

TO: OVERVIEW AND SCRUTINY COMMISSION
29 February 2024

Establishment of a Joint Health Overview and Scrutiny Committee (JHOSC)
(Statutory Scrutiny Officer)

1 PURPOSE OF REPORT

- 1.1 This report seeks to inform Commission members about the proposed establishment of a Joint Health Overview and Scrutiny Committee (JHOSC).

2 RECOMMENDATIONS

- 2.1 **That Commission members recommend to the Executive the establishment of Joint Health Overview and Scrutiny Committee, jointly with Hampshire County Council and Surrey County Council, to scrutinise the relocation of Frimley Park Hospital.**
- 2.2 **That Commission members approve the Draft Terms of Reference for the JHOSC.**
- 2.3 **That Commission members recommend the Executive appoint representatives to the JHOSC who are members of the Overview and Scrutiny Commission.**

3 REASONS FOR RECOMMENDATIONS

- 3.1 Frimley Park Hospital needs to be replaced by 2030 because it was built in the 1970s using Reinforced Autoclaved Aerated Concrete (RAAC), which makes up around 65 per cent of the current hospital.
- 3.2 Health Services are required to consult a local authority's Health Overview and Scrutiny Committee about any proposals they have for a substantial development or variation in the provision of health services in their area under 'Regulation 30 (5) Local Authority (Public Health, Health and Well-being Boards and Health Scrutiny) Regulations 2013.' When these substantial developments or variations affect a geographical area that covers more than one local authority (according to patient flow), the local authorities are required to appoint a Joint Health Overview and Scrutiny Committee (JHOSC) for the purposes of the consultation.
- 3.3 Setting up a JHOSC will fulfil the legislative requirements for health scrutiny that covers more than one geographical area.

4 ALTERNATIVE OPTIONS CONSIDERED

4.1 None

5 SUPPORTING INFORMATION

5.1 The JHOSC will operate formally as a statutory committee. The purpose of the JHOSC and its proposed operating procedures are outlined in **Appendix A** 'Joint Health Overview and Scrutiny Committee (Frimley Park) Draft Terms of Reference.'

5.2 The underpinning legislation regarding health scrutiny is set out in guidance published in 2019 which guides all of our scrutiny arrangements currently [Overview and scrutiny: statutory guidance for councils and combined authorities - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/overview-and-scrutiny-statutory-guidance-for-councils-and-combined-authorities)

5.3 A new set of health scrutiny regulations will come into force at the end of January 2024. These will include statutory guidance for health scrutiny which is likely to be more general in scope although the details are yet to be released. It also allows for the Secretary of State the power to intervene on commissioning arrangements. Given the consultation process for Frimley Park Hospital has already begun it could be assumed it will be carried out under the old regulations, which gives more weight to health scrutiny than the new regulations are likely to do so. [BLOG: DHSC confirms new health scrutiny arrangements to start in January - Centre for Governance and Scrutiny \(cfgs.org.uk\)](https://www.cfgs.org.uk/news/blogs/dhsc-confirms-new-health-scrutiny-arrangements-to-start-in-january)

5.4 In lieu of publication of statutory guidance being published by the Secretary of State in relation to new service configurations the Department of Health, Local Government Association and Centre for Public Scrutiny have published guidance which includes describing how Integrated Care Board, Integrated Care Partnerships and local authority Health Overview and Scrutiny Committee (HOSC) arrangements will work together and it is recommended we follow this guidance, particularly when entering into any Joint Health Overview and Scrutiny Committee (JHOSC). [Health overview and scrutiny committee principles - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/health-overview-and-scrutiny-committee-principles)

5.5 Guidance on what constitutes a substantial variation to current service provision can be found in this document by NHS England. However, it should be noted there is no single, accepted definition of substantial service change, although it usually involves a change to the geographical location where services are delivered. [NHS England » Planning, assuring and delivering service change for patients](https://www.nhs.uk/planning-assuring-and-delivering-service-change-for-patients)

6. Borough Solicitor's comments

There are potential legal implications if a JHOSC is not established.

7. Borough Treasurer's comments

Any proposals would need to be delivered within existing budgets.

8. Equalities Impact Assessment

None.

9. Strategic Risk Management Issues

- 9.1.1 Not being part of the JHOSC means the Council will not fulfil its legislative requirements for health scrutiny that covers more than one geographical area.
- 9.1.2 Having representation on the JHOSC will mean Bracknell Forest residents will have their views represented during the building of the new hospital.

10. Background Papers

None.

11. Contact for further information

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