

| <b>Health and Wellbeing Board</b> |  |             |              |
|-----------------------------------|--|-------------|--------------|
| <b>Title</b>                      | Referral to the Health and Wellbeing Board on Lewisham and Greenwich NHS Trust's changes to the opening hours of Sexual and Reproductive Health Services in the borough. |             |              |
| <b>Contributor</b>                | Executive Director for Resources and Regeneration  |             | Item 3       |
| <b>Class</b>                      | Part 1 (open)  | <b>Date</b> | 7 March 2019 |

## 1. Summary

- 1.1. This report provides an overview of the error in the dispatch of the papers for the November 2018 Health and Wellbeing Board meeting, and the actions taken as a result.

## 2. Recommendation

- 2.1. The Board is recommended to note the report.

## 3. Background

- 3.1. At its meeting on 27th June 2018, the Healthier Communities Select Committee considered a report from Lewisham and Greenwich NHS Trust on its proposed changes to the opening hours of Sexual and Reproductive Health Services in Lewisham.
- 3.2. Following discussion on the item, the Committee resolved to refer its views on the communications in relation to the proposal to the Health and Wellbeing Board. The full text of the Committee's referral is copied below for information:

“The Committee notes the proposed changes to the opening hours of the Sexual and Reproductive Health service and appreciates the importance of making the changes without unnecessary delay. However, during discussions on the proposals, the members of the Committee expressed a number of queries and concerns about how service users would be made aware of the changes, if agreed, particularly those service users who may currently consider attending the outreach service at the Sydenham Green Group Practice, which would no longer be available following the proposed changes.

The Committee therefore seeks further information about the plans for communication and engagement with service users in order to be reassured that the changes will be communicated as effectively as possible and avoid any negative impact on access to sexual and reproductive health services among service users.”

- 3.3. The Committee received a response from Lewisham and Greenwich NHS Trust at its meeting on 9th October 2018, which set out the trust's communications plans for the changes. The Committee noted the response.

## 4. Timeline

- 4.1. Officers supporting the Health and Wellbeing Board received a draft referral from the Healthier Communities Select Committee's scrutiny manager on the 4<sup>th</sup> of September 2018. The finalised referral was received by officers on the 8<sup>th</sup> of October, along with the formal response from the Lewisham and Greenwich NHS Trust to the issues raised within the referral, (which was subsequently received and noted by the Committee on the 9<sup>th</sup> of October).
- 4.2. It was confirmed via email discussion between the scrutiny manager and relevant officers that the referral would be placed on the agenda of the next Health and Wellbeing Board (1<sup>st</sup> of November) in line with the constitutional process, and that the response already received by the Committee from the Trust would also be provided to the Board, assuming that the Committee were content with the response of the Trust.
- 4.3. The agenda for the Board meeting on the 1<sup>st</sup> of November was published on the 24<sup>th</sup> of October in line with legal requirements for the agenda and papers to be published 5 clear working days in advance of the meeting.
- 4.4. It was identified on the morning of the 25<sup>th</sup> of October that the referral had not been included on the summons and agenda as it should have been. As soon as this was identified the officer responsible took legal advice, and the Head of Law confirmed that it wasn't possible to add it to the agenda that had been published unless there were legal grounds for urgency.
- 4.5. The officer then contacted the Chair of the Committee immediately and apologised unreservedly for the error. He advised that the referral would be placed on the agenda for the next meeting of the Board (7<sup>th</sup> March 2019) to be formally received in line with the constitutional referral process, and he also offered to circulate it to the Board informally so they were aware.
- 4.6. The Mayor, Cabinet Member, Executive Director and Head of Corporate Policy and Governance were then also advised of the error on the 25<sup>th</sup> of October. Apologies were also offered to all for the officer error, an assurance given that the Chair of the Committee had been contacted as a priority and an update provided on the legal advice given and proposed course of action.
- 4.7. On the 26<sup>th</sup> of October the service manager spoke with the Chair of Overview and Scrutiny and outlined the error and offered her apologies and offered those of the officer responsible also.
- 4.8. On the 30<sup>th</sup> of October the Chair of the Committee and the Chair of Overview and Scrutiny wrote to the Head of Corporate Policy and Governance raising their shared concerns about the failure of officers to ensure the referral of the Committee was considered at the November meeting of the Board as it should have been, and also their concerns about a lack of simultaneous notification to the Chair of Overview and Scrutiny and the Mayor at the same time the Chair of the Committee was notified. The Chair's also sought an assurance that such an error would not occur again, and advised that they believed there to be an alternative solution of calling an additional meeting of the Board to receive the referral, however they were not

mind to insist on this option being taken forward, given that their concerns as outlined within the referral had already been taken into account by the Trust, as they had been assured on the 9<sup>th</sup> of October, and the additional cost an additional meeting would cause.

- 4.9. The Head of Corporate Policy and Governance responded to the Chair's letter on the 31<sup>st</sup> of October, adding his apologies for the error to those of the officer and manager, and advising that he had requested that all referrals be managed directly into the issue manager system on receipt in the future to help mitigate against such errors in the future.
- 4.10 On 3 December 2018, Healthier Communities Select Committee received a report from an appropriate officer further explaining the error in the dispatch of the papers for the November 2018 Health and Wellbeing Board meeting, and the actions taken as a result. The committee noted this report.

## **5. Future Actions**

- 5.1. All staff have been reminded of the importance of ensuring that due process is followed and that systems are utilised for the effective management of agendas and reports. Managers will continue to support staff learning and development in this area.

## **6. Legal Implications**

- 6.1. The Constitution provides for Select Committees to refer reports to the Executive, who are obliged to consider the report and the proposed response from the relevant Executive Director; and report back to the Committee within two months (not including recess).
- 6.2. The constitution also confirms that "No business shall be transacted at a meeting of the Council, other than that specified in the summons, subject to the provisions of Rule 25 (Urgency)".
- 6.3. Rule 25 Urgency: "Exceptionally a report on a matter of such urgency arising within a very short period before a Council meeting may be considered at a Council meeting notwithstanding that the report has not been included in the summons to the meeting. This may arise where the matter in question is of such urgency that it cannot be delayed to the next ordinary Council meeting. In such circumstances it may be submitted to the Council as an urgency report.
- 6.4. The subject of an urgency report if known, shall be included in the summons to the meeting even though the report may not be available. In such cases the report may be sent to the Mayor/members separately. The report shall contain a statement of the reasons why it needs to be considered as a matter of urgency.
- 6.5. If the report is sent so late that it is generally received less than five clear days before the Council meeting, the Chair of Council shall decide on the grounds of urgency stated, whether or not the report shall be considered or deferred to a later

meeting. If it is considered, the reasons for it being considered as a matter of urgency shall be recorded in the minutes”.

## **7. Financial Implications**

7.1. There are no financial implications arising from this report.

### **Background reports:**

Minutes of HCSC 27 June 2018

<http://councilmeetings.lewisham.gov.uk/ieListDocuments.aspx?CId=133&MId=5151&Ver=4>

Agenda of HCSC 9 October 2018 (draft minutes to be published on the same agenda as this report)

<http://councilmeetings.lewisham.gov.uk/ieListDocuments.aspx?CId=133&MId=5022&Ver=4>

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