

**REPORT OF THE CHIEF EXECUTIVE****HEALTH SCRUTINY CONSULTATION RESPONSE****Purpose of the Report**

1. To note the response provided to the Department of Health in relation to the recent Health Scrutiny consultation.

**Information and Advice**

2. In July 2012, the Department of Health commenced a Health Scrutiny Consultation with a particular focus on the mechanisms for referrals of proposals for substantial variations and developments of service by NHS Trusts to Secretary of State for Health. Currents arrangements are that where a Health Overview and Scrutiny Committee considers that a proposal is not in the interests of the local health service in its area, i.e. it would have a detrimental effect on the health and experience of local patients, it may refer the issue to the Secretary of State in writing, or in the case of NHS Foundation Trusts to Monitor, who may make a final decision on the proposal.
3. When making the referral, the Health Overview and Scrutiny Committee should explain the grounds on which it has reached its decision and the evidence it has used. It should also consider the extent to which patients, the public, and other stakeholders have been involved in the planning and developing of the proposal.
4. Referral should be a last resort and every attempt should be made to reach agreement locally. While the referral is with the Secretary of State, the NHS body cannot implement the proposal (although it may take some preparatory steps). In considering what action to take, the Secretary of State may ask the Independent Reconfiguration Panel for advice.
5. The proposals being consulted on suggest that an interim referral stage to the NHS Commissioning Board should be introduced and that referrals should be made by Council rather than a Health Scrutiny Committee. This does not appear to be in the interests of service users, the NHS bodies or local democracy since it would serve to both delay the resolution of the matter and take it out of the hands of those who have heard about the issues firsthand from the organizations and people concerned.
6. In addition, the proposals also seek to introduce a duty for Health Scrutiny Committees to develop alternative financial proposals when NHS bodies are proposing variations of service. This would seem to be onerous and beyond the normally understood remit of Health Scrutiny.

7. The response from this Authority is attached as an appendix to this report. The response was developed by Councillor Mel Shepherd, in his role as Chairman of the Joint Health Scrutiny Committee with assistance from departmental officers. The response was circulated to Members of the Joint Health and Health Scrutiny Committees for comment and approved for onward transmission to the Department of Health by the Leader. Due to the consultation period running over the summer period for a comparatively short amount of time it was not possible to have the response considered by Policy Committee before the deadline.

## **Statutory and Policy Implications**

8. This report has been compiled after consideration of implications in respect of finance, equal opportunities, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

## **RECOMMENDATION**

It is recommended that Policy Committee note the consultation response.

**Mick Burrows**  
**Chief Executive**

**For any enquiries about this report please contact: Martin Gately, Democratic Services Officer, Policy Planning and Corporate Tel (0115) 9772826**

### **Constitutional Comments (SLB 03/10/2012)**

9. This report is for noting only.

### **Financial Comments (MB 04/10/12)**

14. There are no specific financial implications arising from the report.

## **Background Papers**

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Department of Health Local Authority Health Scrutiny consultation.  
<http://www.dh.gov.uk/health/2012/07/health-scrutiny/>

**Electoral Division(s) and Member(s) Affected**  
All