



## REPORT TO COUNCIL

### ESTABLISHMENT OF A JOINT HEALTH OVERVIEW & SCRUTINY COMMITTEE FOR SUSSEX AND EAST SURREY SUSTAINABILITY AND TRANSFORMATION PLAN

#### **KEY ISSUE/DECISION:**

For Surrey County Council, in partnership with four other local authorities, to establish a Joint Health Overview & Scrutiny Committee for a four year term to scrutinise possible substantial variations arising from the development of the Sussex and East Surrey Sustainability and Transformation Plan (STP).

That Surrey County Council provides three Members to serve on the Joint Health & Overview Committee in accordance with political proportionality requirements. The report also requests that responsibility be delegated to the Health Integration and Commissioning Select Committee to appoint a non-voting co-opted representative from among its district and borough Members.

#### **BACKGROUND:**

#### **1 Introduction**

- 1.1 Local authority health overview and scrutiny committees (HOSCs) were introduced by the Health and Social Care Act (2001) and its associated regulations. The Act grants HOSCs a number of statutory powers to support them in conducting effective scrutiny of healthcare services within their locality including the power to scrutinise plans by NHS organisations for substantial variation in how specific services are delivered. The Act also requires that a Joint Health Overview and Scrutiny Committee (JHOSC) must be established in instances where a substantial variation relates to services that are provided across two or more upper-tier local authority areas. The most up to date regulatory framework is provided by the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013, but JHOSC responsibilities remain relatively unchanged.
- 1.2 A JHOSC is typically convened to scrutinise a single NHS reconfiguration plan, although some areas have successfully introduced 'standing' JHOSCs where a series of major changes are anticipated over several years. Surrey County Council already participates in a standing JHOSC through its membership of South West London and Surrey Joint Health Overview and Scrutiny Committee which has proved to be a useful way of obviating the need to go through a separate decision-making process each time a

consultation requiring the establishment of a JHOSC is initiated enabling local authorities to be more agile in how they scrutinise service changes. JHOSCs do not have the authority to scrutinise issues that fall outside their specific remit.

- 1.3 This report seeks agreement for Surrey County Council to form a JHOSC with Brighton & Hove City Council, East Sussex County Council and West Sussex County Council to review substantial variations in service delivery arising from the implementation of Sussex and East Surrey Sustainability and Transformation Partnership (STP). The first task for this JHOSC will be to review changes arising from the Clinically Effective Commissioning programme being undertaken by the STP.

## **2 Sustainability and Transformation Partnerships (STP) – Sussex and East Surrey**

- 2.1 STPs were introduced in December 2015 laying the foundation for place-based plans for the delivery of health and social care services. STPs are predicated on close collaboration between NHS organisations as well as more integrated working with local authorities. There are 44 individual STP footprints three of which are wholly or partly in Surrey.
- 2.2 The emergence of the STP as a regional NHS planning footprint increases the potential for there to be more cross-border NHS change plans emerging in the near future. It is therefore proposed that a single JHOSC is established between Brighton & Hove City Council, East Sussex County Council, Surrey County Council and West Sussex County Council to consider all cross-boundary substantial variations that may arise. The Terms of Reference, as attached at Annex A of this report, would enable the JHOSC to convene sub-groups responsible for scrutinising issues that do not involve the whole membership. Additional local authorities could also be co-opted to specific sub-groups if plans affect a larger area than the STP footprint. The JHOSC would be time-limited existing for a maximum of four years.

## **4 Resulting action required under the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013**

- 4.2 Under Regulation 23, NHS England, Clinical Commissioning Groups, public and independent sector providers of NHS services must consult with the local authority about any proposals for a substantial development or variation of the health service in the authority's area.
- 4.3 Regulation 30 requires local authorities to appoint joint committees where a relevant NHS body or health service provider consults more than one local authority's health scrutiny function about substantial reconfiguration proposals.
- 4.4 In such circumstances, Regulation 30 sets out the following requirements:
  - Only the joint committee may respond to the consultation (i.e. rather than each individual local authority responding separately).
  - Only the joint committee may exercise the power to require the provision of information by the relevant NHS body or health service provider about the proposal.

- Only the joint committee may exercise the power to require members or employees of the relevant NHS body or health service provider to attend before it to answer questions in connection with the consultation.

4.5 These restrictions do not apply to referrals to the Secretary of State. Local authorities may choose to delegate their power of referral to the mandatory joint committee but they need not do so. If the local authority has delegated this power, then they may not subsequently exercise the power of referral. If they do not delegate the power they may make such referrals.

4.5 Local authorities may report to the Secretary of State in writing if:

- It is not satisfied with the adequacy of content of the consultation
- It is not satisfied that sufficient time has been allowed for consultation
- It considers that the proposal would not be in the interests of the health service in its area
- It has not been consulted, and it is not satisfied that the reasons given for not carrying out consultation are adequate

## **5 JHOSC Terms of Reference (ToR)**

5.1 A copy of the ToR for the JHOSC is attached as Annex A to this report. The Chairmen of the four health scrutiny committees involved have been consulted and have approved in principle the ToR as set out.

5.2 Each local authority appoints three County/City Councillors to the JHOSC based on their proportionality rules as required under legislation. For Surrey County Council this means appointing two majority group and one opposition group representative. The leaders of both the Conservative Group and Surrey Opposition Forum have been consulted on appointing representatives to the JHOSC and the following nominations have been made which County Council is asked to approve:

- Mr Chris Botten
- Dr Bill Chapman
- Dr Zully Grant-Duff

5.3 The ToRs also allow each authority to appoint one non-voting, co-opted member to sit on the JHOSC from among their district and borough councils or local Healthwatch. This report recommends that responsibility for appointing Surrey's co-opted member is delegated to the Health Integration and Commissioning Select Committee.

## **6 Financial and value for money implications**

6.1 Consideration should be given to the cost of the provision of democratic support. It is envisaged that this provision will be contained within existing resources and therefore will not be an additional cost to the Council. Responsibility will be shared on a rotating basis between the constituent authorities.

## **7 Consultation**

7.1 The Chairman and Vice-Chairman of the Health Integration and Commissioning Select Committee have been consulted on the proposal and have offered full support for the establishment of the joint committee.

#### **RECOMMENDATIONS:**

It is recommended that Surrey County Council:

- i. agrees to the establishment of a Joint Health Overview & Scrutiny Committee with Brighton and Hove City Council, East Sussex County Council and West Sussex County Council for the purposes of scrutinising substantial variations in service delivery arising from the development of Sussex and East Surrey Sustainability and Transformation Plan;
- ii. approves the Terms of Reference for Sussex and East Surrey STP Joint Health Overview and Scrutiny Committee attached as Annex A to this report
- iii. agrees to appoint Mr Chris Botten, Dr Bill Chapman and Dr Zully Grant-Duff as Surrey County Council's representative on the Sussex and East Surrey STP Joint Health Overview and Scrutiny Committee; and
- iv. delegates responsibility for appointing a non-voting co-opted representative to the JHOSC to the Health Integration and Commissioning Select Committee.

#### **REASONS FOR RECOMMENDATIONS:**

- 1 To ensure readiness to review proposals for potential changes to the delivery of health services arising from the Sussex and East Surrey STP.
- 2 To ensure robust scrutiny of the STPs plans and consultation process.
- 3 To strengthen Surrey residents' voices in the consultation and ensure their interests are considered by decision makers.

#### **WHAT HAPPENS NEXT:**

- Implementation of the recommendation with three Members from the County Council taking positions on the Joint Committee.
- Arrangements will be made by the Health Integration and Commissioning Select Committee to appoint a non-voting co-opted Member to the JHOSC.
- The JHOSC will be formally constituted once all local authorities have approved its Terms of Reference

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**Annexes:**

Annex A – Sussex and East Surrey STP JHOSC Terms of Reference

Annex B – Sussex and East Surrey STP JHOSC Rules of Procedure

**Sources/background papers:**

The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013

Sussex and East Surrey Sustainability and Transformation Partnership Plan - <http://www.seshealthandcare.org.uk/wp-content/uploads/2018/03/STP-33-Sussex-East-Surrey-draft-22Nov2016.pdf>

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