

**HEALTH OVERVIEW AND SCRUTINY PANEL
7 OCTOBER 2010**

**HEALTH OVERVIEW AND SCRUTINY PROTOCOL
Head of Overview and Scrutiny**

1 INTRODUCTION

- 1.1 This report invites the Health Overview and Scrutiny (O&S) Panel to note the revised Health Service Scrutiny Code of Practice and Protocol for Bracknell Forest, which has been agreed with the Chief Executives of the six principal NHS organisations serving Bracknell Forest residents, and the Council's Director of Adult Social Care and Health .

2 SUGGESTED ACTION

That the Health Overview and Scrutiny Panel:

- 2.1 **Notes the revised Health Service Scrutiny Code of Practice and Protocol, particularly the obligations on Members.**
- 2.2 **Notes the complimentary feedback from NHS partners.**

3 SUPPORTING INFORMATION

- 3.1 The Department of Health recommends that local authorities have a recorded agreement with NHS organisations setting out the shared principles for Health Overview and Scrutiny (O&S). The Council had agreed a protocol document some years earlier, but this had become significantly out of date and it had been agreed with only three NHS organisations.
- 3.2 The O&S Officer team worked with the Director of Adult Social Care and Health to update and strengthen the protocol, and with the approval of the Chairman of the Health O&S Panel, also the Chairman of the O&S Commission, the Protocol attached to this report was subsequently agreed with minor amendments with the Chief Executives of all six principal NHS organisations serving Bracknell Forest residents.
- 3.3 In their responses to our approach on the Protocol, the Chief Executives made some complimentary remarks:

'I am very happy to sign up to the requirements.....I welcome the opportunity to work closely with the Overview and Scrutiny Panel to ensure we are listening and responding to our local community'
(CEO Royal Berkshire NHS Foundation Trust)

'I am very happy to sign this on behalf of the Trust' (CEO
Heatherwood and Wexham Park Hospitals NHS Foundation Trust)

'I confirm our agreement to support the ...Protocol....We would welcome the opportunity to discuss issues of common interest with you. I look forward to developing a healthy relationship' (CEO,
Frimley Park Hospital NHS Foundation Trust)

'I have read the document and am quite satisfied and comfortable with its content' (CEO, Berkshire Healthcare NHS Foundation Trust)

'I have now reviewed the code of practice that you sent through. It is the only one I have seen and as you know SCAS covers an area with quite a number of HOSCs. It is an extremely helpful and welcome document and one I would certainly like to see adopted as good practice in other areas.' (CEO South Central Ambulance Service NHS Trust).

Background Papers

None

Contact for further information

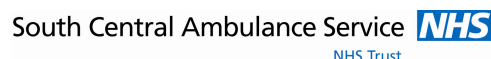
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Doc Ref

9 Health Scrutiny Protocol

Health Scrutiny Code Of Practice & Protocol for Bracknell Forest



1. Aims of Health Overview and Scrutiny

- 1.1 Since January 2003, local authorities with social services responsibilities have had the power to scrutinise local NHS health services. Local Authority Health Overview and Scrutiny (O&S) Committees (or Panels) bring democratic accountability into healthcare decisions and make the NHS more publicly accountable and responsive to local communities.
- 1.2 The O&S of health is an important part of the Government's commitment to place patients and the public at the centre of health services. It is a fundamental way by which democratically elected community leaders may voice the views of their constituents and require local NHS bodies to listen and respond. This can assist in reducing health inequalities and promote and support health improvement. The powers enable overview and scrutiny committees to consider local services by inviting senior staff to provide information and explanations about how local needs are being addressed, to enable open and transparent debate about health and health services.

2. The Legal and Local Framework

- 2.1 Section 7 of The Health and Social Care Act (2001) gives local authorities the power to scrutinise health service matters in their area and make recommendations to local NHS bodies. Local authorities are empowered, to "promote the economic, social and environmental well being" of the residents in their area by virtue of the Local Government Act 2000. In Bracknell Forest, the Health Overview and Scrutiny (O&S) Panel performs the majority of the health scrutiny function, with the O&S Commission maintaining strategic oversight of the work programme.
- 2.2 The Department of Health has set out the duties and responsibilities associated with health scrutiny, as well as providing guidance and advice. The former Community Health Councils' and Patient and Public Involvement Fora powers and roles are now reflected amongst new structures, including O&S committees of local authorities and Local Involvement Networks, set up under the Local Government and Public Involvement in Health Act 2007.

- 2.3 This protocol between Bracknell Forest Council and the NHS organisations serving residents of Bracknell Forest, sets out how O&S of health issues will be done, building on existing partnership working to provide cross-cutting service improvement for the benefit of our residents. This protocol should be read in conjunction with the Council's Constitution and particularly its terms of reference and procedure rules for O&S panels.
- 2.4 The area served by NHS Berkshire East covers the boroughs of Slough, Windsor & Maidenhead and Bracknell Forest. The three councils, in addition to their own Health O&S Panels/Committees have accordingly formed a statutory Joint Health O&S Committee under Section 8 of the Health and Social Care Act 2001 to review health service issues across East Berkshire and to respond to consultations on substantial variations to services.
- 2.5 Bracknell Forest Council has formed a 'Partnership O&S Group' with non-executive board representatives from each of the major partner organisations in the Bracknell Forest (Local Strategic) Partnership. The aim of the group is to engender a partnership-oriented approach to O&S of the Partnership and associated purposes. The membership of this group includes the Chair of NHS Berkshire East.

3. Working Principles

Shared Responsibility

- The health of Bracknell Forest residents depends on the quality of health services, commissioned by NHS Berkshire East and provided by NHS organisations and other services, many of these are provided or commissioned by the local authority, and many in partnership.
- The success of health scrutiny in Bracknell Forest depends on Bracknell Forest Council as a whole, as well as the members of the Health O&S Panel, and the NHS health service partner organisations listed at the end of this document (the 'key agencies').

Co-operation

- The success of health scrutiny in Bracknell Forest is dependent on the key agencies working together within a climate of mutual trust, respect, partnership working, openness and a shared understanding of health scrutiny and its aims.
- The key agencies involved therefore agree to share knowledge, respond to requests for information, invitations and reports as appropriate, carry out any duties expected of them¹ and treat with courtesy everyone involved.
- Health scrutiny shall respect the priorities for officer/manager time from other inspection bodies and will endeavour to work with them to avoid duplication.
- Relationships will be maintained with the Local Involvement Network (LINK) for Bracknell Forest. The LINK has the right to refer health and adult social care matters to the Council's O&S Panels for Health and Adult Social Care.

Accountability

- Health scrutiny will be open and transparent. Should any matters be exceptionally unfit for publication for reasons of commercial or other confidentiality, the Council will respect this and discuss appropriate handling with the NHS organisation concerned.

¹ See also Section 5, on consultation requirements.

- Those involved in health scrutiny shall always declare any personal or prejudicial interest that they may have in any Health O&S Panel issues, in accordance with the guidance on declarations of interest.
- Bracknell Forest's scrutiny function, whilst working within a framework of partnership and co-operation, is independent of the NHS and of the Council's Executive. Its independence must not be compromised by its Members or by any other organisation with whom it works.

Accessibility

- Health scrutiny will work well if it is seen as a process that involves patients, service users and the public, and where the key agencies engaged in the process are working together to ensure that opportunities for patient and public involvement are maximised.
- The needs of hard-to-reach groups require particular attention with regard to accessibility and involvement.

Outcome focused

- Health scrutiny in Bracknell Forest is focused on improving health services and the health of Bracknell Forest's residents, as evidenced in the Joint Strategic Needs Assessment and elsewhere.
- It is not the role of Scrutiny in Bracknell Forest to take up and review individual cases, nor to act as a complaints service for individual patients and members of the public. Complaints should be directed through the individual organisations' complaints procedures.

4. Bracknell Forest Council's Health O&S Panel will:-

Administration

- Arrange for agendas, reports and minutes to be distributed in accordance with statutory timescales and the requirements of the Council's Constitution.
- Invite representatives to meetings, giving advance notice and a clear outline of topics to be addressed.
- Give reasonable notice of information required.
- Recommend, if appropriate, co-opting or commissioning health advisors to take part in health scrutiny reviews.
- Any reports submitted to NHS bodies for a response will include: an explanation of the issue addressed; a summary of the evidence considered; a list of the participants involved; and any recommendations.
- Distribute copies of review reports to key stakeholders and publish review reports on the Council's website.
- Ensure expeditious and appropriate handling of matters which arise outside the usual timetable for scrutiny panel meetings.

Consultation and Communication

- Consult with local NHS bodies and others as appropriate on its programme of work and in particular on the topics for review.
- Publicise its programme of work.
- Inform relevant NHS bodies in advance of any press or media releases.
- Identify a key contact officer for health scrutiny.
- Maintain regular contact with representatives of NHS bodies, LINK and other health interest groups as appropriate.

- Identify details of Members' health scrutiny training needs to enable health trusts to provide the necessary type and level of training.
- Along with the Adult Social Care O&S Panel, promptly review any statutory referrals from the Bracknell Forest LINK of matters relating to health scrutiny.

Scrutiny Panel Meetings and Health Scrutiny Reviews:

- Comply with the requirements of the law and the Council's Constitution
- Consider holding some meetings in NHS health sites, where this would enhance public interest and access.
- Familiarise themselves with the subject under review.
- Treat those invited to appear at meetings with courtesy and respect and conduct business in a positive and fair style to everyone present.
- Invite senior officers or Board Members of health trusts to answer questions on health issues and concerns. Individual GPs, dentists, pharmacists or those providing ophthalmic services cannot be required to attend, but may choose to participate upon request.
- Will not discuss individual staff performance issues at public meetings.
- Undertake pre-arranged visits to NHS establishments and give notice of attendance at specified health trust meetings.
- Promote/foster cross-agency working, where appropriate.
- Consult health partners on review project plans, notify completion deadlines and personnel involved, and keep partners up to date with work carried out.
- Treat confidential or exempt information provided in accordance with the Local Government Act 1972, and the requirements of the Data Protection Act, Freedom of Information Act and the Health and Social Care Act, 2001.
- Arrange as necessary the formation of joint health scrutiny by more than one local authority.

5. NHS Berkshire East (Primary Care Trust), Berkshire Healthcare NHS Foundation Trust, Frimley Park Hospital NHS Foundation Trust, Heatherwood and Wexham Park Hospitals NHS Foundation Trust, The Royal Berkshire NHS Foundation Trust and South Central Ambulance Service NHS Trust will:

Administration

- Provide information relating to the health services that the Health O&S Panel or its Members and officers need (excluding identifiable personal patient or personnel information, or information which is non-discloseable as defined in Schedule I of the Health and Social Care Act).
- Provide the Health O&S panel with copies of the Annual Report of the Director of Public Health and details of any recent forthcoming inspections and reviews planned by health or other agencies. (E.g. Care Quality Commission and Monitor). Provide other information, when requested, usually within 20 working days, or to an agreed timeframe if the information required is more complex.
- Respond to health scrutiny review reports and any other recommendations within 28 days of receipt and copy such responses to health scrutiny reviews to key stakeholders as appropriate.
- Responses shall include: the body's views on the recommendations; proposed action in response to the recommendations; and any reasons for inaction to the recommendations made.

Consultation and Communication

- Consult the Health O&S panel early on strategies and plans for substantial developments² in services or substantial variation in service provision³.
- Inform the Health O&S panel of public consultations being carried out in sufficient time to allow the Committee to participate and comment.
- Assist the Health Scrutiny panel in identifying recently raised health issues (e.g. – matters on which statutory consultation is required: changes to accessibility, wide impact on community, patients affected, methods of service delivery, matters to be subject to non-statutory consultation, matters on which informal consultation is under consideration).
- Take part in consultation on topics for review.
- Identify a key contact person for health scrutiny matters within each organisation.
- Through its Chief Executives and other representatives as appropriate maintain regular contact with the scrutiny panel.
- Assist with all reasonable requests for health training and information previously specified by Bracknell Forest's scrutiny Members to improve their expertise in the field.
- Promote health scrutiny internally within organisations and when consulting with patients and public.

Panel Meetings and Health Scrutiny Reviews

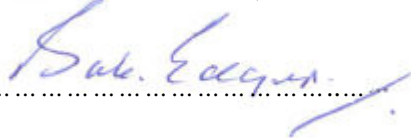
- Identify a lead officer for each health scrutiny review undertaken by the scrutiny panel as appropriate.
- Accompany scrutiny panel Members on pre-arranged site visits, as appropriate.
- Ensure that Chief Executives or nominated replacements attend meetings of the scrutiny panel or any sub groups when invited by mutual agreement, in accordance with the protocols.
- When invited and given appropriate notice, encourage identified NHS employees to attend meetings of the scrutiny panel.
- Ensure that NHS employees attending scrutiny meetings understand the process and purpose of scrutiny to enable them to answer questions with support as appropriate by their line managers/directors.

² The regulations under the Health and Social Care Act, 2001, establish a requirement for local health bodies to consult local authorities on substantial variations in the provision of services and substantial development of the health service in the local authority area.

³ 'Substantial Variation' includes any proposals for service changes which could affect 5% or more of the population or be considered to have a significant impact for one or more specific groups of service users. Where there is doubt whether a particular proposal should be notified to the scrutiny panel, this should be discussed with the Chairman of the Health Scrutiny Panel. The guidance indicates that scrutiny panels should be consulted on the following matters:-


- Changes to accessibility of services – e.g. both reductions and increases on a particular site or changes in opening times for a particular clinic.
- Impact of proposal(s) on the wider community and other services – including economic impact, transport, regeneration
- Patients affected – the whole population, specialist services
- Methods of service delivery – e.g. moving to a community based setting, as opposed to hospital based

Bracknell Forest Council Councillor Bob Edger OBE, Chairman O&S Commission and Councillor Ian Leake, Chairman Health Overview & Scrutiny Panel

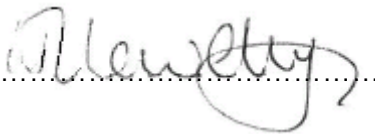
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Glyn Jones, Director of Adult Social Care and Health

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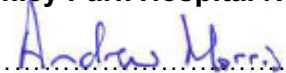
NHS Berkshire East (Primary Care Trust) Dr Lise Llewellyn, Chief Executive

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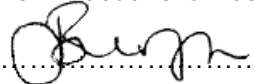
Berkshire Healthcare NHS Foundation Trust Philippa Slinger, Chief Executive

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Frimley Park Hospital NHS Foundation Trust Andrew Morris, Chief Executive

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Heatherwood and Wexham Park Hospitals NHS Foundation Trust Julie Burgess, Chief Executive Officer

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The Royal Berkshire NHS Foundation Trust Edward Donald, Chief Executive Officer

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South Central Ambulance Service NHS Trust Will Hancock, Chief Executive

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