

**To: Overview & Scrutiny Commission
9 September 2021**

**Health Scrutiny: Overview & Scrutiny Arrangements
Statutory Scrutiny Officer**

1 Purpose of Report

- 1.1 This report proposes a revision of the Overview & Scrutiny Commission's (OSC) arrangements for the discharge of the statutory health scrutiny function.

2 Recommendation

2.1 That the Commission agrees:

- To reschedule one of its meetings per year to sit as the strategic health scrutiny board
- That the Finance and Wellbeing Overview and Scrutiny Panel be renamed Health and Care Overview and Scrutiny Panel
- That the Commission leads on the Council Plan theme, Value for Money

3 Reasons for Recommendation

- 3.1 Following the COVID 19 pandemic, the issues of community health and wellbeing have become a greater priority than they were when the current arrangements were put in place. Given this increase focus and community need, the Commission has reviewed how it discharges its duty to have overview and scrutiny of the provision of health and public health within the Bracknell Forest Council area.
- 3.2 This recommendation strengthens the current arrangements, while broadly fitting into the current commissioning framework, as having been established in the Commission's report to Council on the 27 November 2019

4 Alternative Options

- 4.1 That the Finance and Wellbeing Panel undertakes health scrutiny on behalf of the OSC and the Commission's work programme is re-prioritised to increase overview & scrutiny officer support to this new panel.

This option requires formal changes to the scrutiny arrangements as set out in the Constitution. Resources would be reduced equally from all other Panels, in order to accommodate an additional work programme of health review activity by the new Finance and Wellbeing Panel. This was therefore rejected as it does not strategically align to the new arrangements agreed in 2019 and would move away from reviewing topics thematically, rather than departmentally.

5 Background

- 5.1 In response to concerns raised about whether the current overview and scrutiny arrangements are discharging the Council's statutory health scrutiny duty effectively, the Chairman of the Overview and Scrutiny Commission, asked the Statutory Scrutiny Officer to undertake a review. The focus of the review was to assess the adequacy of the current arrangements and make recommendations to the Commission that would both strengthen the current arrangements and provide assurance to Members and the public at large.
- 5.2 Along with social care functions, Overview and Scrutiny, must, and be seen to be, holding all commissioners and providers of publicly funded health and social care services to account for the quality of their services. The powers of the health scrutiny are not just limited to requiring the council's Executive Members to attend and answer questions at meetings held in public, the scrutiny function can also hold to account committees of the council with a health focus, health partnerships between the council and the NHS, plus provision in the voluntary sector. The health and wellbeing board also comes under the local authority scrutiny function, although decisions of partnership boards cannot be 'called in' as they are not decisions of the council's Executive.
- 5.2 To this end, a review has looked into how the health scrutiny function is discharged through scrutiny's statutory powers to obtain information, ask questions in public and make recommendations for improvements, which ultimately those commissioners and providers of services must consider. Further, the Statutory Scrutiny Officer also considered his legal duty "...to promote the role of the authority's overview and scrutiny committee(s)" and therefore looked at the knowledge of these bodies of the council's scrutiny function. Particularly, in terms of knowing that they in turn can refer issues to the Commission, for investigation and review to support good decision making and policy development that has the benefit of the participation of the widest possible audience.

6 Review Findings

- 6.1 On the 5th November 2019, the Overview and Scrutiny Commission, considered a report, that proposed revised arrangements for the discharge of the overview & scrutiny function and to report these changes to the Council in order for consequential changes to be made to the Council's Constitution. This report's recommendations were agreed and changed the Overview & Scrutiny Panels from being aligned to a departmental structure that no longer existed, to a thematic structure that better reflected the interconnection of community services and aligned to the 6 themes of the Council Plan. The Overview & Scrutiny Commission formally agreed to implement 3 new panels:
- Finance & Wellbeing
 - Education, Skills & Growth
 - Environment & Communities
- 6.2 Further, that the Overview and Scrutiny Commission would itself lead on a number of issues, including:
- Developing a four-year strategic work programme aligned to the Council Plan following input from scrutiny members, the Executive, Corporate Management Team, partners and the public, ensuring that it is flexible enough to accommodate urgent short-term issues.

- Co-ordinate the work of the Overview & Scrutiny Panels to make the best use of available resources which will include allocating topics to Panels and agreeing the scope of activity.
- Receive findings and recommendations from Panel chairmen in respect of their Panel's scrutiny activity, for consideration and referral to the Executive or other decision-makers as appropriate.
- Prioritise scrutiny activity to ensure that the overview and scrutiny function concentrates on the delivery of work of genuine value and relevance to the work of the Council [and the communities of the Bracknell Forest Council area].
- Discharge the Council's statutory crime and disorder scrutiny responsibilities.
- **Discharge the Council's strategic health scrutiny responsibilities.**
- Lead on Climate Change scrutiny.
- Manage call-in.
- Review the policy framework.
- Scrutinise the budget proposals.
- Hold the Executive to account for performance within the Corporate Performance Overview Report (CPOR).

6.3 These revised arrangements took into account the 2018 recommendations to the council from the Centre for Public Scrutiny (CfPS). The key points from their review were:

- There is no clear, shared understanding of the role and purpose of scrutiny by Members
- There is little visibility of public accountability of the political leadership and Executive through open scrutiny
- There is a deficit of democratic accountability
- Portfolio Review Groups severely dilute the role of public scrutiny as this internal process leaves limited scope for Members to add further value at a future public scrutiny stage
- There are too few examples of Executive Members and Leader/Deputy being publicly held to account by scrutiny
- Some Members have missed the need for holding to account and see scrutiny as an information gathering and learning opportunity
- Scrutiny work programmes do not have a clear alignment with the Council corporate plan
- There is no clear objective in much of scrutiny's work
- There is no comprehensive Executive forward plan which scrutiny could use as a basis for scrutiny work plans and to have impact
- There is no triangulation between scrutiny and the Executive in the production of the work programme

- 6.4 In the [Overview and Scrutiny Annual Report 2019 - 2021](#) the Statutory Scrutiny Officer gave his assessment of the function, following these changes and stated that "...I am pleased to report to Council that this report demonstrates that these changes to the function have been highly effective and the function is meeting the highest standards". The report goes on to detail the work of the Commission and Panels, with reports from the Panel Chairmen on their progress against the four-year work programme, which is linked to the Council Plan. It was clear from this assessment that the recommendations from the CfPS, had been taken on board and the new arrangements had addressed these points. That said, in re-establishing its role in council operations, the Statutory Scrutiny Officer acknowledged that the function needs to continue its development, in order to expand its outward-looking approach to scrutiny work. It was felt that Members needed to take on a wider set of issues, as they affect local people, rather than just carrying out oversight of the council as an institution.
- 6.5 Reviewing the function's handling of strategic health scrutiny and public health scrutiny matters, it should be noted that the four-year work programme was agreed before the global health crisis of COVID 19. There is, in the potential expansion of scrutiny's role into this area of public policy, the challenge for the Commission in reprioritising this work, in relation to the resources available, to ensure that the function is investigating the right health matters at the right time, and in the right way. The point has been made that the pandemic isn't over and at the time of writing this report, the UK is in the middle of a third wave, which is affecting a different cohort of the community and therefore its health implications will be different to those affected in wave one and two. It is this new context that has fed into this review and the reason why further changes could be considered by the Commission.
- 6.6 In late 2019, after the agreement of the four-year scrutiny plan, the Berkshire Director for Public Health, had been scheduled to do an opening presentation to the Commission, similar to the presentation that the Commission had on Climate Change, with a view to a similar process. It was scheduled for quarter 1 2020-21 (April – June) and would have provided the Commission with a good overview of the subject. The Commission would, following this session, either scope additional reviews for itself or commission the Finance and Wellbeing Panel to take on additional topics to its programme. As, although the Finance and Wellbeing Panel had a programme of work, there were two unallocated review slots available for this purpose. However, the Commission's schedule for quarter 1 and 2, of the 2020/21 municipal year was deferred in light of the global SARS-CoV-2 (COVID -19) emergency, and general Commission activity was suspended between April – August in 2020.
- 6.7 With regard to the Finance and Wellbeing Panel's work programme, this was based on the 2019 Council Plan priorities. This Panel's work programme already had, as a central focus, a number of health reviews. The work plan for the panel had programmed reviews on:
- Healthy eating, activity and exercise
 - Isolation and Loneliness
 - Digital Access
 - Primary Care Networks
 - Mental Health
 - Unsafe discharge
- 6.8 In reviewing these topics, it was clear that these all had a strong health focus, with the **Healthy eating, activity and exercise** review talking to the council's priority of early prevention in issues. This was then to be followed by a review that addressed

Isolation and loneliness, which was highlighted in the first Government strategy for tackling the topic, "[A Connected Society - A strategy for tackling loneliness](#)". This review had a central health focus, in that the Government's strategy makes the case that:

"Three quarters of GPs surveyed have said they are seeing between one and five people a day suffering with loneliness, which is linked to a range of damaging health impacts, like heart disease, strokes and Alzheimer's disease. Around 200,000 older people have not had a conversation with a friend or relative in more than a month.

As part of the long-term plan for the NHS, funding will be provided to connect patients to a variety of activities, such as cookery classes, walking clubs and art groups, reducing demand on the NHS and improving patients' quality of life.

Up to a fifth of all UK adults feel lonely most or all of the time and with evidence showing loneliness can be as bad for health as obesity or smoking"

This was programmed as an important review, given its cross disciplinary, cross departmental and cross organisational links. This review also had the potential to made recommendations that put the individual at the centre of service thinking and therefore drew together appropriate Public Health, primary health, social care, sports, cultural services and technology, in order to address the needs of the community.

- 6.9 The review of **Primary Care Networks** and **Unsafe [hospital] discharge**, self-evidently have a health focus, as does the Panel's next scheduled review, for quarter 3 2021-22, of Mental health. The only review whose scope was not immediately health focused was Digital Access, although access to services, as seen during the COVID 19 emergency, has for health services, shifted access to digital channels, with virtual consultations, phone diagnosis and on-line booking services.
- 6.10 Having completed a desk top review of the function, in the context of the effectiveness of health scrutiny, there has also been discussions with the Corporate Management Team and the Frimley Clinical Commissioning Group's (CCG) Managing Director for Bracknell Forest. Having reflected on the information gained from reviewing the work programme, reviewing the minutes of the [Frimley Collaborative Commissioning Collaborative Board Meetings March 2020-21](#) and the discussions with senior Officers, this report confirms to the Commission's Chairman and the Commissioners that the council is satisfying its role in health scrutiny, and has discharged its scrutiny responsibility adequately over the time that the [new O&S arrangements](#) have been in place. That said, from this exercise a number of potential improvements have been identified, based on the changed context, since the work programme was put in place. These could be made to highlight when the Commission and Scrutiny Panel is discharging the function and therefore bring wider community attention to its work.
- 6.11 It should be noted that work with health partners, to establish and enhance consultation practices, data sharing and engagement practices has been ongoing for some time. It is noted that health provision is currently undergoing significant changes and the impact of the implementation of the 'Integration and Innovation: working together to improve health and social care for all' or Health White Paper on Bracknell Forest is yet to be determined. However, in reviewing the current arrangements for health provision the proposals for improved health engagement is captured within the recommendations set out within the report.

7 Recommendations

- 7.1 Following discussions with the Overview and Scrutiny Commission, it was noted that the Finance and Wellbeing Panel had not, to date, undertaken a review focused on Value for Money. Whereas the Overview and Scrutiny Commission had considered this topic on a number of occasions, centred on pre-budget scrutiny and holding the Executive Member for Transformation and Finance to account in public. It is therefore proposed that this Council Plan theme of Finance / Value for Money could now formally sit with the Commission, instead of the Finance and Wellbeing Panel. This Panel being renamed as the Health and Care Overview and Scrutiny Panel. Given the work programme already set for this Panel, this would align to this programme of work and therefore more clearly position this Panel's health scrutiny work in the public's eye.
- 7.2 The Commission discharges the Council's strategic health scrutiny responsibilities and is therefore the body health providers need to consult with when major changes are proposed. However, the strength of our scrutiny arrangement is the visibility of public accountability, the space to demonstrate political leadership and through open scrutiny bridge any deficit of democratic accountability. So, in addition to the Overview and Scrutiny Commission receiving the findings and recommendations from the new Health and Care Panel, in respect of that Panel's scrutiny activities, that the Commission creates an additional scheduled space for policy debates between the Health and social care providers, the Executive and the Officers of the council. A template for this model already exists, in that this is the model that the Commission has adopted in sitting as the Crime and Disorder Panel, inviting Thames Valley Police, Chair of the Community Safety Partnership, the Executive Member for Culture, Delivery and Public Protection and Executive Director of People Services.
- 7.3 In this proposed change, a meeting of the Commission each year will be retitled to be the meeting of the strategic health scrutiny board, at which the local NHS service providers, Public Health leaders, Social Care leaders and the council's Executive Member can be engaged with and benefit from the critical friend function that is at the heart of the overview and scrutiny process. This would again not change what the Commission does but will give the public a clearer understanding of when health matters that affect the whole borough, are being discussed.
- 7.4 In scheduling this strategic meeting, this will not stop the Commission doing judicious reviews of current issues, at any time. In fact, this proposed change is in addition to the work that the Commission already does. Over the last few years, the Commission has tackled issues as they have arisen or, has taken updates from the NHS, when the health service has felt that the Commission should be briefed on a topic. This proposal is about giving more space to this important topic, not less or less frequent.
- 7.5 In making these two recommendations, the Statutory Scrutiny Officer, notes that these changes are within the purview of the Commission as these do not change any of the established structures, as they simply highlight the health scrutiny work in a way that makes this more accessible to the Commission itself and more importantly, to the public at large.

8 Consultation and Other Considerations

Legal Advice

- 8.1 Section 9F of the Local Government Act 2000 ("the 2000 Act") requires all local authorities operating Executive arrangements to have one or more committees to

scrutinise the actions of the Executive and the authority and provide overview of matters affecting the authority's area and the inhabitants of that area ("overview and scrutiny" committees). Moreover, Executive arrangements by a local authority must ensure that its overview and scrutiny committee has power

- to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the executive,
- to make reports or recommendations to the authority or the Executive with respect to the discharge of any functions which are the responsibility of the Executive,
- to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the Executive,
- to make reports or recommendations to the authority or the Executive with respect to the discharge of any functions which are not the responsibility of the Executive,
- to make reports or recommendations to the authority or the Executive on matters which affect the authority's area or the inhabitants of that area.

8.2 The recommendations to establish new thematically based panels from current arrangements aligns with the authority's statutory responsibilities.

Financial Advice

8.3 There are no financial implications arising from this report there are no proposals to increase the existing resource allocation. The recommended changes to the Commission and Panels do not have any impact on the provisions within the Members' Allowances Scheme.

Equalities Impact Assessment

8.4 When discharging its duty to have overview and scrutiny of the provision of health and public health within the Bracknell Forest Council area the Commission should consider the potential impact on all of the borough's residents to help reduce health inequalities due to the following factors: socio-economic status and deprivation, protected characteristics, vulnerable groups or geography.

Health inequalities are defined as unfair and avoidable differences in health across the population, and between different groups within society. Health inequalities arise because of the conditions in which people are born, grow, live, work and age. These conditions influence opportunities for good health, and how people think, feel and act, and this shapes their mental health, physical health and wellbeing.

Strategic Risk Management Issues

8.5 Effective scrutiny is important to the successful functioning of local democracy by securing the efficient delivery of Council services and driving improvements. Poor scrutiny can be indicative of wider governance, leadership and/or service failure.

Background Papers

[Frimley Clinical Commissioning Group Meetings March 2020-21](#)

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