

Item REPORT

Joint Health Overview and Scrutiny Committee

14 October 2014

Subject Heading:

Amendments to Committee's Terms of Reference

Report Author and contact details:

Anthony Clements, London Borough of Havering
Tel: 01708 433065
Anthony.clements@onesource.co.uk

Policy context:

To agree changes the Committee's Terms of Reference

Financial summary:

The work of the Joint Overview and Scrutiny Committee will be covered by the previously agreed charging scheme between the boroughs.

SUMMARY

The Committee is asked to agree some amendments to its Terms of Reference clarifying its powers to respond to formal consultations and refer matters to the Secretary of State. This would reflect the latest Health Scrutiny guidance issued by the Department of Health.

RECOMMENDATIONS

1. That the Committee agree to the insertion of the following additional paragraphs into its Terms of Reference:
 26. *Under guidance on Local Authority Health Scrutiny issued by the Department of Health in June 2014, only the JHOSC may respond to a formal consultation on substantial variation proposals covering health services in more than one constituent Council area. This power also extends to the provision of information or the requirement of relevant NHS officers to attend before the JHOSC in connection with the consultation.*
 27. *The JHOSC may only refer matters directly to the Secretary of State on behalf of Councils who have formally agreed to delegate this power to it.*

REPORT DETAIL

1. In June 2014, new guidance on Local Authority Health Scrutiny was released by the Department of Health. This clarified that it was the responsibility of the Joint Committee (JHOSC) to give a (formal) response to any formal consultation on proposals for substantial variations in health services. This of course would only apply to instances where those variations covered more than one Local Authority area covered by the JHOSC. Individual Councils or departments would still be able to respond informally to any consultations but the responsibility to give a formal response would lie with the JHOSC. Members may recall that this is broadly the basis on which the JHOSC has worked up to now in any case.
2. Once responses have been given to a formal consultation and these have been responded to by health officers, there is the power to refer a matter to the Secretary of State for Health for final decision. One change under the new guidance is that this power of referral is reserved to the full Councils of the constituent JHOSCs, unless one or more of those full Councils have chosen to delegate this power to the JHOSC. Thus any referral to the Secretary of State by the JHOSC could only be on behalf of those Councils who have specifically delegated this power to it.
3. The proposed revised Terms of Reference of the Committee are attached for review by Members. Paragraphs 26 and 27 seek to reflect the changes outlined above.

IMPLICATIONS AND RISKS

Financial implications and risks:

None – it is anticipated that the work of the Committee will continue to be funded via the existing charging scheme between the Councils.

Legal implications and risks:

The proposed changes to the Committee's Terms of Reference seek to reflect 'Local Authority Health Scrutiny – Guidance to Support Local Authority Partners to Deliver Effective Health Scrutiny' published by the Department of Health in June 2014.

Human Resources implications and risks:

None.

Equalities implications and risks:

None.

BACKGROUND PAPERS

Local Authority Health Scrutiny – Guidance to Support Local Authority Partners to Deliver Effective Health Scrutiny, Department of Health, June 2014