

CODE OF JOINT WORKING ARRANGEMENTS – HEALTH SCRUTINY

Leader of the Council

Date: 9 July 2024

Agenda Item:

Contact Officer: Mark Hooper

Tel Number: 01543 308064

Email: Mark.hooper@lichfielddc.gov.uk

Key Decision? **NO**

Local Ward N/A

Members



Lichfield
District Council

Full Council

1. Executive Summary

- 1.1 The Staffordshire Leader's Board has considered and approved an updated Code of Joint Working Arrangements (Joint Code) with District and Borough Councils for Health Scrutiny.
- 1.2 Council is being asked to endorse the updated Code and reference the joint working arrangements in the constitution (see paragraph 3.9).
- 1.3 The arrangements enable a District representative to attend County Council's Health and Care Overview & Scrutiny Committee (already in effect) and for a County Council representative to attend relevant District Overview & Scrutiny Committee meetings in relation to health matters.

2. Recommendations

- 2.1 That the updated Joint Working Arrangements with Staffordshire County Council be endorsed.
- 2.2 That the arrangements be referenced in the Constitution as set out at paragraph 3.9 below.

3. Background

- 3.1 The Code of Joint Working Arrangements between the County, District and Borough Councils for Health Scrutiny has been reviewed and refreshed.
- 3.2 The statutory responsibility for Health Scrutiny lies with Staffordshire County Council as the social care authority and its Health and Care Overview and Scrutiny Committee considers health, adult social care and public health matters. Scrutiny of wider determinants of health falls within the District/Borough scrutiny function.
- 3.3 The Joint Code was first introduced in 2003 to provide guidance to County and District processes. In essence matters that have a Staffordshire wide theme are scrutinised by the County while issues with a local theme are dealt with at the District level.

- 3.4 The Joint Code was updated in 2015 in response to the Local Authority (Public Health, Health & Wellbeing Boards and Health Scrutiny) Regulations 2013, Francis report and changes to the structure of health services.
- 3.5 The Health and Care Act 2022 has introduced the Integrated Care System and new ways of working with new powers for the Secretary of State to intervene in local health services from July 2023. Given these changes it was considered timely to refresh working arrangements and re-launch the Joint Code.
- 3.6 The Joint Code is referred to when determining the method of scrutiny for a specific item of interest:
- The County leads on matters best dealt with at County level (e.g. system pressures)
 - Members are appointed annually from each District/Borough to the Health and Social Care Overview & Scrutiny Committee
 - The District/Borough Councillor can nominate a substitute.
 - The County Council may ask a lead District/Borough Council to carry out scrutiny of an issue that the County Council believes is best dealt with at district level. This may be singly or jointly with other District/Borough Councils. The capacity of committees and partners should be taken into consideration when planning scrutiny of an issue.
 - District/Borough Councils may ask the County Council to carry out scrutiny of an issue that is of a strategic nature.
- 3.7 The Staffordshire County Council Health and Care Overview and Scrutiny Committee has 21 members (13 County, 8 District/Borough). The Chair of each District/Borough Scrutiny Committee responsible for Health and Wellbeing matters will be appointed to the Health and Social Care Overview & Scrutiny Committee and will have full voting rights. Their role is to:
- Provide updates from their relevant Committee to the Health and Social Care Overview & Scrutiny Committee
 - Report back on any issue which the Health and Social Care Overview & Scrutiny Committee has requested the relevant committee to scrutinise.
- 3.8 One County Councillor can be appointed to each District/Borough Committee with full voting rights on the respective Committee. The appointment will be made by the County Council annually. The representative will provide updates from the District/Borough to the Health and Social Care Overview & Scrutiny Committee
- 3.9 To ensure consistency, each District and Borough Council is requested to reference the Code in their respective constitutions. It is therefore recommended that the following wording be inserted:
- a. The Council has agreed a Code of Joint Working between the District Council and Staffordshire County Council in relation to the Overview & Scrutiny of health matters.*
- b. In accordance with the agreed code:*
- i. the County Council shall discharge the overview and scrutiny function under the Health and Social Care Act 2001 and subsequent guidance including the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.*
- ii. The Chair of the Overview & Scrutiny Committee will be appointed to Staffordshire County Council's Health and Care Overview & Scrutiny Committee*

iii. the County Council is entitled to appoint one of its members to the Overview & Scrutiny Committee in relation to health matters.

Alternative options	1. The updated joint code has been endorsed by the Staffordshire Leaders' Board, however the Council could decide not to endorse and give formal recognition to the updated code.

Consultation	1. The joint code has been considered by the Staffordshire Leaders' Board
--------------	---

Financial implications	1. There are no immediate and significant financial implications arising from the updated Code.
------------------------	---

Approved by Section 151 Officer	Yes
---------------------------------	-----

Legal implications	1.
--------------------	----

Approved by Monitoring Officer	Yes
--------------------------------	-----

Contribution to the delivery of the strategic plan	<ol style="list-style-type: none"> The Council will work collaboratively to enable people, shape place and develop prosperity across the district. Agreeing clear terms of reference help ensure transparent and accountable governance.
--	--

Equality, diversity and human rights implications	1. Consideration will be given to specific community impact implications of an issue as part of the scrutiny process.
---	---

EIA logged by Equalities Officer	Not required.
----------------------------------	---------------

Crime & safety Issues	1. N/A
-----------------------	--------

Data assessment	1. N/A
-----------------	--------

Environmental impact (including climate change and biodiversity)	1. N/A
--	--------

GDPR / Privacy impact assessment	N/A
----------------------------------	-----

	Risk description & risk	Original	How we manage it	New score
--	-------------------------	----------	------------------	-----------

	owner	score (RYG)		(RYG)
A	Arrangements are ineffective and lack transparency/accountability.	Yellow	A clear code for joint working arrangements is agreed by all stakeholders	Green.
B				
C				
D				
E				

Background documents	
----------------------	--

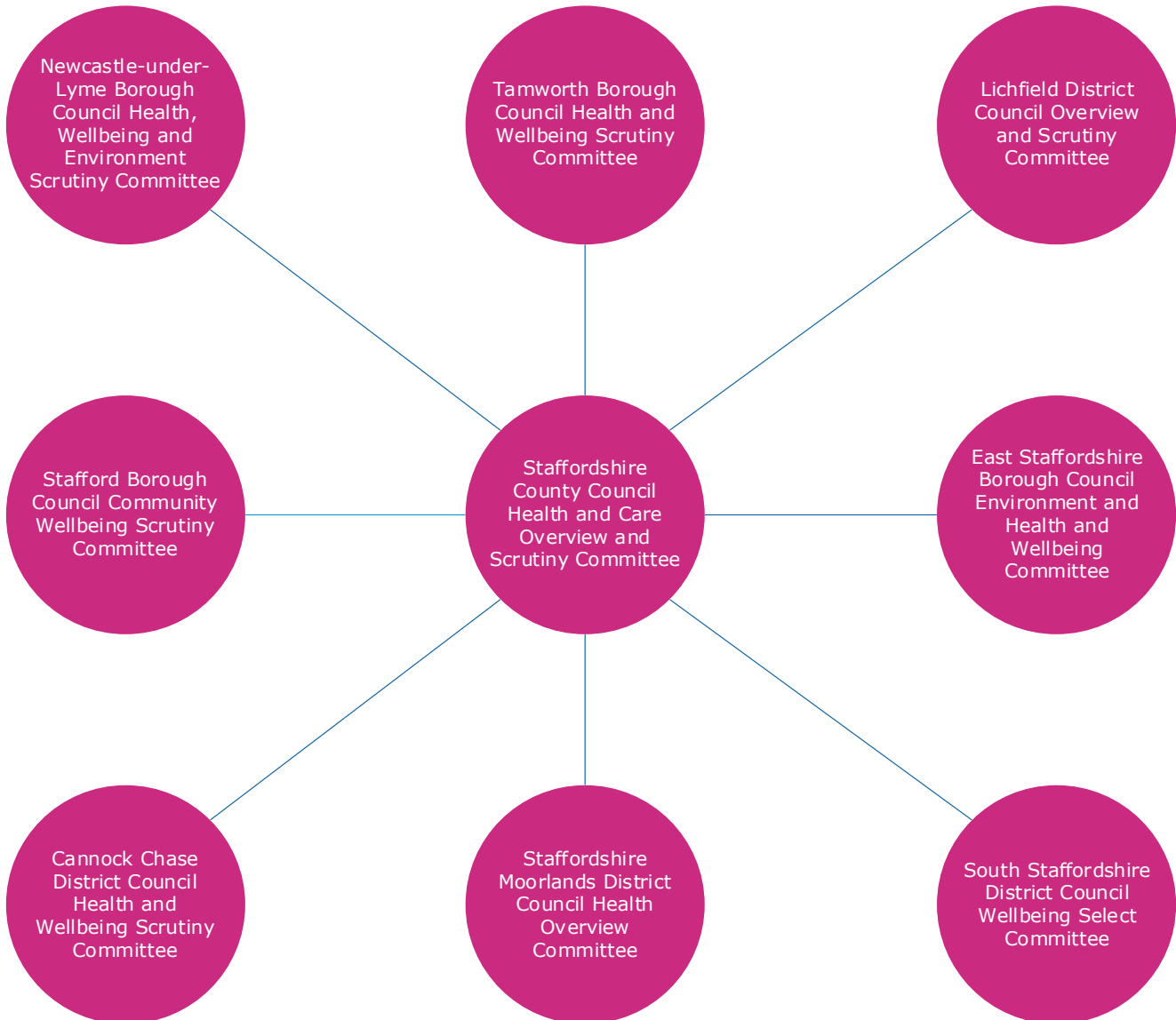
Relevant web links	
--------------------	--

Staffordshire Health and Care Overview and Scrutiny Committee

The Code of Joint Working – Local Authorities

1. Background

- 1.1 The Health and Social Care Act 2001 (“the Act”), as amended by the National Health Service Act 2006, provides local authorities with social services functions and powers to undertake scrutiny of health matters as detailed in the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 (The Regulations).
- 1.2 The remit of the Health and Care Overview and Scrutiny Committee can be found in Staffordshire County Councils constitution.
- 1.3 The County Council and the eight District/Borough Councils in the county agreed to operate joint working arrangements for health scrutiny in 2003 (amended in 2014).



2. General Principles

- 2.1 The Health and Social Care Overview & Scrutiny Committee carries out Health Scrutiny activity in Staffordshire on the basis of the following working principles (and meeting statutory requirements where applicable):
- a. **Scope of Health Scrutiny** - The intended outcome of health scrutiny activity is the improvement of the health and wellbeing of the people of Staffordshire. The Staffordshire County Council Health and Care Overview & Scrutiny Committee (HCOSC) may review and scrutinise any matter relating to the planning, provision, and operation of health services in its area.
 - b. **Co-operation** - The authorities involved must be willing to share knowledge, respond to requests for information, initiatives and reports as appropriate. The County and District Councils will work together and mutually agree who will scrutinise each topic to ensure that nothing is overlooked and to avoid duplication of effort.
 - c. **Accountability** - The process of health scrutiny will be open and transparent. The HCOSC cannot delegate its statutory power to Districts/ Boroughs (paragraph 1.1).
 - d. **Code ownership** - The document will be owned by the County Council and will be reviewed annually in partnership with District and Boroughs.

3. Governance

- 3.1 Health and Care Overview and Scrutiny Committee:
- a. The **County Council** will lead on matters that can best be dealt with at a county wide level.
 - b. 21 Members appointed annually: 13 County Councillors and a councillor from each District/ Borough (8) (see point 3.3a).
 - c. The District/Borough Councillor can nominate a substitute if they are unable to attend a meeting. The County Council should be notified prior to the meeting and the substitute will have full voting rights.
 - d. The **County Council may ask a lead District / Borough Council** to carry out scrutiny of an issue, which the County Council believes can be best dealt with at a district level which is specific to their geographical area. This may be singly or jointly with other District/Borough Councils. The capacity of committees and partners



to carry out scrutiny activity should be taken into consideration when planning scrutiny of an issue.

- e. **District and Borough Councils may ask the County Council** to carry out scrutiny of an issue that is of a strategic nature or is county-wide.

3.2 District and Borough Committees:

- a. Each District and Borough Committee operates in line with their terms of reference in their constitutions. As per 3.1 d The HCOSC may ask it to consider:
 - i. Locality specific commissioning proposals that solely affect health and wellbeing activities within that district/ borough, whoever they are provided for;
 - ii. matters which have been agreed with the Health and Care Overview and Scrutiny Committee.
 - iii. District/Borough services that interface with planning for and providing health services - for example, but not exclusively, housing, leisure and environmental health service; and relevant locality specific partnerships

3.3 Appointment of representatives:

- a. The Chair from each District/ Borough Scrutiny Committee which holds the remit for Health and Wellbeing matters will be appointed to the HCOSC and will have full voting rights. Their role is to:
 - i. Provide updates from their relevant Committee to the HCOSC.
 - ii. Report back on any issue which the HCOSC has requested the relevant Committee to scrutinise.
- b. One County Councillor will be appointed to each District/Borough Committee with full voting rights on the respective Committee. The appointment will be made by the County Council annually. The representative will provide updates from HCOSC to the District/Borough Committee.

3.4 Health Scrutiny Officers Group:

- a. The terms of reference is appended to this code.



Appendix 1 – FAQs

1. Why does the County Council scrutinise the big issues such as the ICS Transformation Programme and ambulance waiting times? Borough/Districts also want to look at how these issues affect services in our area and our residents.

The Transformation Programme covers services across Staffordshire County. The joint code ensures that representatives from all 8 District Councils have a seat on the Health and Care Overview and Scrutiny Committee to raise local issues and that a representative from the County Committee has a seat on the District Committees to report back to District Councils on matters discussed. Any specific questions can be channelled through the local representatives on the committee.

2. Should Borough/District Councils invite NHS providers to their meeting to scrutinise a particular issue?

Largely no unless the Health and Care Overview and Scrutiny Committee has agreed with the Borough/District Council that it should be the lead authority for scrutiny. The reason for this is to avoid NHS providers attending 8 Borough/District Council meetings, Staffordshire Council has the responsibility for health scrutiny under the Health and Social Care Act and to avoid duplication of effort.

3. Can a Borough/District Council scrutinise the performance of a local GP surgery?

The performance of a GP Surgery does not fall under the scrutiny remit. GPs are commissioned under contract by the ICS and the quality management of their contract is through NHS England. There are other ways for local members to discuss concerns about local surgeries directly with the ICS, but a public scrutiny meeting is not the appropriate forum.

4. Can a Borough/District Council scrutinise access to GP surgeries in their area?

The Primary Access Plan is a countywide plan and includes access to GP surgeries. This is scrutinised by the Staffordshire Health and Care Overview and Scrutiny Committee. Representatives from District and Borough Councils have equal opportunity to question witnesses about progress of actions in the plan to improve access to GP surgeries across the region.



5. Can a Borough/District Council scrutinise issues such as NHS Dentistry provision?

The provision of NHS Dentistry is a countywide contract, currently led by NHS England, this will change in April 2023 when the ICS takes on the contractual role. This should be looked at in a strategic nature by the Health and Care Overview and Scrutiny Committee.

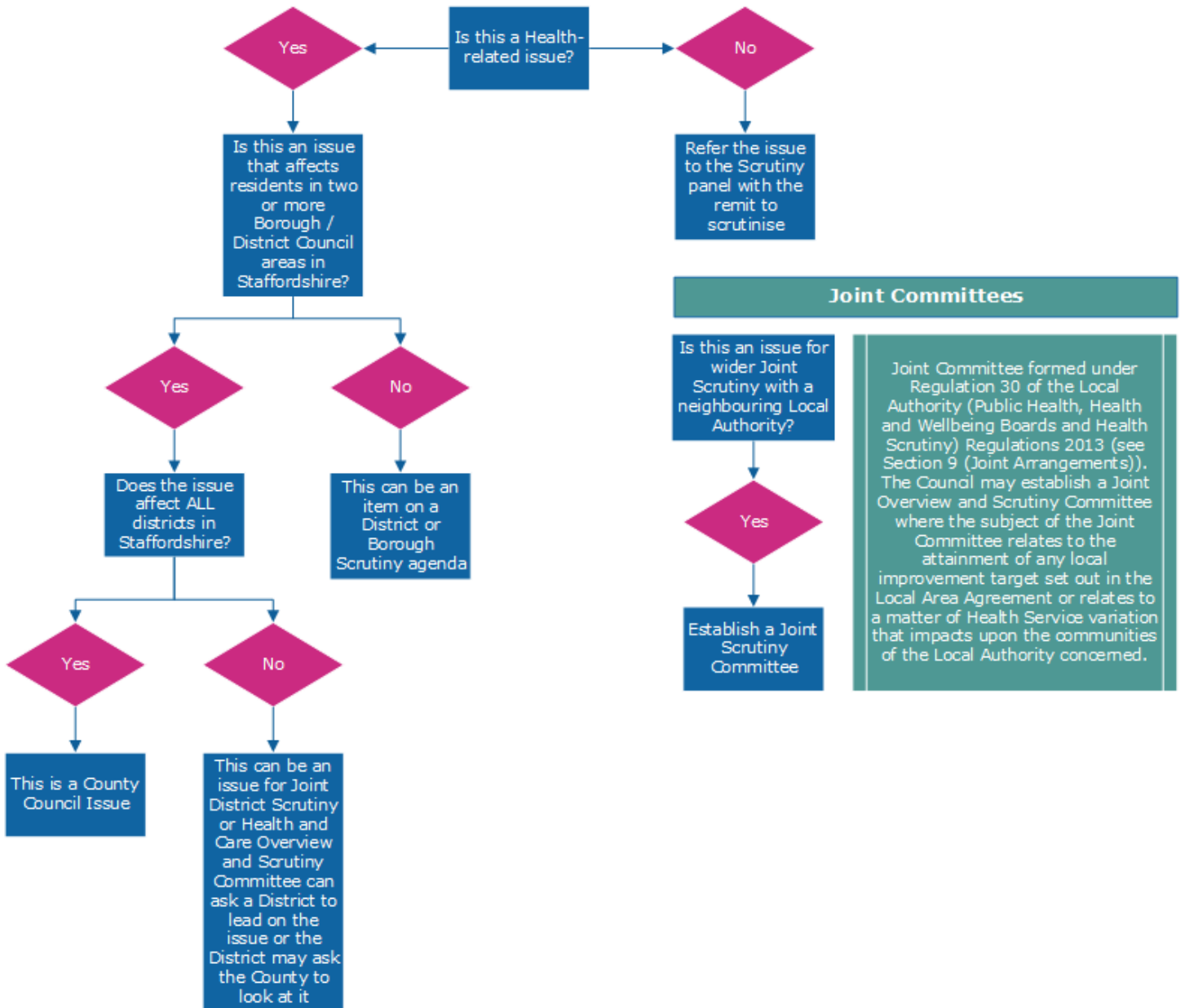
6. What should a Borough/District Council do if their Committee wants to scrutinise a health issue that was the responsibility of the Health and Care Overview and Scrutiny Committee?

The Borough/ District Member appointed to the Health and Care Overview and Scrutiny Committee (i.e. the chairman of the Borough/District committee) should bring the matter to the attention to the Chairman of the Health and Care Overview & Scrutiny Committee under the terms of this Joint Code of Working.



Appendix 2 – Joint Code of Working with Districts and Boroughs

Plan for where scrutiny of an issue takes place, as determined by the County Health and Care Overview and Scrutiny Committee Chairman in consultation with the relevant Committee Members and agreed by the Committee in the Work Programme.



Appendix 3 – Health Scrutiny Officers Group

Terms of Reference

1. Introduction

1.1 The Health Scrutiny Officers Group (HSOG) has been formed to support the Staffordshire County Council Health and Care Overview and Scrutiny Committee (HCOSC) and District and Borough Scrutiny arrangements.

2. Membership

2.1 The membership will consist of:

- a. Officer representatives from Staffordshire County Council
- b. At least one officer representative from each District / Borough

2.2 Other advisers and partners may be invited to the Group on an ongoing or ad-hoc basis as appropriate.

3. Terms of Reference

3.1 The main aims of the Group is to mutually support the Health and Care Overview and Scrutiny Committee and the Health and Wellbeing function in achieving its aims and objectives.

3.2 The group may:

- a. Put forward items of business to the Health and Care Overview and Scrutiny Committee;
- b. Inform the process of work programme planning and delivery;
- c. Discuss and report on matters of note on health and care across Staffordshire; and
- d. Establish an appropriate mechanism to carry out the scrutiny function and consider the scrutiny arrangements at Districts and Boroughs.

4. Ways of Working

4.1 The Group will meet twice annually as a minimum. Meetings will be organised and administered by the County Council. Meetings will be chaired by the County Council.

