

**BRIEFING NOTE****TO: Health Scrutiny Panel****DATE: 7 March 2011****RE: Re-establishment of the Joint Dudley Walsall Health Scrutiny Committee 2010/11**

Both Walsall and Dudley Scrutiny Panels were 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 health services in Boroughs. The establishment of the Joint Committee was prompted by concerns that centralising services may affect quality of service experienced by service users.

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

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 added value. In addition, the Committee agreed to convene at six-monthly intervals.

In order to hold a joint meeting as recommended by the joint committee during the last municipal year, it is necessary to re-establish the Joint Dudley Walsall Health Scrutiny Committee and re-appoint membership for the municipal year 2010/2011. The DWMHPT has indicated that it would hope to share the Trusts approach to service transformation with the joint Committee and share the Trusts quality account with the joint committee.

**Recommendations**

- 1) That the discretionary Joint Overview and Scrutiny Committee with Dudley Council be re-established to oversee progress of the DWMHPT until the end of the 2010/11 municipal year
- 2) That the 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:-

x3 Conservative

x1 Labour

x1 Liberal Democrat

**Author**

Nikki Gough

Scrutiny Officer

☎01922 652824

[goughn@walsall.gov.uk](mailto:goughn@walsall.gov.uk)



**Walsall 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 Dudley would be 3 Conservative to 2 Labour. A political proportionate ratio for Walsall would be 3 Conservative, 1 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.