Joint Overview and Scrutiny Committee for Dudley and Walsall Councils.

Function of the Joint Committee

A statutory joint committee between Dudley and Walsall was formed in 2007/08 to respond to proposals to create a single NHS Mental Health Trust to serve both Boroughs.

This Joint Health Overview and Scrutiny Committee will undertake the functions of a discretionary joint health overview and scrutiny committee in accordance with Regulation 7 of the Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002 to oversee the progress of DWMHPT since its establishment in October 2008.

In performing this role, the Joint Committee shall exercise the following functions:

- To consider developments in connection with the provision, planning and management of Mental Health Services provided by DWMHPT
- To consider its progress against key performance indicators including Annual Health Check core standards, results of Care Quality Commission Provider Reviews (this review will take the place of the Annual Health Check in 2010), and national indicators for local government which apply to Mental Health.
- To determine whether statutory consultation on any proposed service variation is required
- Require the DWMHPT to provide information about service provision or proposals for service change
- To require officer(s) of the NHS to attend before it under Regulation 6 of the Regulations to answer such questions as required in relation to the discharge of its functions
- Such other functions ancillary to those listed above as the Joint Committee considers necessary and appropriate in order fully to perform its role

In undertaking its role of reviewing progress, the Joint Committee should do so from the perspective of all those affected or potentially affected by developments.

Health Overview and Scrutiny Committees operate independently of local authority Executives and the views of individual local authorities expressed by their Executives will be submitted separately to the DWMHPT Trust, or by the PCT as a commissioner.

Appointment

The Committee shall be appointed at the beginning of each municipal year in accordance with the conventions for joint arrangements in place at the constituent councils.

The Committee will be appointed until such time as one of the constituent Councils holds its Annual meeting or at any such time the Committee or its appointing bodies wish to decide otherwise.

Membership

Membership of the Committee will comprise 10 Members with 5 from each Authority's Health Scrutiny Committee reflecting the political balance of Dudley and Walsall. A political proportionate ratio for Walsall would be 2 Conservative, 2 Labour and 1 Liberal Democrat.

Members will be appointed in accordance with the conventions for nomination of their own council.

In accordance with Section 21(9) of the Local Government Act 2000, Executive members may not be members of an overview and scrutiny committee. Members of the constituent local authorities who are Non-Executive Directors of the NHS cannot be members of the Joint Committee.

Co-optees

The Joint Committee shall be entitled to co-opt non-voting representatives to provide expert advice and consultation.

Attendance by others

The Committee will be open to members of the public to attend unless it is necessary to discuss any exempt or confidential information as set out in the Local Government Act 1972.

The Joint Committee may invite other people (including expert witnesses) to address it, to discuss issues of local concern and/or to answer questions.

The Joint Committee shall permit representatives of any other authority or organisation to attend meetings as an observer. This could include elected Members from either Authority.

Working Groups

Working groups shall only be appointed by a statutory committee.

Quorum

To be one third of the membership, with at least one member from each authority.

Substitutions

Substitution shall be permitted according to the individual arrangements in place within each local authority and provided that the relevant support officer is notified prior to the commencement of the meeting.

Chair

The Committee will be chaired by the respective Health Scrutiny Chairman from the local authority hosting the meeting.

If the Chairman is not present, the remaining members of the Joint Committee shall elect a Chairman for that meeting.

Meetings

Meetings will be hosted on an alternate basis between Dudley MBC and Walsall MBC.

Dates of future meetings shall be agreed at the end of each meeting. However the Committee can convene between scheduled meetings as required, subject to approval of both Dudley and Walsall Health Scrutiny Committee Chairs.

Support

The Committee will be supported by the Hosting Authority in terms of clerking, administrative, advisory and research support. Respective local authority Mental Health leads may have a role in facilitating meetings and will therefore need autonomy to act between meetings as appropriate.

Conduct of Meetings

The conduct of Joint Committee meetings shall be regulated by the Chairman in accordance with the general principles and conventions in connection with the conduct of local authority committee meetings.

Members of the Joint Committee will be bound by the Code of Conduct applicable to Councillors under the Local Government Act 2000.

Formal consultation

If the discretionary joint committee feel that there is a need for statutory consultation and the constituent Authorities believe the variation or development in services to be substantial it will form a statutory joint committee to scrutinise proposals. It merits noting that those local authorities that do not believe that the proposed change is a substantial variation or development in service are not required to participate in the statutory joint committee; if they do not, they lose their right to be consulted on and respond to proposals for ‘substantial’ variation in services, which would be a loss of democratic influence on the strategic direction of the Trust.

Walsall Council

FORWARD PLAN OF KEY DECISIONS

Civic Centre,
Darwall Street,
Walsall, WS1 1TP
www.walsall.gov.uk

8 June 2012

FORWARD PLAN

The forward plan sets out decisions that are termed as “key decisions” which the Executive (Cabinet) intend to take over the following 4 months. Preparation of the forward plan helps the Council to programme its work. The purpose of the forward plan is to give plenty of notice and an opportunity for consultation on the issues to be discussed. The plan is updated each month with the period of the plan being rolled forward by one month and republished. The plan is available for public inspection at the Civic Centre Reception, Darwall Street, Walsall. Copies of the plan can be obtained from John Garner, Democratic Services, Walsall MBC, Civic Centre, Darwall Street, Walsall, WS1 1TP, 01922 653500 or e-mail cabinetoffice@walsall.gov.uk. The forward plan can also be accessed from the Council’s website at www.walsall.gov.uk. The Cabinet are allowed to make urgent decisions which do not appear in the forward plan.

Please note that the decision dates are indicative and are subject to change. Please contact the above addressee if you wish to check the date for a particular item.

Cabinet responsibilities are as follows:

Leader of the Council – Councillor Bird

Deputy Leader and Regeneration – Councillor A. Andrew

Business support services – Councillor Arif

Children’s services – Councillor R. Andrew

Community engagement and voluntary sector – Councillor I. Shires

Finance and personnel – Councillor Towe

Leisure and culture – Councillor Harris

Public protection – Councillor Z. Ali

Social care and housing – Councillor McCracken

Transport and environment – Councillor Ansell

The Cabinet agenda and reports are available for inspection by the public 7 days prior to the meeting of the Cabinet. The papers can be seen at First Stop Shop at the Civic Centre, Walsall. The papers are also available on the Council’s website referred to above shortly before the meeting. Background papers are listed on each report submitted to the Cabinet and members of the public are entitled to see these documents unless they are confidential. The report also contains the name and telephone number of a contact officer. These details can also be found in the forward plan.

Meetings of the Cabinet are open to the public and take place in Conference Room 2 at the Council House, Walsall. Occasionally there are items included on the agenda which are confidential and for those items the public will be asked to leave the meeting.

The forward plan does not list all decisions which have to be taken by the Cabinet only "key decisions" which are those decisions which have a significant effect within the community or which involve considerable expenditure or savings. The Council's Constitution defines a key decision as an executive decision which is likely:

"(1) to result in the Council in incurring expenditure which exceeds that included in any approved revenue or capital budget or the limits set out within an approved borrowing or investment strategy and was not the subject of a specific grant;

(2) to result in the Council incurring expenditure, or the making of savings, which are equivalent to or more than 5% of any approved revenue budget or 10% of any capital budget, whichever is the lower, subject to a de minimus level of £50,000;

(3) to be significant in terms of its direct effects on communities in an area comprising two or more wards in the Borough."

Dates of Cabinet meetings for 2012/2013

2012	20 June
	25 July
	12 September
	24 October
	12 December
2013	23 January
	13 March
	24 April

FORWARD PLAN OF KEY DECISIONS
JULY TO OCTOBER 2012 (8.6.12)

1	2	3	4	5	6	7
Reference No./ Date first entered in Plan	**Key decision to be considered** (to provide adequate details for those both in and outside the Council)	**Decision maker**	**Background papers (if any) and Contact Officer**	**Main consultees**	**Contact Member** (All Members can be written to at Civic Centre, Walsall)	**Date item to be considered**
56/11 *(12.10.11)*	**University Technical College - full business case:** Approval of delegated authority for the Director of Children's Services or Director of Regeneration to approve the full business case and contract award for the development of the technical college at the former Sneyd School site	Cabinet	Kevin Kendall 471259	Finance, legal services	Councillor A. Andrew	25 July 2012
21/12 *(8.6.12)*	**Education capital programme** – To seek permission to progress further projects	Cabinet	Melanie Harmitt Walsall Children's Services Serco 686285	Finance, legal, HR, ward Councillors	Councillor R. Andrew	25 July 2012
25/12 *(8.6.12)*	**Supply and servicing of library books and auto visual material** – permission to tender for 2013 to 2015 with an option to renew for a further 2 years as part of the Black Country Libraries Consortium	Cabinet	Stuart Smitton 724995	Dudley, Sandwell and Wolverhampton Libraries	Councillor Harris	25 July 2012
11/12 (13.2.12)	**Building Control service:** Whether to approve the joint provision of the Council's local authority building control service with Birmingham City Council's wholly owned Company ACIVICO via its Special Purpose Vehicle Acivico Building Consultancy	Cabinet	David Elsworthy 652409 Mark Skidmore 652444	Legal services, finance	Councillor A. Andrew	12 September 2012

26/12 *(8.6.12)*	**Housing and Localism Act 2011** – to approve a plan setting out the Council's approach to the housing aspects of the Act	Cabinet	Debbie Parkes 650750	Register providers, legal services	Councillor A. Andrew	12 September 2012
22/12 *(8.6.12)*	**Education capital programme** – To seek permission to progress further projects	Cabinet	Melanie Harmitt Walsall Children's Services Serco 686285	Finance, legal, HR, ward Councillors	Councillor R. Andrew	12 September 2012
23/12 *(8.6.12)*	**Education capital programme** – To seek permission to progress further projects	Cabinet	Melanie Harmitt Walsall Children's Services Serco 686285	Finance, legal, HR, ward Councillors	Councillor R. Andrew	24 October 2012
24/12 (8.6.12)	**Primary and Secondary education strategies –** to seek approval on refreshed strategies	Cabinet	Frank Barnes Walsall Children's Services Serco 686285	Finance, legal, HR, ward Councillors	Councillor R. Andrew	24 October 2012