



Report to Healthier Communities & Adult Social Care Scrutiny & Policy Development Committee Thursday 10th April 2014

Report of: James Henderson, Director of Policy, Performance and Communications

Subject: Reconfirming support for a Joint Health Overview and Scrutiny Committee (Yorkshire and the Humber) in relation to the new Congenital Heart Disease review

Author of Report: Diane Owens, Policy & Improvement Officer

Summary:

A Joint Health Overview and Scrutiny Committee (Yorkshire and the Humber) JHOSC was initially established in March 2011 to consider and respond to the proposals arising from the Safe and Sustainable Review of Children's Congenital Cardiac Services in England.

Following a number of concerns raised about the proposals in June 2013, the Secretary of State for Health accepted in full the findings and recommendations of the Independent Reconfiguration Panel and called a halt to the Safe and Sustainable Review process. NHS England subsequently submitted proposals for undertaking a new review into the whole lifetime pathway of care for people with congenital heart disease (CHD) i.e. services for both children and adults

Following the decision of the Secretary of State for Health to halt the previous review, the JHOSC has continued to meet to maintain the momentum of its previous work. At the JHOSC meeting in December 2013 there was broad support to continue the work of the JHOSC and a revised Terms of Reference was agreed (Appendix 2).

This report

As it is likely that the JHOSC will make recommendations to NHS England and other interested parties, which may include the Secretary of State for Health the JHOSC felt it advisable that the 15 constituent authorities reconfirm their commitment to the JHOSC and the revised terms of reference.

The Scrutiny Committee is being asked to:

1. Note the content of this report
2. Note the revised Terms of Reference for the New Congenital Heart Disease Review (Appendix 2)

3. Note that the Protocol for Yorkshire and the Humber Councils Joint Health Scrutiny Committees as incorporated in Sheffield constitution states that *“where 9 or more Yorkshire and the Humber local authorities participate in a Joint Health Scrutiny Committee – the Chair (or Chair’s representative) of each participating authority’s Overview and Scrutiny Committee responsible for health will become a member of the Joint Health Scrutiny Committee”*, (section 7.3 page 444) the Committee is therefore asked to endorse the current Chair Cllr Mick Rooney as the authorities representative on the JHOSC.

And to recommend to full Council that

4. Sheffield reconfirms its commitment to the Yorkshire & Humber JHOSC which will focus on the new Congenital Heart Disease Review
5. The information outlined in Appendix 1 which details the specific scrutiny powers being delegated to the JHOSC (in relation to the new CHD review) is incorporated into section 5 of the Councils constitution “Codes & Protocols”.

Type of item: The report author should tick the appropriate box

Reviewing of existing policy	
Informing the development of new policy	
Statutory consultation	
Performance / budget monitoring report	
Cabinet request for scrutiny	
Full Council request for scrutiny	
Community Assembly request for scrutiny	
Call-in of Cabinet decision	
Briefing paper for the Scrutiny Committee	✓
Other	

Background Papers:

n/a

Category of Report: OPEN

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Report title: Reconfirming support for a Joint Health Overview and Scrutiny Committee (Yorkshire and the Humber) in relation to the new Congenital Heart Disease review

1.0 Background information

1.1 The Yorkshire & The Humber Joint Health Overview & Scrutiny Committee (JHOSC) was specifically formed in March 2011 to consider the outcome of the Safe and Sustainable Review of Children's Congenital Cardiac Services in England - the associated proposals and the impact on children and families across Yorkshire

1.2 Following a number of concerns raised about the proposals, on 12th June 2013, the Secretary of State for Health accepted in full, the findings and recommendations of the Independent Reconfiguration Panel and called a halt to the Safe and Sustainable Review process

1.3 The Secretary of State for Health then invited NHS England – as the new body responsible for commissioning specialised services following the restructuring arrangements across the NHS that came into force from 1 April 2013 to report how it intended to proceed by the end of July 2013.

1.4 In July 2013 NHS England submitted proposals for undertaking a new review into the whole lifetime pathway of care for people congenital heart disease (CHD) i.e. services for both children and adults.

2.0 Role of the JHOSC and reconfirming commitment

2.1 Following the decision of the Secretary of State for Health to halt the previous review, the JHOSC has continued to meet to maintain the momentum of its previous work.

2.2 At its meeting in September 2013 the JHOSC considered the Secretary of State's decision alongside the report of the Independent Reconfiguration Panel (IRP) and was advised of NHS England's intentions for the new review to consider the whole lifetime pathway of care for people with congenital heart disease (CHD) i.e. covering services to both children and adults.

2.3 Members of the JHOSC expressed broad support for the work of the JHOSC to continue, insofar as it relates to the new CHD review, and specifically highlighted a number of points, including:-

- The strength of joint scrutiny arrangements across Yorkshire and the Humber, vis-à-vis the Safe and Sustainable review and proposals, was clearly evident in the Secretary of State's announcement in June 2013.
- That the new CHD review would benefit from similar robust scrutiny arrangements as those in place for the Safe and Sustainable review.
- Concern regarding the likely timescales for the new review and the processes necessary for agreeing revised terms of reference across fifteen constituent local authorities.

2.4 It was clarified at that meeting that while it would not be necessary to formally dissolve the JHOSC, in order to place the governance arrangements for the JHOSC on a firmer footing – insofar as its work relates to the new CHD review the existing terms of reference for the JHOSC would need to be revised to reflect the changed approach and scope of the new review of CHD services. It was also confirmed that any revised terms of reference may then need approval from the constituent local authority members.

2.5 At its December 2013 meeting the JHOSC agreed a revised term of reference and an outline work plan associated with the new CHD review.

2.6 As it is likely that the JHOSC will make recommendations to NHS England and other interested parties, which may include the Secretary of State for Health the JHOSC felt it advisable that member authorities reconfirm their commitment to the JHOSC and the revised terms of reference.

2.7 In light of this the JHOSC are asking all 15 participating authorities (who represent the top tier authorities across the region) i.e. those with specific health scrutiny powers, to re-confirm their commitment to the JHOSC.

2.8 As the administering authority, Leeds City Council – through its Scrutiny Support Unit – is committed to continuing to provide day-to-day support for the JHOSC and constituent authorities have been invited to make a voluntary contribution of £1,000 for the 2014/15 financial year towards running the JHOSC. This would cover a contribution towards administrative costs, printing, postage, room hire and other materials and an element of the Scrutiny Officers time. This request is being considered by the Cabinet Member for Health, Care and Independent Living Councillor Mary Lea.

2.9 Leeds City Council is in discussions with the other constituent authorities regarding the processes necessary to reconfirm commitment to the refocused work of the JHOSC.

3.0 Legal Implications, Access to Information and Call In

3.1 Under Regulation 30 of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013, two or more local authorities may appoint a joint overview and scrutiny committee of those authorities and arrange for relevant functions to be exercisable by the joint committee, subject to such terms and conditions as the authorities may consider appropriate. As the proposed terms outlined in Appendix 1 include discharging the authorities' functions under Regulation 23, this means that the authorities cannot report to the Secretary of State themselves if they are dissatisfied with the consultation on the new review of CHD services or if they consider the proposals are not in the interests of the health service in their areas.

3.2 Where a health body is required to consult with more than one authority in relation to a proposal for a substantial development of the health service or for a substantial variation in the provision of such a service, those authorities must appoint a joint overview and scrutiny committee for those purposes, and the powers to make comments on proposals consulted on, require information, and require witnesses can only be exercised by that joint committee.

3.3 Subject to the matters mentioned in 3.1 and 3.2 above, the usual statutory rules relating to overview and scrutiny committees will apply to the JHOSC.

4.0 Recommendations

The scrutiny committee is being asked to:

4.1 Note the content of this report

4.2 Note the revised Terms of Reference for the New Congenital Heart Disease Review (Appendix 2)

4.3 Note that the Protocol for Yorkshire and the Humber Councils Joint Health Scrutiny Committees as incorporated in Sheffield constitution states that *“where 9 or more Yorkshire and the Humber local authorities participate in a Joint Health Scrutiny Committee – the Chair (or Chair’s representative) of each participating authority’s Overview and Scrutiny Committee responsible for health will become a member of the Joint Health Scrutiny Committee”*, (section 7.3 page 444) the Committee is therefore asked to endorse the current Chair Cllr Mick Rooney as the authorities representative on the JHOSC.

And to recommend to full Council that

4.4 Sheffield reconfirms its commitment to the Yorkshire & Humber JHOSC which will focus on the new Congenital Heart Disease Review

4.5 The information outlined in Appendix 1 which details the specific scrutiny powers being delegated to the JHOSC (in relation to the new CHD review) is incorporated into section 5 of the Councils constitution “Codes & Protocols”.

Appendices

Appendix 1: Outlines the specific scrutiny functions it is proposed be delegated to the JHOSC (in relation to the new CHD review) and as such be incorporated into section 5 of the Councils constitution, Codes & Protocols.

Appendix 2: Terms of Reference: New Congenital Heart Disease Review Joint Health Overview and Scrutiny Committee, (Yorkshire and the Humber), December 2013

SECTION 5 – Codes & Protocols
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The Joint Health Overview and Scrutiny Committee (Yorkshire and the Humber) is a joint committee appointed under Regulation 30 of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013/218 and is authorised to discharge the following health overview and scrutiny functions of the authority², insofar as they relate to NHS England's new review of Congenital Heart Disease services:

a) To review and scrutinise any matter relating to the planning, provision and operation of the health service in its area, pursuant to Regulation 21 of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013

b) To make reports and recommendations on any matter it has reviewed or scrutinised, and request responses to the same pursuant to Regulation 22 of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.

c) To comment on, make recommendations about, or report to the Secretary of State in writing about proposals in respect of which a relevant NHS body or a relevant health service provider is required to consult, pursuant to Regulation 23 of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.

d) To require a relevant NHS body or relevant health service provider to provide such information about the planning, provision and operation of the health service in its area as may be reasonably required in order to discharge its relevant functions, pursuant to Regulation 26 of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.

e) To require any member or employee of a relevant NHS body or relevant health service provider to attend meetings to answer such questions as appear to be necessary for discharging its relevant functions, pursuant to Regulation 27 of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.

Member Authorities:

• Barnsley MBC	• Leeds City Council
• Calderdale Council	• North East Lincolnshire Council
• City of Bradford MDC	• North Lincolnshire Council
• City of York Council	• North Yorkshire County Council
• Doncaster MBC	• Rotherham MBC
• East Riding of Yorkshire Council	• Sheffield City Council
Hull City Council	Wakefield Council
• Kirklees Council	

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