

HEALTH SCRUTINY COMMITTEE
27 MAY 2015
HEALTH SCRUTINY COMMITTEE TERMS OF REFERENCE AND JOINT AGREEMENT
REPORT OF HEAD OF DEMOCRATIC SERVICES

1. Purpose

- 1.1 To ensure all members of the Health Scrutiny Committee are aware of the Committee's terms of reference and joint agreement between the Health and Wellbeing Board, Healthwatch Nottingham and Health Scrutiny and the implications for the operation of the Committee during the year.

2. Action required

- 2.1 The Committee is asked to note the terms of reference for the Health Scrutiny Committee and the joint agreement between the Health and Wellbeing Board, Healthwatch Nottingham and Health Scrutiny.

3. Background information

- 3.1 On 18 May 2015 Council is due to agree its terms of reference.
- 3.2 The Nottingham City Health and Wellbeing Board, Health Watch Nottingham and Health Scrutiny Ways of Working Agreement was agreed at the Health Scrutiny Panel on 28th May 2014.

4. List of attached information

- 4.1 The following information can be found in the appendices to this report:

Appendix 1 – Health Scrutiny Committee Terms of Reference

Appendix 2 - Nottingham City Health and Wellbeing Board, Health Watch Nottingham and Health Scrutiny Ways of Working Agreement

5. Background papers, other than published works or those disclosing exempt or confidential information

None

6. Published documents referred to in compiling this report

Report to Full Council meeting held on 18 May 2015
Health Scrutiny Panel - Nottingham City Health and Wellbeing Board,
Health Watch Nottingham and Health Scrutiny Ways of Working
Agreement Report and Minutes held on 28 May 2014.

7. Wards affected

All

8. Contact information

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Health Scrutiny Committee

- (a) To set and manage its work programme to fulfil the overview and scrutiny roles and responsibilities for health and social care matters, including, the ability to:
 - i. hold local decision-makers, including the Council's Executive, to account for their decisions, action and performance;
 - ii. review policy and contribute to the development of new policies and strategies of the Council and other local decision-makers where they impact on Nottingham residents;
 - iii. explore any matters affecting Nottingham and/ or its residents;
 - iv. make reports and recommendations to relevant local agencies in relation to the delivery of their functions, including the Council and its Executive;
- (b) To exercise the Council's statutory role in scrutinising health services for Nottingham City in accordance with the National Health Service Act 2006 as amended and associated regulations and guidance.
- (c) To engage with and respond to formal and informal consultations from local health service commissioners and providers;
- (d) To scrutinise the commissioning and delivery of local health and social care services to ensure reduced health inequalities, access to services and the best outcomes for citizens;
- (e) To hold the Health and Wellbeing Board to account for its work to improve the health and wellbeing of the population of Nottingham City and to reduce health inequalities;
- (f) To work with, and consider referrals from the Overview and Scrutiny Committee, to support effective delivery of a co-ordinated overview and scrutiny work programme;
- (g) To respond to referrals from, and make referrals to, Healthwatch Nottingham as appropriate;
- (h) In consultation with the Chair of Overview and Scrutiny, to commission time-limited panels (no more than 1 panel at any one time) to carry out a review of a matter within its remit. Commissioning includes setting the remit, initial timescale and size of membership to meet the needs of the review to be carried out. Such review panels will be chaired by the Chair of the Health Scrutiny Committee;
- (i) To monitor the effectiveness of its work programme and the impact of outcomes from its scrutiny activity;

- (j) To appoint a lead health scrutiny councillor for the purposes of liaising with stakeholders on behalf of the health scrutiny function, including the Health and Wellbeing Board, Healthwatch Nottingham and the Portfolio Holder with responsibility for health and social care issues;
- (k) To co-opt people from outside the Council to sit on the Committee or any review panels or commissions to support effective delivery of the overview and scrutiny work programme.

Membership

The Health Scrutiny Committee comprises 10 members.

Labour Group:	8
Conservative Group:	2

Quorum

The quorum for a meeting of the Health Scrutiny Committee is three members.

Chairing

The Chair will be a member of the pool of five overview and scrutiny chairs and is appointed by Full Council. The Vice-Chair will be appointed at the first meeting of the Health Scrutiny Committee from the membership of the Committee.

Nottingham City Health and Wellbeing Board,
Healthwatch Nottingham and Health Scrutiny
Ways of Working Agreement

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1. Purpose of the Agreement

This Ways of Working agreement sets out the relationship between the Nottingham City Health and Wellbeing Board, Healthwatch Nottingham and Nottingham City Council's Health Scrutiny function.

Health and Wellbeing Boards and Local Healthwatch were formed as a result of the 2012 Health and Social Care Act, which also expanded the role of Health Scrutiny. Whilst these bodies have specific distinct functions, there is potential for overlap in their work and opportunities for them to work in a complementary fashion whilst maintaining their independence.

The Agreement clarifies the key roles of the 3 bodies, their legal obligations to each other and how they will work together to improve the health and social care services for people in Nottingham.

2. Role of Nottingham City Health and Wellbeing Board

The Nottingham City Health and Wellbeing Board is the city's lead multiagency partnership for improving health and wellbeing and reducing health inequalities of the citizens of Nottingham City. Functions of the Health and Wellbeing Board include:

- Supporting the development of improved and joined up health and social care services.
- Overseeing, where appropriate, the use of relevant public sector resources across a wide spectrum of services and interventions to ensure outcomes from health care, social care and public health interventions.
- Developing and overseeing the implementation of the Joint Health and Wellbeing Strategy.
- Developing and overseeing the implementation of the Joint Strategic Needs Assessment and the Pharmaceutical Needs Assessment.
- Overseeing joint commissioning and joined up provision for citizens, patients, social care service users and carers, including social care, public health and NHS services with aspects of the wider local authority agenda that also impact on health and wellbeing, such as housing, education and the environment.
- Considering local commissioning plans to ensure that they are in line with the Joint Health and Wellbeing Strategy.
- Promoting public involvement in the development of the Joint Strategic Needs Assessment and the Joint Health and Wellbeing Strategy.
- Being one of the theme partnerships within the One Nottingham partnership family to lead on the Nottingham Plan to 2020 Healthy Nottingham priority.

3. Role of Healthwatch Nottingham

Healthwatch Nottingham will:

- Use its seat on the Health and Wellbeing Board to ensure that the views and experiences of patients, carers and other service users are taken into account when local needs assessments and strategies are prepared, such as the Joint Strategic Needs Assessment.
- Enable people to share their views and concerns about their local health and social care services and understand that their contribution will help build a picture of where services are doing well and where they can be improved.
- Give authoritative, evidence-based feedback in relation to the commissioning and delivery of local health and social care services.
- Help and support the Board to make sure that services really are designed to meet citizens' needs.
- Be inclusive and reflect the diversity of the community it serves.

4. Role of Health Scrutiny

Overview and scrutiny helps to provide accountability and transparency in local public services. It is an opportunity for non-executive councillors to review policies, decisions and services of the City Council and other organisations operating in Nottingham to ensure they meet the needs of the community and, where necessary, makes recommendations for improvement.

Health Scrutiny not only holds Council decision makers to account but also reviews and scrutinises commissioning and delivery across the health and social care system to ensure reduced health inequalities, access to services and the best outcomes for local people. Scrutiny can make reports and recommendations to NHS bodies and providers of NHS funded services. When a substantial change to a local health service is proposed, Health Scrutiny should be consulted and has a statutory role to ensure that the public interest has been taken into account and the proposed change is in the best interests of local health services.

There are two Health Scrutiny Committees:

- Health Scrutiny Committee (for health and adult social care matters in Nottingham City)
- Nottingham City and Nottinghamshire County Joint Health Scrutiny Committee (for health matters across the Greater Nottingham area)

For the purpose of this Agreement the term 'Health Scrutiny' refers to both of these Committees.

5. Legal Obligations between the 3 Bodies

All three bodies have a legal basis and within their statutory functions there are specific legal obligations that exist between them.

- The Health and Wellbeing Board has a duty to involve Healthwatch Nottingham in the preparation of the Joint Health and Wellbeing Strategy and the Joint Strategic Needs Assessment.
- The Health and Wellbeing Board has a duty to have a voting representative from Healthwatch Nottingham.
- Healthwatch Nottingham must appoint one person to represent it on the Health and Wellbeing Board.
- Healthwatch Nottingham must provide a copy of its annual report to Health Scrutiny.
- Health Scrutiny has a responsibility to review and scrutinise matters relating to the planning, provision and operation of health services in Nottingham and make reports and recommendations to relevant decision makers, including the Health and Wellbeing Board.
- Health Scrutiny must acknowledge and respond to referrals from Healthwatch Nottingham.

6. Local Commitments between the 3 Bodies

The Health and Wellbeing Board, Healthwatch Nottingham and Health Scrutiny will:

- a) have a shared understanding of each other's roles, responsibilities and priorities
- b) work in an open and constructive way
- c) work in a climate of mutual respect and courtesy
- d) respect each other's independence and autonomy.

Each body will produce and maintain an up-to-date work programme that is shared with each other to enable issues of mutual concern to be identified at an early stage and dealt with in a way that makes best use of respective roles, responsibilities and resources and avoids duplication. On major pieces of work requiring engagement, involvement or consultation of services users, carers and the public, the bodies will work collaboratively to agree roles and responsibilities. Where possible, the three bodies will seek to agree joint responses to consultation.

In working together recognition will be given to Healthwatch Nottingham's position as a member of the Health and Wellbeing Board; and the impact that this might have on its contribution to the work of Health Scrutiny, when that work relates to the Health and Wellbeing Board and its decisions and activities.

The successful application of the principles and commitments set out in this Agreement will depend on effective communication between the three bodies.

Every effort will be made to ensure ongoing open communication and regular informal meetings will be arranged to facilitate this.

The Health and Wellbeing Board will:

- Share the Board and Commissioning Executive Group's work plan with Health Scrutiny and Healthwatch Nottingham.
- Update Health Scrutiny on its progress with the Joint Strategic Needs Assessment and the Joint Health and Wellbeing Strategy.
- Take account of and respond to the opinions of Healthwatch Nottingham.
- Be subject to scrutiny by the Council's Health Scrutiny Committees and provide information¹ and attend meetings as requested to assist in their scrutiny work.
- Take account of and respond to comments, reports and recommendations submitted by Health Scrutiny.
- Request Health Scrutiny (subject to available resource) to undertake a particular piece of work within its remit. (Health Scrutiny may choose not to do so).
- Request (subject to available resource) Healthwatch Nottingham to undertake a particular piece of work in order to inform the Board of public opinion and experience of services where there are particular concerns and enable the public to influence decisions. (Healthwatch Nottingham may choose not to do so).

Meetings of the Health and Wellbeing Board which includes Healthwatch Nottingham, are held in public and representatives of Health Scrutiny Committee and Joint City and County Health Scrutiny Committee will be welcome to attend.

Healthwatch Nottingham will:

- Share its work programme with the Health and Wellbeing Board and Health Scrutiny.
- Provide relevant public opinions/experiences about services to support the development of JSNA chapters.
- Highlight concerns about services to Health Scrutiny and, where appropriate, make referrals in line with the process set out in Section 7 of this agreement.
- As a member of the Health and Wellbeing Board, provide information and challenge from the perspective of the public, service users and carers as well as appropriate intelligence on any strategic and/or commissioning concerns.

¹The Board and its partners will not be required to provide:

- Confidential information which relates to and identifies an individual unless the information is disclosed in a form ensuring that individuals' identities cannot be ascertained, or an individual consents to disclosure.
- Any information, the disclosure of which is prohibited by or under any enactment.
- Any information, the disclosure of which would breach commercial confidentiality.
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- Work with the Health and Wellbeing Board and Health Scrutiny to provide information and comments as the public champion.
- Regularly inform Health Scrutiny of current issues and, in exceptional circumstances, request Health Scrutiny to consider whether a formal referral to the Secretary of State for Health is required.
- Provide Health Scrutiny with information as requested for specific topics and issues regarding patient and user experiences and access to services (subject to available resource).
- Acknowledge and respond to referrals from Health Scrutiny in line with the process set out in Section 7 of this agreement.

Health Scrutiny will:

- Share the Health Scrutiny Committee and Joint City and County Health Scrutiny Committee work programmes with Healthwatch Nottingham and the Health and Wellbeing Board.
- Seek views of Healthwatch Nottingham and the Health and Wellbeing Board when formulating Health Scrutiny work programmes.
- Hold the Health and Wellbeing Board to account for its work to improve the health and wellbeing of the population of Nottingham City and to reduce health inequalities, including its responsibilities in relation to the Joint Health and Wellbeing Strategy and the Joint Strategic Needs Assessment.
- Make reports and recommendations to the Health and Wellbeing Board as a result of scrutiny activity, including any concerns identified regarding the commissioning and/or delivery of local health and care services with a view to influencing future commissioning plans.
- Request Healthwatch Nottingham (subject to available resource) to submit relevant intelligence and information to support scrutiny work.
- Invite representatives of Healthwatch Nottingham to attend and, at the Chair's discretion, speak at Health Scrutiny meetings.
- Request Healthwatch Nottingham (subject to available resource) to undertake a particular piece of work in order to inform Health Scrutiny activity. In exceptional circumstances, this may include requesting that Healthwatch Nottingham use its 'Enter and View' powers where there is an issue of particular concern. (Healthwatch Nottingham may choose not to do so).
- Take account of and respond to the views and recommendations of Healthwatch Nottingham and the Health and Wellbeing Board.
- Acknowledge and respond to referrals from Healthwatch Nottingham in line with the process set out in Section 7.
- Refer relevant issues to Healthwatch Nottingham in line with the process set out in Section 7.
- Consider Healthwatch Nottingham's annual report.

Meetings of the Health Scrutiny Committee and Joint City and County Health Scrutiny Committee are held in public and representatives of Healthwatch Nottingham and the Health and Wellbeing Board will be welcome to attend.

7. Referrals between Healthwatch Nottingham and Health Scrutiny

Referrals from Healthwatch Nottingham to Health Scrutiny

If, during the course of its work, Healthwatch Nottingham identifies an issue that it feels warrants exploration by Health Scrutiny it can make a referral. Referrals should be made in writing to the lead health scrutiny councillor via the Council's Overview and Scrutiny Team. Referrals should set out:

- the nature of the referral
- the reason why the referral is being made
- any evidence about the issue
- what action it is proposed should be taken

Referrals will be acknowledged and considered at the next available meeting of the appropriate Health Scrutiny Committee. Healthwatch Nottingham will be informed of the outcome of this consideration and if the request is supported, any actions planned and progress then made in investigating the issue. If Health Scrutiny decides not to act on a referral it will provide reasons for not doing so.

Referrals from Health Scrutiny to Healthwatch Nottingham

If, during the course of its work, Health Scrutiny identifies an issue that it feels warrants exploration by Healthwatch Nottingham it can make a referral. Referrals should be made in writing to the Healthwatch Nottingham Managing Director. Referrals should set out:

- the nature of the referral
- the reason why the referral is being made
- any evidence about the issue
- what action it is proposed should be taken

Referrals will be acknowledged and considered. Health Scrutiny will be informed of the outcome of this consideration and if the request is supported, any actions planned and progress then made in investigating the issue, if. Healthwatch Nottingham decides not to act on a referral it will provide reasons for not doing so.