



## Healthier Communities Select Committee

### Report title: Select Committee work programme report

**Date:** 23<sup>rd</sup> September 2020

**Key decision:** No.

**Class:** Part 1

**Ward(s) affected:** Not applicable

**Contributors:** John Bardens, Scrutiny Manager

### Outline and recommendations

To ask members to discuss the committee's priorities for the 2020/21 municipal year and to agree an annual work programme.

The Committee is asked to:

- Consider the themes set out in the draft work programme at **appendix E**.
- Discuss the committee's priorities and agree a work programme for 2020/21.
- Consider opportunities for public engagement throughout the work programme.

### Timeline of engagement and decision-making

The meeting dates below were agreed at the Council AGM on 15<sup>th</sup> July 2020:

- Wednesday 23<sup>rd</sup> September 2020
- Wednesday 11<sup>th</sup> November 2020
- Wednesday 13<sup>th</sup> January 2021
- Thursday 25<sup>th</sup> February 2021

## 1. Summary

- 1.1. This report asks members to discuss and agree priorities for the committee's work programme for the year ahead and describes the process for approval by the business panel and ongoing monitoring by the committee.

## 2. Recommendations

- 2.1. The Committee is asked to:
- Consider the themes set out in the draft work programme at **appendix E**.
  - Discuss the committee's priorities and agree a work programme for 2020-21.
  - Consider opportunities for public engagement throughout the work programme.

## 3. The role of the select committee

- 3.1. The role of the Healthier Communities Select Committee is to monitor the provision of health services in Lewisham. This includes adult social care and public health.
- 3.2. The committee fulfils the council's statutory health scrutiny functions and is responsible for holding NHS and council decision-makers to account. This includes scrutinising the work of the Health and Wellbeing Board and the delivery of the Lewisham Health and Wellbeing Strategy.
- 3.3. The committee works closely with Lewisham Healthwatch, the consumer champion for health and social care, which has non-voting representation on the committee.
- 3.4. The Committee's full terms of reference are set out in **appendix A**.

## 4. Agreeing the committee's work programme

- 4.1. A draft work programme is attached at appendix E. It currently includes suggestions made by last year's committee; suggestions from council officers; and issues arising as a result of previous scrutiny (further detail is set out in sections below).
- 4.2. It is for the committee, however, to set its own work programme and agree any other priority issues it would like to include – the committee does not have to look into everything officers, the public or other members suggest.
- 4.3. When deciding on issues to include in the work programme, the committee should consider the key services and programmes within the committee's remit and the criteria for selecting and prioritising topics (see flowchart below).
- 4.4. The committee should also take into account upcoming Mayor & Cabinet decisions (appendix D) and avoid duplicating the work of any agreed task and finish groups (TFGs).
- 4.5. Items within the work programme should also be linked to the priorities of the Council's Corporate Strategy for 2018-2022 (appendix B):
- 4.6. The committee is recommended to schedule **two substantive items per meeting**, leaving space available for Mayor & Cabinet responses and other urgent business as the need arises throughout the year.
- 4.7. Taking into account the provisional work programme attached at Appendix E, there is capacity for *one further item* to be added to the programme in *January*.
- 4.8. Provision is made for meetings to last for up to 2.5 hours, but the committee should aim to **manage its business within 2 hours**. In exceptional cases the committee may decide to suspend standing orders and extend the meeting for a further 30 minutes to

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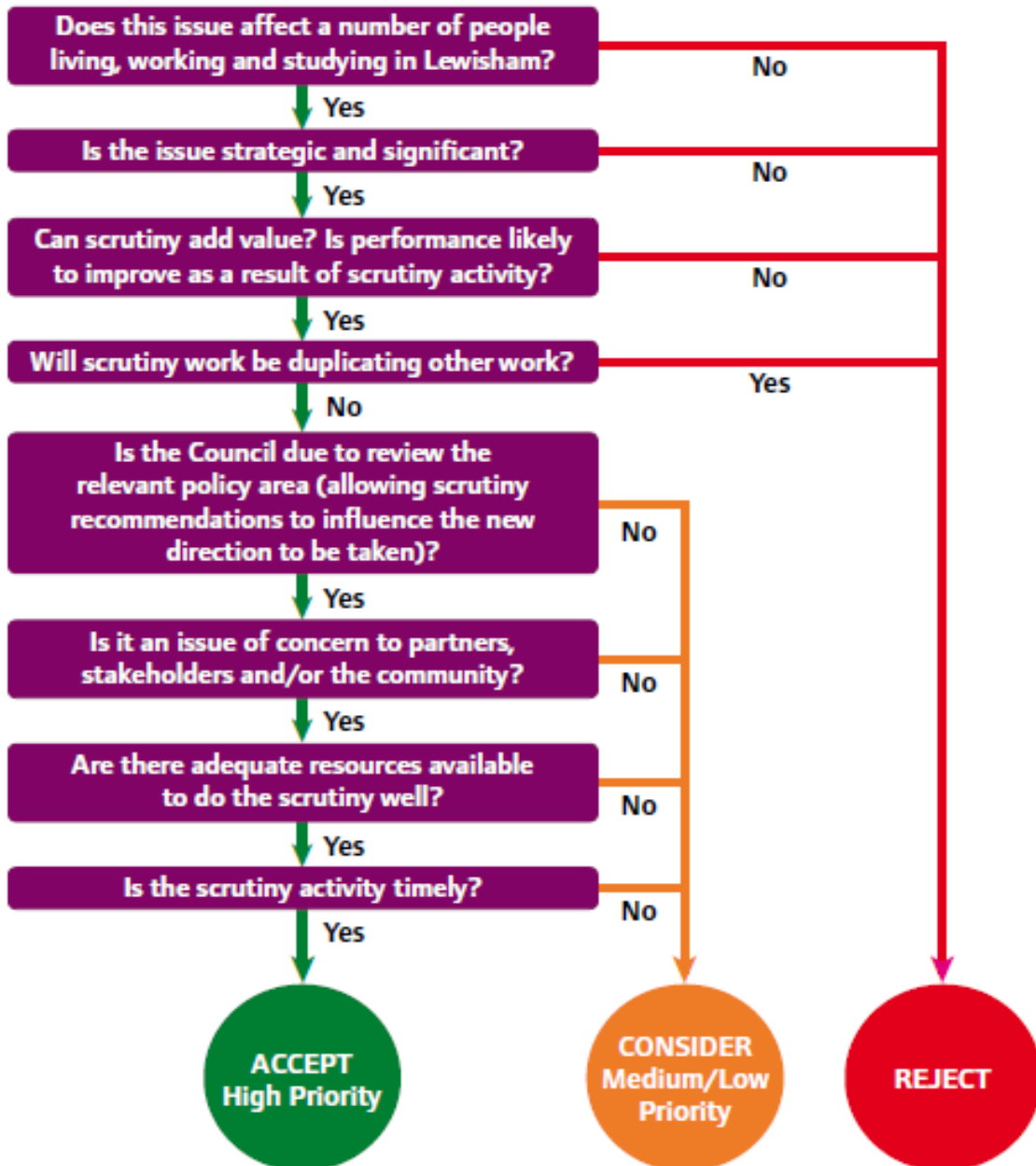
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conclude any urgent business.

- 4.9. The committee should specify the information it would like for each item to ensure that officer reports and other evidence meets its needs. This should be done under the work programme item at every meeting.

## Scrutiny work programme – prioritisation process



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- 4.10. There is no provision at committee for the discussion of information items (reports to note). If required, they will be circulated to members by email with questions put to the report author for a written response.
- 4.11. Some of the regular reports that fall under the committee's remit, which are usually presented as reports to note and therefore likely to be circulated by email in the first instance, include:
- South London and Maudsley NHS Trust (SLaM) quality account
  - Lewisham and Greenwich NHS Trust (LGT) quality account
  - Lewisham Adult Safeguarding Board (LASB) annual report
  - Adult Learning Lewisham (ALL) annual report
  - Annual public health report
  - Healthwatch annual report
- 4.12. It's the Chair's responsibility to keep abreast of other developments within the committee's remit and escalate any issues that require action by the committee to the work programme as appropriate.
- 4.13. Suggestions from officers in view of forthcoming developments
- 4.14. **Financial stabilisation - budget update and medium term plan (23<sup>rd</sup> September)** – a monitoring update and medium term financial planning report to show how officers are managing the current challenges and uncertainties.
- 4.15. **Borough recovery plan (23<sup>rd</sup> September)** – a comprehensive update from Lewisham Health and Care Partners outlining the plans for the recovery and stabilisation of health and care across the borough, including the action to be taken in the event of any further spikes in Covid-19 cases.
- 4.16. Some of the specific issues that members have previously raised in discussions about health and care recovery include:
- the wellbeing of people with learning disability
  - winter planning, including flu vaccinations for the most vulnerable
  - secondary care recovery and backlogs
  - the long term public health impacts of Covid-19 and the changes in people's lifestyles, including working closer to home
  - local outbreak control plans and our capacity for testing
  - the impact of the abolition of PHE
  - ethnic inequalities among the over 50s
  - Care homes and the care market
- 4.17. **Budget cut proposals (11<sup>th</sup> November)** – the council continues to identify areas from which it will deliver significant budget reductions in order to agree a balanced budget, as required by legislation. A paper outlining budget cuts/proposals will be available to be considered by each select committee in the November/December round of meetings. The main budget report will then go to Public Accounts on 2<sup>nd</sup> February 2021 and the Chairs of Select Committees will be invited.
- 4.18. Last year ([September 2019](#)) the committee considered cuts relating to managing demand for social care by using an asset-based approach. The proposals followed on from similar made the previous year ([October 2018](#)) when the committee referred its views to the Public Account Committee expressing concerns about the increase in demand on the voluntary sector as a result of this approach.
- 4.19. **Care homes and market stability (suggested timeframe – 13<sup>th</sup> January)** – the disproportionate impact of Covid-19 on care homes has been well documented

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nationally. According to the Health Foundation, outbreaks in care homes were driven by multiple factors, including staff unwittingly transmitting the virus, and infections picked up during hospital stays. The stability of the care market is also a longstanding national issue, with notable examples of providers facing financial difficulties, and the vulnerability of the local care homes market remains a major concern, especially in light of the impact of Covid-19, with voluntary closures likely. Given the increased risks facing the sector since Covid-19 the committee may want to scrutinise local plans to provide support.

- 4.20. **Health and care workforce (suggested timeframe – 25<sup>th</sup> February)** – Covid-19 is putting unprecedented pressure on people working in health and social care. Even before the pandemic, staffing was the single biggest challenge for the NHS and social care in England, and updated projections from the Health Foundation ([May 2020](#)) show that the NHS and social care continue to face growing staffing shortfalls. Given the significance of this issue nationally the committee may want to scrutinise local plans.
- 4.21. **Living with disabilities post Covid-19 (timeframe – tbc)** – before Covid-19 the committee was due to receive a report from local disability group, [Lewisham Speaking Up](#), on the social care experiences of people with learning disability in the borough. The report was published with the [March](#) meeting papers prior to the meeting being cancelled. Given the disproportionate impact of Covid-19 on vulnerable groups, such as those with learning disability, the committee may want to hear more about people's experiences during Covid and local plans going forward.
- 4.22. Issues arising as a result of previous scrutiny
- 4.23. **Older adults day services** – the committee considered proposals for the recommissioning of building-based day services for older adults at its meeting in [October 2019](#) and referred to Mayor and Cabinet its concerns regarding increased travel times; the equality impact assessment; and service user wellbeing. The committee received a response to its referral at its meeting in [December 2019](#) and requested an update in six months. However, as all procurement activity was stopped due to Covid, the changes have not yet been made and the committee would need to receive any update at a future date.
- 4.24. **Migrant charging** – the committee sent a letter to Lewisham and Greenwich NHS Trust in January 2020 outlining its concerns about the Trust's reported use of Experian to check patients' eligibility for free healthcare. The Trust's response was published with the papers for the [March](#) meeting, which was cancelled. The response included details of an independently chaired oversight panel being set up to review the Trust's practice in this area. The oversight panel was due to publish its report in the summer but has been unable to complete its work due to Covid-19. The committee may want to receive an update on the outcome of the work of the oversight panel once it has concluded.
- 4.25. **BAME health inequalities** – the committee scrutinised the council's work on BAME mental health inequalities at its meeting in [May 2019](#). The committee referred its views to Mayor and Cabinet expressing concerns about progress and requesting a timeline with proposed actions. The committee also held a joint meeting with CYP select committee where concerns were expressed about CAMHS data. The committee received a response from M&C in [December 2019](#) and agreed to receive a further update on this area of work in six months. Since then and the outbreak of the Covid-19 health inequalities have received significant national attention and in May 2020 the council announced that it was establishing a research partnership with Birmingham City Council to review health inequalities within Black African and Caribbean communities: [Birmingham and Lewisham African & Caribbean Health Inequalities Review](#) (BLACHIR). The programme is due to conclude in December 2021. The committee may want to receive an update on the work of this review at an appropriate time.

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## 5. Different types of scrutiny

- 5.1. It's important to think early on about the most effective way to scrutinise each item on the work programme. Some issues may only require an initial briefing for information, some may require site visits and public engagement, and others may require detailed questioning at a formal committee meeting and input from stakeholders
- 5.2. The *Effective Scrutiny Guidelines* at **appendix C** sets out 5 key principles to take into account when carrying out scrutiny: *Prioritise; Be independent; Work Collectively; Engage; make SMART recommendations*. This will help the committee decide on the most appropriate approach for the issue at hand.
- 5.3. Members should also note the comments in the [Local Democracy Review](#) about how scrutiny can be even more effective, participative and open. Suggestions included:
  - Focusing on fewer issues more closely linked to council priorities
  - More engagement with the public outside of formal meetings
  - Individual scrutiny members leading on defined topic areas
  - Contributing to new policy proposals at an early stage
- 5.4. Some of the most common scrutiny methods are described below, but members are encouraged to try new ways of gathering evidence and engaging the public.
- 5.5. “Standard items”
- 5.6. The majority of work programme items tend to be “standard items”, where scrutiny is carried out as part of a single meeting with members:
  - agreeing in advance the information and analysis needed
  - receiving an officer report presenting the relevant information
  - gathering additional evidence from activity outside of meetings
  - asking questions of the presenting officers or expert guests
  - agreeing recommendations to Mayor and Cabinet and partners.
- 5.7. Policy development
- 5.8. When the council is due to renew a policy the committee may be asked to consider the options available and officer recommendations before a decision by Mayor and Cabinet. Select committees should be engaged at an early enough stage to be able to influence and contribute to the new policy.
- 5.9. Performance monitoring
- 5.10. Scrutiny can request a wide range of performance information to examine the effectiveness of council services. This includes monitoring data on key performance indicators and outcomes and assessing the delivery of particular programme or projects against set targets or timescales.
- 5.11. Task and Finish Groups
- 5.12. For issues that require more extensive evidence gathering, members may put forward a proposal for a Task and Finish Group (TFG). The Overview & Scrutiny Committee will agree which TFGs should be established, their membership, terms of reference and duration. TFGs are independent of select committees and make recommendations directly to Mayor & Cabinet.
- 5.13. Information items
- 5.14. Some low-priority items may only require a briefing report to be circulated to committee members by email, with questions put to the report author for written response. There is no provision for discussion of information items at committee meetings.

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## **6. Approval and ongoing monitoring of the work programme**

- 6.1. Each select committee is required to submit its work programme to the Overview and Scrutiny Business Panel for approval. This is to ensure a coordinated overview and scrutiny work programme across select committees that avoids duplication of effort and supports effective scrutiny. The Business Panel will meet on 21<sup>st</sup> September 2020.
- 6.2. The committee's work programme can be reviewed at each meeting to allow urgent items to be added and lower priority issues to be removed. Any potential items should be considered against the priority criteria outlined earlier in this report. If a high-priority item is included, a lower-priority item should be removed. The committee's work programme must be achievable in the time available.

## **7. Financial implications**

- 7.1. There are no direct financial implications arising from the implementation of the recommendations in this report. Items on the Committee's work programme will have financial implications and these will need to be considered as part of the reports on those items

## **8. Legal implications**

- 8.1. 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.

## **9. Equalities implications**

- 9.1. Equality Act 2010 brought together all previous equality legislation in England, Scotland and Wales. The Act included a new public sector equality duty, replacing the separate duties relating to race, disability and gender equality. The duty came into force on 6 April 2011. It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 9.2. 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.
- 9.3. There may be equalities implications arising from items on the work programme and all activities undertaken by the Select Committee will need to give due consideration to this.

## **10. Climate change and environmental implications**

- 10.1. There are no direct climate change or environmental implications arising from the implementation of the recommendations in this report. Items on the Committee's work programme may have climate change implications and these will need to be considered as part of the reports on those items.

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## **11. Crime and disorder implications**

- 11.1. There are no direct crime and disorder implications arising from the implementation of the recommendations in this report. Items on the Committee's work programme may have crime and disorder implications and these will need to be considered as part of the reports on those items.

## **12. Health and wellbeing implications**

- 12.1. There are no direct health and wellbeing implications arising from the implementation of the recommendations in this report. Items on the Committee's work programme may have health and wellbeing implications and these will need to be considered as part of the reports on those items.

## **13. Report author and contact**

- 13.1. If you have any questions about this report please contact: John Bardens, 020 8314 9976 [john.bardens@lewisham.gov.uk](mailto:john.bardens@lewisham.gov.uk).

## **14. Appendices**

Appendix A – [Committee terms of reference](#) (see below)

Appendix B – [Council corporate priorities](#) (see below)

Appendix C – Effective scrutiny principles (see attached)

Appendix D – Notice of forthcoming executive decisions (see attached)

Appendix E – Draft work programme (see attached)

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## Appendix A

The following roles are common to all select committees:

### (a) General functions

- To review and scrutinise decisions made and actions taken in relation to executive and non-executive functions
- To make reports and recommendations to the Council or the executive, arising out of such review and scrutiny in relation to any executive or non-executive function
- To make reports or recommendations to the Council and/or Executive in relation to matters affecting the area or its residents
- The right to require the attendance of members and officers to answer questions includes a right to require a member to attend to answer questions on up and coming decisions

### (b) Policy development

- To assist the executive in matters of policy development by in depth analysis of strategic policy issues facing the Council for report and/or recommendation to the Executive or Council or committee as appropriate
- To conduct research, community and/or other consultation in the analysis of policy options available to the Council
- To liaise with other public organisations operating in the borough – both national, regional and local, to ensure that the interests of local people are enhanced by collaborative working in policy development wherever possible

### (c) Scrutiny

- To scrutinise the decisions made by and the performance of the Executive and other committees and Council officers both in relation to individual decisions made and over time
- To scrutinise previous performance of the Council in relation to its policy objectives/performance targets and/or particular service areas
- To question members of the Executive or appropriate committees and executive directors personally about decisions
- To question members of the Executive or appropriate committees and executive directors in relation to previous performance whether generally in comparison with service plans and targets over time or in relation to particular initiatives which have been implemented
- To scrutinise the performance of other public bodies in the borough and to invite them to make reports to and/or address the select committee/Business Panel and local people about their activities and performance
- To question and gather evidence from any person outside the Council (with their consent)
- To make recommendations to the Executive or appropriate committee and/or Council arising from the outcome of the scrutiny process

### (d) Community representation

- To promote and put into effect closer links between overview and scrutiny members and the local community
- To encourage and stimulate an enhanced community representative role for overview and scrutiny members including enhanced methods of consultation with local people
- To liaise with the Council's ward assemblies so that the local community might participate in the democratic process and where it considers it appropriate to seek the views of the ward assemblies on matters that affect or are likely to affect the local areas, including accepting items for the agenda of the appropriate select committee from ward assemblies.
- To keep the Council's local ward assemblies under review and to make recommendations to the Executive and/or Council as to how participation in the democratic process by local

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people can be enhanced

- To receive petitions, deputations and representations from local people and other stakeholders about areas of concern within their overview and scrutiny remit, to refer them to the Executive, appropriate committee or officer for action, with a recommendation or report if the committee considers that necessary
- To consider any referral within their remit referred to it by a member under the Councillor Call for Action, and if they consider it appropriate to scrutinise decisions and/or actions taken in relation to that matter, and/or make recommendations/report to the Executive (for executive matters) or the Council (non-executive matters).

**(e) Finance**

- To exercise overall responsibility for finances made available to it for use in the performance of its overview and scrutiny function.

**(f) Work programme**

- As far as possible to draw up a draft annual work programme in each municipal year for consideration by the overview and scrutiny Business Panel. Once approved by the Business Panel, the relevant select committee will implement the programme during that municipal year. Nothing in this arrangement inhibits the right of every member of a select committee (or the Business Panel) to place an item on the agenda of that select committee (or Business Panel respectively) for discussion.
- The Council and the Executive will also be able to request that the overview and scrutiny select committee research and/or report on matters of concern and the select committee will consider whether the work can be carried out as requested. If it can be accommodated, the select committee will perform it. If the committee has reservations about performing the requested work, it will refer the matter to the Business Panel for decision.

**Healthier Communities has specific responsibilities for the following:**

- 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.

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- 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.

## Appendix B

Council corporate priorities 2018-2022

Items within the work programme should be linked to the priorities of the Council's Corporate Strategy for 2018-2022 (set out below):

**Open Lewisham** - Lewisham is a welcoming place of safety for all, where we celebrate the diversity that strengthens us.

**Tackling the housing crisis** - Everyone has a decent home that is secure and affordable.

**Giving children and young people the best start in life** - Every child has access to an outstanding and inspiring education, and is given the support they need to keep them safe, well and able to achieve their full potential.

**Building an inclusive local economy** - Everyone can access high-quality job opportunities, with decent pay and security in our thriving and inclusive local economy.

**Delivering and defending: health, social care and support** - Ensuring everyone receives the health, mental health, social care and support services they need.

**Making Lewisham greener** - Everyone enjoys our green spaces, and benefits from a healthy environment as we work to protect and improve our local environment.

**Building safer communities** - Every resident feels safe and secure living here as we work together towards a borough free from the fear of crime.

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