

TITLE	Health Scrutiny Arrangements Across Buckinghamshire, Oxfordshire and Berkshire West Integrated Care System
FOR CONSIDERATION BY	Council on Thursday 22 July 2021
WARD	None Specific
KEY OFFICER	Matt Pope, Director of Adult Services

OUTCOME / BENEFITS TO THE COMMUNITY

The report considers a proposal to form a new, mandatory, joint committee with health scrutiny powers to consider matters affecting patient flows across the Buckinghamshire, Oxfordshire and Berkshire West Integrated Care System geography.

Health scrutiny will help to improve the planning, development, operation and integration of health and care services, and in turn will improve health outcomes for local residents.

RECOMMENDATION

The Health Overview and Scrutiny Committee recommend Council to:

- 1) support the proposal for a Joint Health Overview and Scrutiny Committee to consider health issues at the NHS Integrated Care System (ICS) level across Buckinghamshire, Oxfordshire and Berkshire;
- 2) delegate scrutiny of health issues at the Buckinghamshire, Oxfordshire and Berkshire West Integrated Care System level to the Joint Health Overview and Scrutiny Committee;
- 3) approve the terms of reference for the Joint Health Overview and Scrutiny Committee as set out in Appendix A to the report;
- 4) note that two Wokingham Members will be appointed to the Joint Health Overview and Scrutiny Committee (one Conservative and one Liberal Democrat) as advised by the relevant Group Leaders;
- 5) review the situation should the Integrated Care System (ICS) boundaries change in the future as the situation with ICS boundaries is currently unclear, and it is far from certain that Wokingham will remain in BOB.

SUMMARY OF REPORT

Health bodies have a legislative duty to consult a local authority's Health Overview and Scrutiny Committee (or equivalent committee in an upper-tier or unitary holding health scrutiny powers) about any proposals they have for a substantial development or variation in the provision of health services in their area. When these substantial developments or variations affect a geographical area that covers more than one local authority, the affected local authorities must appoint a Joint Health Overview and Scrutiny Committee (JHOSC) for the purposes of the consultation.

In response to the development of an Integrated Care System (ICS) across the Buckinghamshire, Oxfordshire and Berkshire West (BOB) footprint, a joint health overview and scrutiny committee is needed to consider proposed changes affecting the patient-flow geography at the BOB level. This includes the authorities of Buckinghamshire Council, Oxfordshire County Council, West Berkshire Council, Reading Borough Council and Wokingham Borough Council.

This report sets out proposals for the new JHOSC, which will require each of the affected local authorities to delegate health scrutiny powers on services provided at the ICS level to the JHOSC and to agree the Terms of Reference. Legally, the executive cannot make decisions in relation to scrutiny matters, so the decision must be made by full Council.

Only proposals that would impact the entire patient flow across the Buckinghamshire, Oxfordshire and Berkshire West area would be considered by the Joint Committee. Scrutiny of local health matters would remain with Wokingham Borough's Health Overview and Scrutiny Committee.

On 12 July 2021, the Health Overview and Scrutiny Committee considered the proposals to join a BOB wide joint Health Overview and Scrutiny Committee and recommended this to Council, subject to the situation being reviewed by Council should the ICS boundaries change in the future.

Background Information

Introduction

1. Health and care services are provided at different levels and a three-tiered model is used to describe this:

(a) **System:** ICSs typically cover a population of 1–3 million people. Key functions include setting and leading overall strategy, managing collective resources and performance, identifying and sharing best practice to reduce unwarranted variations in care, and leading changes that benefit from working at a larger scale such as digital, estates and workforce transformation. West Berkshire is part of the Buckinghamshire, Oxfordshire and Berkshire West (BOB) ICS, which covers a population of 1.8 million, and has three Integrated Care Partnerships, three Clinical Commissioning Groups (CCGs), six NHS Trusts, and 175 GP surgeries.

(b) **Place:** a town or district within an ICS, usually consistent with a local authority borough / district, typically covering a population of 250–500,000. This is where the majority of changes to clinical services will be designed and delivered, and where population health management will be used to target interventions to particular groups. The Berkshire West Place comprises Reading Borough, West Berkshire District and Wokingham Borough, covering a population of around 500,000, under the umbrella of the Berkshire West Integrated Care Partnership. Although each of the three local authorities has their own Health and Wellbeing Board and Overview and Scrutiny function, they are working closely to develop a Joint Health and Wellbeing Strategy.

(c) **Neighbourhood:** a small area, typically covering a population of 30–50,000 where groups of GPs and community-based services work together to deliver co-ordinated, proactive care and support, particularly for groups and individuals with the most complex needs. Primary care networks (PCNs) and multidisciplinary community teams form at this level. Fourteen PCNs have been established in Berkshire West, of which four are in West Berkshire.

2. In addition, a fourth **Locality** tier operates below the Place tier within Berkshire West. These Localities coincide with the individual local authorities of Reading Borough Council, West Berkshire Council and Wokingham Borough Council and reflect the geography of their Health and Wellbeing Boards and Public Health, Adult Services and Children's Services functions. Joint working with Health Services also takes place at this level, e.g. through Locality Integration Boards.
3. Health scrutiny primarily takes place at the Place / Locality level. Within Wokingham Borough, health scrutiny is undertaken by the Health Overview and Scrutiny Committee (HOSC). Currently, no scrutiny takes place at the System level.
4. Local authority health scrutiny committees have powers to:
 - Review and scrutinise matters relating to the planning, provision and operation of the health service in the area, including the finances of local health services.

- Require local NHS bodies to provide information about the planning, provision and operation of health services in the area.
 - Require employees of local NHS bodies to attend committee meetings to answer questions.
 - Make reports and recommendations to local NHS bodies and expect a response within 28 days.
 - Refer proposals for substantial changes to NHS services to the Secretary of State for decision if: the committee believes the consultation has been inadequate; there were inadequate reasons for not consulting; or if the proposals would not be in the interests of the local health service.
5. Health bodies have a legislative duty to consult a local authority's Health Overview and Scrutiny Committee (or equivalent committee in an upper-tier or unitary authority holding health scrutiny powers) about any proposals they have for a substantial development or variation in the provision of health services in their area. When these substantial developments or variations affect a geographical area that covers more than one local authority, the affected local authorities must appoint a Joint Health Overview and Scrutiny Committee (JHOSC) for the purposes of the consultation.
 6. Since the creation of the BOB Sustainability Transformation Plan in 2015, the health scrutiny Chairmen from across the footprint have met, informally and on an ad hoc basis, with key health partners. The last meeting took place in Buckinghamshire on 15 November 2019. It was at this meeting, where the proposal to set-up a joint health scrutiny committee was first requested by the ICS.
 7. The proposal is for ICS activities to be scrutinised by a newly created Buckinghamshire Oxfordshire and Berkshire West Joint Health Overview and Scrutiny Committee. All other health scrutiny would remain with individual local authorities through their existing health scrutiny arrangements. The ICS leaders have identified that they anticipate 80% of activity to remain with local Health Overview and Scrutiny Committees, with 20% at the BOB Joint Health Overview and Scrutiny Committee level.

Background

8. Discussions have taken place with officers across the BOB footprint to consider the governance issues associated with setting-up a new joint health scrutiny committee. In These discussions were informed by advice from the Centre for Governance and Scrutiny (CfGS) who endorsed the need for a joint health scrutiny committee and saw it as a key component of the work of the ICS, they indicated that:
 - Setting up a joint health scrutiny committee for the ICS should be seen as a necessity;
 - Elected Members from across the ICS need to have oversight of what is being planned at system level (at an early stage) and health bodies would gain a greater awareness of the political impact of their proposed decisions;
 - The BOB ICS is a vanguard and at the forefront of ICS development and therefore this joint committee should be viewed as a positive;

- There is no existing function for scrutinising and holding to account the ICS so a joint committee should be viewed as an opportunity to strengthen and add value to the existing local scrutiny arrangements.

Proposal

9. Members are asked to support the proposed arrangements for the Joint Health Overview and Scrutiny Committee as set out in this report, and in doing so approve the delegation of health scrutiny powers of the Buckinghamshire, Oxfordshire and Berkshire West Integrated Care System to the BOB Joint Health Overview and Scrutiny Committee.
10. A draft Terms of Reference document has been developed and is attached to this paper in Appendix A.
11. The following paragraphs set out the key principles on which the proposal for the Joint Committee has been developed.

Defining the work of the Joint Committee

12. The definitions of System, Place, Locality and Neighbourhood as set out above have been incorporated into the draft Terms of Reference. A protocol toolkit will also be developed to ensure work is considered at the most appropriate level of scrutiny. This process will require early dialogue between ICS Leads and the Members of the JHOSC. All constituent authorities will be notified of the outcome of those discussions.
13. The toolkit will be developed ahead of the first meeting of the BOB JHOSC and individual scrutiny committees will be asked to agree the toolkit. The toolkit will help to ensure that local health scrutiny arrangement retain their integrity and primacy.

Membership of the Committee

14. It is proposed that appointments to the Joint Committee would have regard to the relative proportion the BOB patient flow for each of the constituent local authorities. This is in line with the legislative framework of health scrutiny.
15. The proposal is for a Committee of 19 Members (7 Members for Oxfordshire, 6 Members for Buckinghamshire and 6 Members for Berkshire West – 2 from each of the three unitary authorities). In the absence of patient flow figures, this calculation has been based on population figures. Appointments by each authority to the JHOSC will reflect the political balance of that authority. Therefore, Wokingham's representatives will be one Conservative Member and one Liberal Democrat Member (to be advised by the Group Leaders). Committee members cannot be Executive Members, the Deputy Executive Member for Health and Wellbeing, members of the Audit Committee and should ideally be members of the Health Overview and Scrutiny Committee, to ensure a good understanding of the relevant issues.
16. It is also proposed that up to two co-opted (non-voting) members be given a seat on the committee, one of which will be from Healthwatch.

Referral powers to the Secretary of State

17. Buckinghamshire is keen that the power of referral on System related activities remains with the BOB joint health scrutiny committee. The Centre for Governance and Scrutiny agrees with this approach.
18. Oxfordshire's JHOSC requested at its meeting in June 2020 that the power of referral be retained by Oxfordshire. The advice received from the CfGS is that disaggregating the power of referral for the BOB HOSC committee could result in five separate referrals on the same issue. It would also fracture the unified voice of five authorities created by a BOB JHOSC. To ensure that Oxfordshire (or any other local authority / health scrutiny committee) can independently refer a matter to the Secretary of State if the BOB committee chooses not to, Oxfordshire has asked for the draft Terms of Reference to contain a "Notwithstanding clause". This allows member authorities the right to refer an issue to the Department of Health if the BOB joint scrutiny committee chose not to.

Election of Chairman and Host Authority

19. It is proposed that the Chairman would be elected by the joint Committee for a two year term. It is proposed that hosting of the committee meetings would be undertaken by one local authority on a permanent basis. The associated administrative support and costs would be paid by the hosting authority and re-charged to the other authorities involved, depending upon their proportionate membership on the Buckinghamshire, Oxfordshire and Berkshire West Health Overview and Scrutiny Committee.

Frequency of meetings

20. The new Joint Health Overview and Scrutiny Committee would only be convened as necessary. The draft Terms of Reference state that the joint committee will be a standing committee and dates would be organised and put in the Committee Members diaries. If there was no business to be discussed, then the meeting would be cancelled. This approach is advised on logistical ground of trying to coordinate the Members (and officers) across five different local authorities.

Draft Terms of Reference

21. It was agreed that Buckinghamshire Council would draft the Terms of Reference for the Joint Committee which would then be discussed by each authority. The latest version of the draft Terms of Reference has been circulated to each authority for further discussion with Members and Officers. This is contained within Appendix A of this report.

Other options considered

22. Within the current legislation and health system structure, there are no viable alternatives to establishing a Joint Health Overview and Scrutiny Committee for the Buckinghamshire, Oxfordshire and Berkshire West area to address matters affecting the patient flows across the entire Integrated Care System.
23. Options have been considered around the composition of the JHOSC, for example, a smaller committee with three members from Buckinghamshire, four from Oxfordshire, and one member from each of the three Berkshire West authorities. However, it was felt that numbers should be increased such that there were at least two members from each local authority.

Conclusion

The creation of a Joint Health Overview and Scrutiny Committee would be a positive step. It would ensure that West Berkshire Council and the other local authorities across Buckinghamshire, Oxfordshire and Berkshire West were able discharge their legal responsibilities when consulted by the Integrated Care System on substantial developments or variations in services. It would also help to ensure that the needs of local citizens are properly considered in the planning, development and operation of local health services at the ICS level.

The establishment of the BOB HOSC requires all relevant local authorities (as outlined in this paper) to agree the draft Terms of Reference, as such, they are subject to agreement by those authorities through their respective Councils

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe funding pressures, particularly in the face of the COVID-19 crisis. It is therefore imperative that Council resources are focused on the vulnerable and on its highest priorities.

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	£0	Yes	Revenue
Next Financial Year (Year 2)	£0	Yes	Revenue
Following Financial Year (Year 3)	£0	Yes	Revenue

Other financial information relevant to the Recommendation/Decision
None.

Partner Implications
This proposal is consider “business as usual” with no particular implications on other Council services.

Public Sector Equality Duty
The proposal will ultimately have a beneficial impact on the planning, development, operation and integration of health and care services across Buckinghamshire, Oxfordshire and Berkshire West, which will deliver benefits for all service users, including those with protected characteristics.

List of Background Papers
The statutory requirements for the scrutiny of health services are set out in the National Health Service Act 2006 as amended by the Health and Social Care Act 2012. The relevant regulations are the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations.

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