

# Health Scrutiny in East Sussex

## The Proposal

**21 February 2000**

### **Introduction**

The Health & Social Care Act 2001 and the NHS Reform & Health Care Professions Act 2002 established a new power for local authorities with Social Services departments to undertake the scrutiny of health services within their locality. It has been left to each local authority to determine if, and how, it will carry out this overview and scrutiny function. In the case of the County of East Sussex the County Council has the key responsibility to undertake the function.

There are, however, regulations about a number of matters, including who can be members of a health overview and scrutiny committee and its reporting arrangements. Similarly, there is a duty placed on NHS bodies in respect of consulting the Overview & Scrutiny Committee and compliance with requests for information.

In exercising this power the expectation is that in two-tier authorities there will be close operational arrangements with Districts and Borough councils. The regulations published in December 2002 allow for any health overview and scrutiny committee to co-opt, with full voting rights, elected members from the Districts and Boroughs.

It is also an expectation that the function of the new overview and scrutiny committees will be patient-centred and have a clear governance role in looking after the health & well-being of the people in the area.

The new role for scrutiny of health services within the county (described in section 5 of the regulations) will focus mainly on wider NHS services and health issues rather than on core services provided by the Social Services Department.

The new power came into effect on 1 January 2003. This new overview and scrutiny role for local authorities will be one of a few new arrangements to replace

the range of functions carried out by Community Health Councils. Community Health Councils will cease to operate from 1 September 2003.

The regulations can be viewed on the DOH website at the following address, [www.doh.gov.uk/oscregconsultation](http://www.doh.gov.uk/oscregconsultation) or by contacting the person named at the end of this paper.

### **The purpose of this paper**

East Sussex County Council has been in discussion with several local health-focussed organisations as to the method and model it might adopt for undertaking this new responsibility. Those organisations involved in discussion so far are listed at the back of this paper.

From the outset Cabinet members sought the involvement of District and Boroughs in the planning process. A Joint Officer Group, comprising key officers from the five Districts and Boroughs, has therefore met on a regular basis to explore the implications and develop a proposal for consideration by each council. This paper outlines the proposal that has been arrived at by the Joint Officer Group after initial discussion and consultation with the organisations listed.

This proposal needs the agreement and ratification of the Cabinet and County Council of East Sussex. The timetable for this is set out below. In the same cycle of meetings the proposal will also go to each District and Borough Council for their consideration.

The purpose of this paper therefore is to stimulate comment on the proposal so that each Cabinet and Council can be informed by the input from the organisations and people most affected by the arrangements in East Sussex.

### **The Proposal**

Throughout the initial discussions several options for undertaking the power have been suggested and considered, including administering it within existing structures.

After examining the regulations and the differing requirements attached to the new health overview and scrutiny function, it is concluded that the most effective and efficient way forward is to establish a new committee with a remit only for health scrutiny under the Health & Social Care Act of 2002.

The committee would be known as the **Health Overview and Scrutiny Committee**.

The health overview and scrutiny regulations describe a model for health overview and scrutiny committees that is different from the existing East Sussex Social Services & Health Scrutiny Committee membership and remit. The regulations allow for co-opted members from District and Boroughs with full voting rights as well as representatives from voluntary organisations and Patients Forums.

The regulations also describe differing reporting arrangements for Health Overview and Scrutiny from the current Scrutiny Committees' requirements therefore establishing a new committee with a single remit rather than adding the responsibility to an existing committee is the preferred option.

It is therefore proposed that the East Sussex Health Overview and Scrutiny Committee will comprise seven (7) County Councillors with Eastbourne Borough Council, Hastings Borough Council, Lewes District Council, Rother District Council and Wealden District Council providing one elected member each. This will realise a total of **12 members with full voting rights** as the core membership group.

This core group will be augmented by the addition, as appropriate, of representatives from local voluntary organisations and Patients Forums (when established) without voting rights. The

regulations recognise the importance of voluntary organisations and Patients Forum in the overview and scrutiny function.

The core membership will be established immediately after the May 2003 district and borough elections and thereafter will consider, after further consultation, what should be the appropriate arrangements for representation from the Patients' Forums and the many local voluntary organisations in East Sussex.

### **Some conditions**

· The regulations state that elected members who are non-executive directors of NHS Trusts and Primary Care Trusts will not be excluded from membership of a Health Overview and Scrutiny Committee, but they must follow the usual guidance regarding participation where there is a risk of conflict of interest. It is therefore not proposed that the Health Overview & Scrutiny Committee will have as a Core member any Councillor who is a non-executive member of a PCT or other NHS body responsible for delivering a service that is likely to be a subject for scrutiny.

· Districts and Boroughs will decide themselves which member to appoint to the Committee bearing in mind that the regulations require the person to be a non-executive member i.e. not a member of the Cabinet. East Sussex County Council will not be requesting that the representative is from a particular political party.

· The regulations do not require reports and recommendations from the Health Overview & Scrutiny Committee to be ratified by Cabinet or the County Council. The recommendations

will be for the NHS body being scrutinised and the report will be sent to it. The NHS body concerned is required to respond within 12 weeks directly to the Scrutiny Committee. It will be the practice, however, for all reports to go to Cabinet and County Council for information.

· The regulations allow for delegation of the scrutiny function to districts & boroughs as well as the opportunity to carry out a joint scrutiny between local authorities. When the programme of reviews is discussed and decided there will be provision for delegated scrutiny activity that will address very local issues in a borough or district.

· The core group of the health overview and scrutiny committee will be responsible for the overall programme. It will seek to devise a yearly programme that addresses the main health and well-being issues in the County after wide consultation and discussion. Programme planning will be one of the first duties of the committee when established in May 2003.

· NHS Trusts will not be represented on the Health Overview and Scrutiny Committee as they deliver services and are likely at some point to be the subject of scrutiny.

### **Timescale for implementation**

February 21 <sup>st</sup>	Proposal published and sent to all appropriate bodies for comment.
March 12 <sup>th</sup>	Final date for comments by appropriate bodies
March 25 <sup>th</sup>	Report to ESCC Cabinet
April 8 <sup>th</sup>	Report to East Sussex County Council.

The following timetable will apply if the arrangements as set out in this proposal are agreed by Cabinet & County Council

June (post elections)

Core group elected

June Voluntary agencies & Patients Forum

representation decided.

June/July Identification of Scrutiny

Programme

June/July Training programme for members

Sept 1 Scrutiny function in place

### **Financial implications**

**There are currently no funds being made available by Government for the exercising of this power. Estimates from around the country from similar authorities are in the region of £100,000 p.a. to carry out this function.**

The estimate for East Sussex is £118,000 based on four full committee meetings per year and no more than four full scrutiny activities/reviews taking place across the county. The estimate includes costs for scrutiny administration and lead officer support, elected member time, committee meetings, review costs including consultation and public meeting costs, project management, health expert and legal advice and report production.

District and Borough Councils are to be involved in exercising this power and they are being asked to make a resource contribution broadly proportionate to the likely composition of the Committee. This could reduce the County Council's own financial and resource commitment to this scrutiny function.

Discussions with Districts and Boroughs will be held on the financial and resourcing implications in time for the start-up date of September 1 in order to agree an appropriate means of jointly funding the new arrangements.

### **Some principles**

· It is recognised that one of the key decisions will be about the work programme undertaken by the new scrutiny body. At the stage of identifying a programme of health scrutiny there will be wide discussion, especially with the PCTs, voluntary organisations, Patients Forum, the Health & Social Care Partnership Board and Forum and CHC expertise in order to identify and prioritise local issues.

· All overview and scrutiny activities undertaken will be conducted using effective and objective scrutiny processes which involve all stakeholders in consultation. East Sussex County Council and all the Districts and Boroughs have effective practice in carrying out scrutiny of services. A protocol will also be

drafted and consulted on to ensure clear agreed procedures.

· There will be a programme of training for all elected members and officers involved in this new scrutiny function. This will seek to address increasing knowledge and understanding of practice within the NHS and also be focussed on local activity – both strategic and operational.

· There will also be links with Brighton & Hove, West Sussex, Surrey and Kent as and when health issues arise affecting the wider population or around borders of local authorities.

**The next steps**

If you wish to respond to this proposal would you please address any comments, suggestions or proposals in writing, or via e-mail to:

**Roger B. Howarth**

**Scrutiny & Best Value Co-ordinator**

**County Hall, Lewes BN7 1SG**

**[roger.howarth@eastsussexcc.gov.uk](mailto:roger.howarth@eastsussexcc.gov.uk)**

**Tel: (01273) 481327.**

**Fax: (01273) 481485**

**By Wednesday 12 March 2003**

**at the latest**

**Organisations consulted to date:**

- v The Health & Social Care Forum
- v Members of the Health & Social care Partnership Board.
- v The Social Services Department
- v Bexhill & Rother Primary Care Trust
- v Eastbourne Downs Primary Care Trust
- v Hastings & St Leonards PCT
- v Sussex Downs & Weald PCT
- v Surrey & Sussex Strategic Health Authority
- v Eastbourne Seaford & Wealden Community Health Council
- v Hastings & Rother Community Health Council

- v Countywide Voluntary Organisations
- v Eastbourne Borough Council,
- v Rother District Council
- v Hasting Borough Council
- v Lewes District Council
- v Wealden District Council

This proposal will also be sent to the following;

- v Brighton & Hove City PCT
- v Brighton & Hove City Council
- v Brighton, Hove & Lewes CHC
- v Sussex Ambulance Services NHS Trust
- v Brighton & Sussex University Hospital Trusts
- v East Sussex Hospitals NHS Trust
- v South Downs NHS Trust
- v West Sussex County Council

## **Health scrutiny arrangements for East Sussex**

### **Health Overview and Scrutiny Committee**

#### **Core Group of elected members:**

7 County Councillors

1 Elected member from each of:

Eastbourne Borough Council, Hastings Borough Council, Lewes District Council, Rother District Council, Wealden District Council

#### **Plus representation from:**

**Voluntary organisations**

(exact nature of representation to be decided)

**Patients Forum**

(exact nature of representation to be decided)