

<b>HEALTHIER COMMUNITIES SELECT COMMITTEE</b>	
<b>Report Title</b>	<b>Department of Health Consultation – Local Authority Health Scrutiny</b>
<b>Author</b>	<b>Strategy and Policy, Community Services</b>
<b>Date of meeting</b>	<b>5 September 2012</b>
<b>Agenda item</b>	

## **1. Purpose**

- 1.1 The purpose of this report is to brief members of the Healthier Communities Select Committee on the consultation being carried out by the Department of Health (DH) on regulations governing local authority health scrutiny. The consultation runs until 7 September 2012 and it is intended that the new regulations will come into effect from April 2013.
- 1.2 The report summarises the key proposals. The full consultation document is enclosed as Appendix A.

## **2. Recommendation**

The Healthier Communities Select Committee is asked to consider its response to the Department of Health consultation.

## **3. Policy background**

- 3.1 The Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002 make provision in relation to the health scrutiny functions of overview and scrutiny committees under sections 7 and 8 of the Health and Social Care Act 2001. Section 7 of the Act inserts a power to review and scrutinise health matters in section 21 of the Local Government Act 2000 which deals with local authority overview and scrutiny committees.
- 3.2 The changes proposed in this DH consultation will update the arrangements and regulations for local authority health scrutiny, aiming to ensure that the interests of patients and the public are at the heart of the planning, delivery and reconfiguration of health services, as part of wider Government strategies to create a patient-centred NHS.

## **4. Health scrutiny consultation in summary**

- 4.1 The consultation deals exclusively with health scrutiny as an essential mechanism to ensuring that health services remain effective and are held to account.

- 4.2 The consultation seeks views on whether health service reconfiguration and referrals should also include:
- A requirement for local authorities and the NHS to agree and publish clear timescales for making a decision on whether a proposal should be referred;
  - A new intermediate referral stage to the NHS Commissioning Board for some service reconfigurations;
  - A requirement for local authorities to take account of the financial sustainability of services when considering a referral, in addition to issues of safety, effectiveness and the patient experience;
  - A requirement for health scrutiny to obtain the agreement of the full Council before a referral can be made.
- 4.3 The DH acknowledges that earlier engagement on this issue highlighted a range of related matters on which the NHS and local authorities would welcome further clarification and advice, that cannot be provided within regulations alone. The DH intend to address this through the production of statutory guidance to accompany the new regulations.

## **5. Responding to the consultation**

- 5.1 The deadline for responding to the consultation is 7 September 2012.
- 5.2 Responses can be made online, via the DH website: ([http://consultations.dh.gov.uk/public-patient-engagement-experience/http-consultations-dh-gov-uk-ppe-local-authority/consult\\_view](http://consultations.dh.gov.uk/public-patient-engagement-experience/http-consultations-dh-gov-uk-ppe-local-authority/consult_view) ) Responses are also accepted by post or via email.
- 5.3 Comments made may be shared with colleagues in the DH, and/or be published in a summary of responses, unless specifically requested otherwise.

## **6. Financial implications**

There are no specific financial implications arising from this report.

## **7. Legal implications**

Proposed changes to the scrutiny regulations, if implemented, could change some of the duties and functions of health scrutiny in Lewisham. Existing regulations sustain unless or until the new regulations are introduced.

## **8. Crime and disorder implications**

There are no specific crime and disorder implications arising from this report.

**9. Equalities implications**

The DH have carried out an equality analysis of the proposals and the evidence shows no direct impact on particular equality groups. There are no local equality implications arising from this report.

**10. Environmental implications**

There are no environmental implications arising from this report.

For further information please contact Sarah Wainer, Head of Community Services Strategy and Performance on 8314 8675.