

| <b>Healthier Communities Select Committee</b> |   |               |
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| Title   | Select Committee work programme 2017/18 |               |
| Contributor                                   | Scrutiny Manager                        | Item 6        |
| Class   | Part 1 (open)                           | 25 April 2017 |

### 1. Purpose

To ask Members to agree an annual work programme for the Committee.

### 2. Summary

This report:

1. Informs Members of the meeting dates for this municipal year.
2. Invites Members to agree the Committee's priorities for the 2017-18 municipal year.
3. Informs Members of the process for Business Panel approval of the work programme.
4. Outlines how the work programme can be monitored, managed and developed.

### 3. Recommendations

The Select Committee is asked to:

- Note the meeting dates for the Healthier Communities Committee in 2017/18
- Note the Terms of Reference for the Committee at **Appendix A**
- Consider the provisional work programme at **Appendix B**
- Note the key decision plan, attached at **Appendix C**, and consider any key decisions for further scrutiny
- Agree a work programme for the municipal year 2017/18
- Review how the work programme can be developed, managed and monitored over the coming year.

### 4. Meeting dates

The following Committee meeting dates for the next municipal year were agreed at the Council AGM on 27 March 2017:

2017:

- 25 April
- 13 June
- 20 July
- 7 September
- 1 November
- 30 November

2018:

- 24 January
- 6 March

## **5. Context**

- 5.1. The Committee has a responsibility for carrying out the duties of the Overview and Scrutiny Committee as they relate to the provision of service by, and performance of, health bodies providing services for local people. The Committee's terms of reference are set out in appendix A.
- 5.2. The Committee regularly scrutinises the work of Lewisham's Community Services directorate, which includes teams responsible for adult social care, joint commissioning, community education and public health. The Committee also has a role in questioning local providers and commissioners – including Lewisham and Greenwich NHS Trust, South London and Maudsley NHS Foundation Trust and Lewisham's clinical commissioning group.
- 5.3. The Committee works with Healthwatch Lewisham and Lewisham's Health and Wellbeing board to drive improvements to services for local people.

## **6. Provisional 2017/18 work programme**

- 6.1. At the last meeting of the previous municipal year, on 1 March 2017, the Committee considered a number of items for inclusion in the work programme. The Scrutiny Manager has incorporated the comments of the Committee into a provisional work programme for the Committee to consider, which is attached at Appendix B.
- 6.2. The work programme includes:
  - suggestions from the Committee in the previous year;
  - suggestions from officers;
  - issues arising as a result of previous scrutiny;
  - issues that the Committee is required to consider by virtue of its terms of reference;
  - items requiring follow up from Committee reviews and recommendations;
  - standard reviews of policy implementation or performance, which is based on a regular schedule.

### Deciding on items for the work programme

- 6.3. When deciding on items to include in the work programme, the Committee should have regard to:
  - priority areas for the council;
  - budget pressures;
  - items the Committee is required to consider by virtue of its terms of reference;
  - the criteria for selecting and prioritising topics;
  - the capacity for adding items;
  - the context for setting the work programme and advice from officers;
  - Issues of importance for local assemblies.
- 6.4. On 28 March 2017, the Overview & Scrutiny Business Panel resolved to remind committees that as this is the last year of the administration they may want to consider work done to date and focus their attention on key policy areas going into a new administration in 2017/18.

## Council finances

6.5. The Council has already made savings of £138.4m to meet its revenue budget requirements since May 2010 and is proposing further savings of £23.2m in 2017/18. It is expected that the Council will need to identify further savings of circa £32.6m for the following two years, 2018/19 to 2019/20. This will bring the total savings in cash terms made by the Council in the decade to 2020 to just short of £200m. Monitoring the impact of savings on service delivery and performance will continue to be of importance to scrutiny committees. Lessons learnt from this process can be used to help shape the scrutiny of future savings proposals as and when they are put forward.

## Budgetary issues of particular relevance to the work of the Committee

- 6.6. The continuation of the adult social care precept. For 2017/18 councils have the additional flexibility to raise the precept by up to 3% in 2017/18 and 2018/19, but by no more than 6% in total up to 2019/20. For Lewisham, adding 3% for the precept to Council Tax in 2017/18 will provide an additional £2.68m in 2017/18.
- 6.7. Adult social care continuing to be a “volatile budget area” for the council. Out of a projected overspend of £11.6m for the council, £2.5m of this relates to adult social care. This overspend is due to a number of factors, including the increased costs of residential care for older adults.
- 6.8. Among the budget risks identified for 2017/18 is transition from children’s to adults’ social care as the council experiences an increase in the transfer of high-cost packages and placements for young people with a learning disability. The numbers of the most elderly in the borough also appears to be increasing, along with their needs and the costs of providing them. The 2016/17 forecast for adult services is an overspend of £3.5m.
- 6.9. The Better Care Fund in 2017/18. The value of the Better Care Fund for Lewisham in 2016/17 is £21.218m, out of a national total of £3.9bn. The 2017/18 plan is currently being developed, but any local increase is likely to be limited to an adjustment for inflation.
- 6.10. The Public Health Grant in 2017/18. In 2016/17 the Council’s allocation for Public Health Grant is £25.298m. National reductions of 2.6% annually have been announced for the next three financial years and the 2017/18 Lewisham allocation is £24.967m. There is also a £260k shortfall in savings which will need to be managed in 2017/18 or addressed with other savings due in 2017/18.
- 6.11. In 2017/18 the Government is also redirecting of money from the New Homes Bonus scheme to an “improved Better Care Fund”. This is intended for meeting the costs of social care and supporting integration work between health and social care. The funding for Lewisham is expected to be £1.2m in 2017/18.

## Decisions due to be made by Mayor and Cabinet

6.12. Members are asked to review the most recent notice of key decisions at Appendix B and, if appropriate, suggest any additional items for further scrutiny.

## **7. Different types of scrutiny**

7.1. It is important to agree how each work programme item will be scrutinised. Some items may only require an information report to be presented to the Committee and

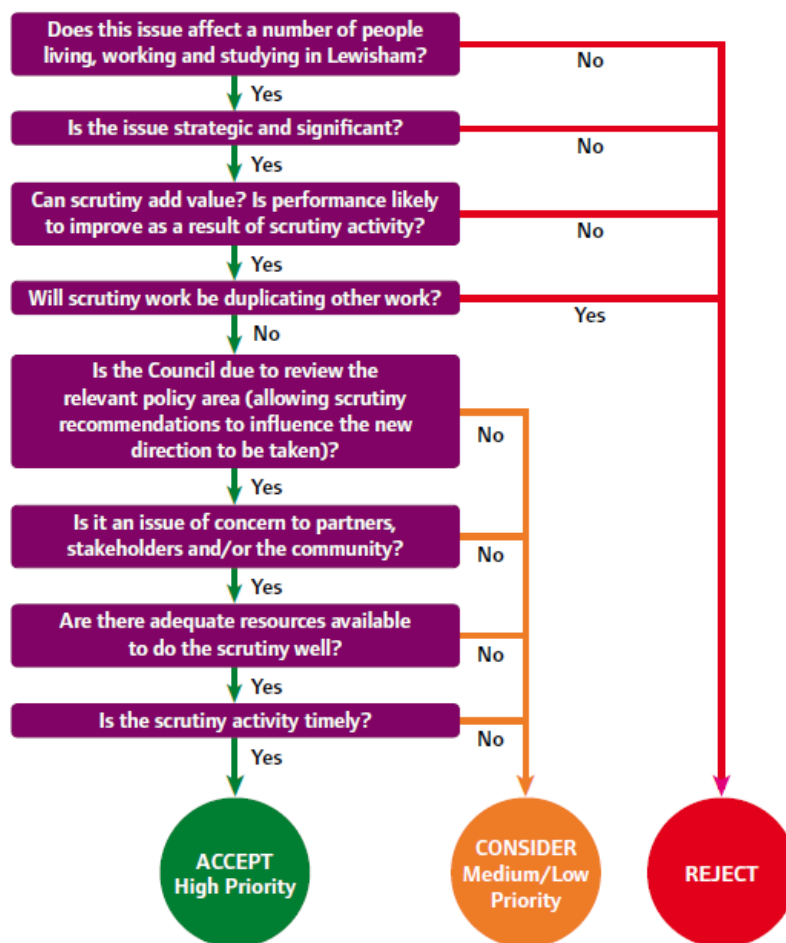
others will require performance monitoring data or analysis to be presented. Typically, the majority of items take the form of single meeting items, where members:

- (a) agree what information and analysis they wish to receive in order to achieve their desired outcomes;
- (b) receive a report presenting that information and analysis;
- (c) ask questions of the presenting officer or guest;
- (d) agree, following discussion of the report, whether the Committee will make recommendations or receive further information or analysis before summarising its views.

7.2. For each item, the Committee should consider what type of scrutiny is required and whether the item is high or medium/low priority (using the prioritisation process). Allocating priority to work programme items will enable the Committee to decide which low and medium priority items it should remove from its work programme, when it decides to add high priority issues in the course of the year.

7.3. The below flow chart, based on the Centre for Public Scrutiny (CfPS) advice for prioritising topics is designed to help Members decide which items should be added to the work programme.

### Scrutiny work programme – prioritisation process



## **8. Approving, monitoring and managing the work programme**

- 8.1. In accordance with the Overview and Scrutiny Procedure rules outlined in the Council's constitution, each select committee is required to submit its annual work programme to the Overview and Scrutiny Business Panel. The Business Panel will meet in May to consider provisional work programmes and agree a co-ordinated Overview and Scrutiny work programme, which avoids duplication of effort and which facilitates the effective conduct of business.
- 8.2. The work programme will be reviewed at each meeting of the Committee. This allows urgent items to be added and items which are no longer a priority to be removed. Each additional item added should first be considered against the criteria outlined above. If the Committee agrees to add additional items because they are high priority, it must then consider which medium/low priority items should be removed in order to create sufficient capacity. The Committee has eight scheduled meetings this municipal year and its work programme needs to be achievable in terms of the amount of meeting time available.
- 8.3. At each meeting of the Committee, there will be an item on the work programme presented by the Scrutiny Manager. When discussing this item, the Committee will be asked to consider the items programmed for the next meeting. Members will be asked to outline what information and analysis they would like in the report for each item, based on the outcomes they would like to achieve, so that officers are clear on what they need to provide.

## **9. Financial implications**

- 9.1. There are no financial implications arising from the implementation of the recommendations in this report.

## **10. Legal implications**

- 10.1. In accordance with the Council's Constitution, all scrutiny select committees must devise and submit a work programme to the Business Panel at the start of each municipal year.

## **11. Equalities implications**

- 11.1. The Equality Act 2010 (the Act) introduced a public sector equality duty (the equality duty or the duty). It covers the following protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 11.2. In summary, the Council must, in the exercise of its functions, have due regard to the need to:
  - eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
  - advance equality of opportunity between people who share a protected characteristic and those who do not.
  - foster good relations between people who share a protected characteristic and those who do not.
- 11.3. It is not an absolute requirement to eliminate unlawful discrimination, harassment, victimisation or other prohibited conduct, or to promote equality of opportunity or foster good relations between persons who share a protected characteristic and

those who do not. It is a duty to have due regard to the need to achieve the goals listed at 12.2 above.

11.4. The weight to be attached to the duty will be dependent on the nature of the decision and the circumstances in which it is made. This is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. The Mayor must understand the impact or likely impact of the decision on those with protected characteristics who are potentially affected by the decision. The extent of the duty will necessarily vary from case to case and due regard is such regard as is appropriate in all the circumstances.

11.5. The Equality and Human Rights Commission has issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled "Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice". The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at:  
<https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-codes-practice>

<https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-technical-guidance>

11.6. The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

- The essential guide to the public sector equality duty
- Meeting the equality duty in policy and decision-making
- Engagement and the equality duty: A guide for public authorities
- Objectives and the equality duty. A guide for public authorities
- Equality Information and the Equality Duty: A Guide for Public Authorities

11.7. The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance#h1>

### **Background documents**

Lewisham Council's Constitution

Centre for Public Scrutiny: The Good Scrutiny Guide

### **Appendices**

Appendix A – Committee's terms of reference

Appendix B – Provisional work programme

Appendix B – Key decision plan

## Appendix A

Healthier Communities Select Committee terms of reference:

(a) To fulfill all of the Overview and Scrutiny functions in relation to the provision of service by and performance of health bodies providing services for local people. These functions shall include all powers in relation to health matters given to the Council's Overview and Scrutiny Committee by any legislation but in particular the NHS Act 2006 as amended, the Health and Social Care Act 2012, the Care Act 2014 and regulations made under that legislation, and any other legislation in force from time to time. For the avoidance of doubt, however, decisions to refer matters to the Secretary of State in circumstances where a health body proposes significant development or significant variation of service may only be made by full Council.

(b) To review and scrutinise the decisions and actions of the Health and Wellbeing Board and to make reports and recommendations to the Council and/or Mayor and Cabinet.

(c) To review and scrutinise in accordance with regulations made under Section 244 NHS Act 2006 matters relating to the health service in the area and to make reports and recommendations on such matters in accordance with those regulations

(d) Require the attendance of representatives of relevant health bodies at meetings of the select committee to address it, answer questions and listen to the comments of local people on matters of local concern.

(e) With the exception of matters pertaining to the Council's duty in relation to special educational needs, to fulfill all of the Council's Overview and Scrutiny functions in relation to social services provided for those 19 years old or older including but not limited to services provided under the Local Authority Social Services Act 1970, Children Act 2004, National Assistance Act 1948, Mental Health Act 1983, NHS and Community Care Act 1990, NHS Act 2006, Health and Social Care Act 2012 and any other relevant legislation in place from time to time.

(f) To fulfill all of the Council's Overview and Scrutiny functions in relation to the lifelong learning of those 19 years or over (excluding schools and school related services).

(g) To receive referrals from the Healthwatch and consider whether to make any report/recommendation in relation to such referral (unless the referral relates solely to health services for those aged under 19 years of age, in which case the referral from the Healthwatch should be referred to the Children and Young People Select Committee .

(h) To review and scrutinise the Council's public health functions.

(i) Without limiting the remit of this Select Committee, its terms of reference shall include Overview and Scrutiny functions in relation to: people with learning difficulties; people with physical disabilities; mental health services; the provision of health services by those other than the Council; provision for elderly people; the use of Section 75 NHS Act 2006 flexibilities to provide services in partnership with health organisations; lifelong learning of those aged 19 years or more (excluding schools and school related services); Community Education Lewisham; other matters relating to Health and Adult Care and Lifelong Learning for those aged 19 years or over.

(j) Without limiting the remit of the Select Committee, to hold the Executive to account for its performance in relation to the delivery of Council objectives in the provision of adult services and health and lifelong learning.

**NB** In the event of there being overlap between the terms of reference of this select committee and those of the Children and Young People Select Committee, the Business Panel shall determine the Select Committee which shall deal with the matter in question.