

Agenda

Health and Adult Social Care Scrutiny Board

Wednesday, 10 August 2022 at 6.00 pm
At Committee Room 1 - Sandwell Council House, Oldbury

This agenda gives notice of items to be considered in private as required by Regulations 5 (4) and (5) of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

1 Apologies for Absence

2 Declarations of Interest

Members to declare any interests in matters to be discussed at the meeting.

3 Minutes 5 - 10

To confirm the minutes of the meeting held on 28 March 2022.

4 Additional Items of Business

To determine whether there are any additional items of business which, by reason of special circumstances, the Chair decides should be considered at the meeting as a matter of urgency.

5 Adult Social Care Contributions Policy Consultation 11 - 24



To consider and comment on the models, the equity issues identified, and the methodology adopted for the public consultation in relation to the Adult Social Care Contributions Policy.

6 Joint Health Scrutiny Arrangements 25 - 28

To consider the joint health scrutiny arrangements for 2022/23.

7 Scrutiny Action Tracker 29 - 34

Standing item to consider the Scrutiny Action Tracker.

8 Cabinet Forward Plan 35 - 52

Standing item to consider the Cabinet Forward Plan.

9 Work Programme 2022-2023 53 - 58

To consider the work programme of the Board for the municipal year 2022-2023.

Kim Bromley-Derry CBE DL
Managing Director Commissioner

Sandwell Council House
Freeth Street
Oldbury
West Midlands

Distribution

Councillor E M Giles (Chair)
Councillors H Bhullar, Akpoteni, Allcock, Choudhry, E A Giles, S Gill, Fisher,
Melia, Randhawa and V Smith

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Minutes of Health and Adult Social Care Scrutiny Board

Monday 28 March 2022 at 6.00pm
Committee Room 1, Sandwell Council House

Present: Councillor E M Giles (Chair);
Councillors Bhullar (Vice-Chair), Akpoteni, Fenton, R Jones,
Khatun and Melia.

In attendance: Councillor Suzanne Hartwell (Cabinet Member).

Officers: Alexia Farmer (Manager – Healthwatch Sandwell);
Kulwinder Johal (Deputy Director of Operations – PCCT,
Sandwell and West Birmingham Hospitals NHS Trust);
Steven Nelson (Programme Manager – Targeted Lung
Health Checks, Sandwell and West Birmingham Hospitals
NHS Trust).

21/22 **Apologies for Absence**

Apologies were received from Councillors Fisher and L Giles.

22/22 **Declarations of Interest**

There were no declarations of interest made.

23/22 **Minutes**

Resolved that the minutes of the meeting held on 14 March
2022 are approved as a correct record.



24/22 **Urgent Item of Business**

There were no urgent items of business to consider.

25/22 **Overview of Phlebotomy Service**

The Board received an overview of phlebotomy services provided by Sandwell and West Birmingham Hospitals NHS Trust (SWBHT).

The phlebotomy service was available to children and adults in Sandwell and West Birmingham and operated both as an acute and a community service. Referrals had to be made by a registered medical practitioner.

In response to the pandemic in March 2020 an appointment system had been implemented. This had enabled the service to plan its resources to manage the demand in all clinical locations and introduce more clinics. There were now eight locations offering the service. Appointments could be made by telephone or by email and patients were offered the choice of location according to the type of blood sample required. Specialist blood tests - where the sample would degrade if not transported for testing within set time or temperature limit parameters – could only be performed at Sandwell Hospital or Birmingham Treatment Centre however.

On average the phlebotomy service completed 20-25,000 appointments per month of which 93% were attended. In January 2022, 4,766 appointments had been offered on the same day. The majority of patients were offered appointments within 7 days of booking.

In terms of staffing, the service was committed to recruiting from the local population and there were progression routes for existing staff within the Trust, including an apprenticeship. The apprenticeship lasted 12-months to obtain a Level 2 or 3 qualification with a substantive post awarded at the conclusion of the programme.



[Councillor Akpoteni arrived.]

The following was noted in response to questions and comments:-

- There was currently insufficient patient feedback to justify extending the service into the evenings and weekends, however this would be explored further by Community Diagnostic Hubs.
- Feedback to date indicated that the vast majority of patients wanted their appointments between 10am and 2pm.
- Patients who attended without prior booking could wait to be seen if they chose to.
- There was a domiciliary service in operation 7 days a week for care homes and those with mobility issues delivered by the community nursing team.
- Sandwell and West Birmingham Hospitals NHS Trust (SWBHT) was required to advertise any new vacancies at pay scales 2 to 4 as an apprenticeship. Anyone who joined the apprenticeship programme was guaranteed employment at the end. SWBHT advertised its vacancies on its website, the NHS Jobs website, and promoted vacancies regionally through various mediums.
- Patients requiring transport had to book themselves, to ensure that their mobility issues were addressed and the correct transport provided.
- Complaints to Healthwatch had reduced in recent months and there had been none in the preceding month.
- Work was ongoing to expand the online booking system, however patients needed to book by phone the first time to set up their user registration. Once registered patients could also book via the NHS app.

26/22

Targeted Lung Health Check Programme

The Board received a report on a new Targeted Lung Health Check Programme run by Sandwell and West Birmingham Hospitals NHS Trust and its planned implementation in Sandwell.



Current data indicated that 1 in 2 people in the UK would be diagnosed with a cancer during their lifetime and 75% of lung cancers were currently diagnosed at a late stage (3 or 4).

The lung health check programme aimed to contribute towards meeting the ambitions set by central government that by 2028:-

- An extra 55,000 people each year would survive for five years or more following their cancer diagnosis.
- Three in four cancers (75%) would be diagnosed at an early stage.

People between 55 and 74 years old, who had ever smoked and who were registered with a GP would be targeted for the programme. This represented 62,234 in Sandwell. It was predicted that in Sandwell the programme could contribute to finding 361 additional cancers at an early stage that would otherwise remain undiagnosed.

23 locations across the country had been selected for phases one and two of the programme (which had begun 2019), based on prevalence of cancer and levels of deprivation. Sandwell would be added to the programme in phase three beginning in July 2022, along with another 15-20 locations. Phase three would expand the scope of the programme by another 1 million eligible applicants. In phase four (2023-24) the programme would be rolled out to a further 20% of eligible population. Current take up for the programme stood at around 50% of the eligible population.

Eligible applicants would be invited for an initial lung health check including an assessment of lung cancer risk. For those assessed with low risk no further action would be taken, those with incidental findings would be referred to primary care. Those considered high risk would be offered a low-dose CT scan and, depending on the findings, referred for further assessment and treatment.

Spirometry (previously suspended during the pandemic) would be brought back to the programme for high-risk patients from April 2022, and this would assist in identifying other health conditions affecting lungs.



Alongside the CT scans, participants in the programme would be offered smoking cessation interventions. Conversations were ongoing with Healthy Sandwell to ensure that smoking cessation services were co-located with targeted lung health check locations.

At present satisfaction with the programme among service users was high with 94% of survey respondents finding the lung health check programme 'a good or very good experience'. A large proportion of respondents also expressed preference for an option to book the initial lung health check scan online.

Members were asked to assist in suggesting appropriate locations across the borough for the mobile units.

The following was noted in response to questions and comments:

- The dangers of passive smoking were acknowledged. Data was being evaluated to inform national rollout of the programme.
- The programme was promoted both nationally and locally. The Trust was working with primary care networks and GP practices to reach those eligible. Local promotion would also consist of targeted advertising, initially in primary care settings, digital screens on bus stops, with social media promotion as well. Every eligible patient would receive a letter and a call as a reminder to book their lung health check.
- The programme would be promoted in a range of languages.
- CT scans could detect incidental damage to the lungs from factors other than cancer but identifying the specific cause (for instance the effects of flu or vaping) could only be inferred based on scan patterns.
- The programme was currently funded for four years and for each eligible patient to have two sets of scans in that period (total of two scans over four years), however, the scope could be expanded.
- Standard waiting times applied for treatment following identification of cancers through the programme. It was hoped that additional funding would be allocated for treatment of additional cancers and incidental diagnoses such as aneurism and COPD.



- The national rollout phase in 2023-24 would include those with a family history of cancers, and eventually the programme would cover the entire population.
- The start date for the programme in Sandwell was July 2022 and this had not been delayed due to the pandemic.
- For the national rollout, screenings would take place in mobile units, as well as at the forthcoming Community Diagnostic Centres.

27/22

Black Country Healthcare NHS Foundation Trust Transformation Plan

This item was deferred.

Meeting ended at 7.33pm

Contact: democratic_services@sandwell.gov.uk



Report to Health and Adult Social Care Scrutiny Board

10 August 2022

Subject:	Adult Social Care Contributions Consultation
Director:	Director of Finance – Simone Hines Director of Adult Social Care - Rashpal Bishop
Contact Officer:	Service Manager (Business Management) - Kay Murphy, Kay_Murphy@sandwell.gov.uk

1 Recommendations

- 1.1 The Board is asked to note the proposed policy changes agreed by Cabinet and now out for public consultation (as detailed in Appendix A below).
- 1.2 The Board is invited to consider and comment on the models and the equity issues identified and the methodology adopted for the public consultation.




2 Reasons for Recommendations

- 2.1 The Director of Adult Social Care and the Director of Finance commissioned a review to check the compliance of the Council's current Contributions policy against the Care Act and other case law, as well as addressing the financial pressures facing the service and Council as a whole.
- 2.2 This paper for Scrutiny Board's consideration aims to set out the main issues that were addressed in the work undertaken, in terms of legal requirements, equity and equality, and council income.



- 2.3 It summarises below the key issues identified, the solutions proposed in the report to Cabinet of 18 May 2022 and the methods applied in the public consultation which is now underway.
- 2.4 The presentation provides members the opportunity to understand the options proposed and seek clarification and provide comment into the consultation process.

3 How does this deliver objectives of the Corporate Plan?

	<p>People live well and age well - clarifying some elements of current policy makes it easier for users of services and residents to understand how we make decisions regarding their contributions and ensures equity amongst customers</p>
	<p>Strong resilient communities - ensuring residents understand our policy and principles will contribute towards creating stronger and more resilient communities</p>
	<p>A strong and inclusive economy – ensuring people have sufficient funds to meet all reasonable needs is essential for an equitable economy</p>

4 Context and Key Issues

- 4.1 The review commissioned by the Director of Adult Social Care and the Director of Finance aimed to assess the compliance of the Council’s current Contributions (Charging) policy (last revised in 2012) against the Care Act 2014, which repealed all previous national charging policies and guidance.
- 4.2 Legal issues; whilst the Care Act did not introduce major change, (the biggest reform - the care cap - was postponed and is only now the subject of national consultation), the current Sandwell policy was found to contain references that require updating to reflect the Care Act, new state benefits and other regulations.
- 4.3 In addition, some areas of policy and practice required clarification and Legal advice obtained during the review also identified some aspects of



the policy or of practice that are no longer consistent with recent case law and rulings by the Local Government Ombudsman, some with specific equalities implications.

- 4.4 The risks of operating with a policy that is technically outdated or does not align to practice meant it was considered prudent to make the identified changes immediately to avoid misunderstandings caused by lack of clarity or outdated wording. This also ensures people better understand our current policy.
- 4.5 Funding issues; as well as this work on compliance, the review was also expected to identify methods of increasing the financial viability of adult social care by increasing the income the council receives from contributions from those who can best afford it.
- 4.6 Despite increasing pressures within Adult Social Care funding nationally, Sandwell continues to provide allowances that exceed those required by the relevant regulations and which are out of line with other councils locally and nationally.
- 4.7 Sandwell currently allows people to retain 53% of their disposable income (if any), and bases contributions only on the remaining **47%**. In contrast, our research into 27 other councils identified that one bases contributions on **75%** of disposable income, one on **90%**, and the remaining 25 on **100%**.
- 4.8 The three different funding models proposed reduce this allowance but remain more generous than the majority of those councils researched. The proposed changes would increase income by between £1.2 million and £1.4 million pa. (depending on the model selected after consultation) over and above the current non-residential income of £2.3 million pa.
- 4.9 The variation in income between the three models arises purely as a consequence of the different methodology used in them. The review was not set a specific target, rather the focus was finding effective solutions to increasing income balanced against the desire to improve transparency in



how the funding model would work and greater equity in how people's charges were calculated.

- 4.10 It should be noted that 28% of clients currently pay no contributions at all (because they have no disposable income), and they are unaffected by any of the three models.
- 4.11 Equality and equity issues; the research and subsequent Equalities Impact Assessment (EIA) noted that increasing contributions inevitably has an overall negative impact, as all the models propose increasing the total income the council receives. Consequently, a significant number of people face an increase in costs. However, an examination of the various options does not reveal any obvious or intentional discrimination.
- 4.12 The research reveals that the national system of state benefits, pensions and other allowances appear to contain inherent discrimination, as they are relatively more generous for people of pension age. In turn, this disparity is a feature of any contributions model since it must reflect such income sources - this is not something the council can resolve.
- 4.13 The range of models tested for a new contributions policy were designed to try and minimise impacts on any specific group. The three models finally selected show no differential impact on any equalities characteristic. However, within that overall impact, the three models proposed have a range of impacts as they attempt to deliver an equitable solution within an overall increase in contributions charged;
- For a significant group of people, the changes are **negative** in that they face an increase in the contributions they must pay. This particularly affects people with a higher disposable income, which in turn is often those of pensionable age;
 - For some people, the changes are **positive** in that notwithstanding the overall increase, their individual contribution is reducing because of the redistributive effects of the various models (particularly model 3) which most benefit those people with disability related expenditure, lower disposable income and/or those of working age.



- 4.14 Ultimately, the overall negative impact of the changes proposed in this paper have been examined and reviewed but are unavoidable given the need to balance the council's budget. In turn, this could be justified as a 'proportionate means of achieving a legitimate aim' in accordance with the Equality Act 2010.
- 4.15 Proposed solutions; the work commissioned by the Directors has, therefore, focused on researching options for amending the Contributions policy both to address financial pressures as well as the need to address legal and equity issues.
- 4.16 The modelling work undertaken to identify alternative methods for calculating contributions used anonymous actual data for 195 current clients in a range of models that attempted to address perceived inequalities such as those referred to in the "Norfolk Judgement".
- 4.17 This ruling held that by disregarding earnings, Norfolk County Council's policy for charging for non-residential adult social care "indirectly discriminated against [a] severely disabled person who was unable to work", and Norfolk had been unable to objectively justify that differential impact. The fact that disregarding earnings is required by the Care Act did not affect the outcome of the judgement.
- 4.18 The attempt was made to assess alternatives that offered a real choice as to how to calculate contributions within the regulations and such case law. The three models proposed were those considered to minimise the impact on any one group.
- 4.19 The EIA identify variable impacts on groups with different equalities characteristics in both the current methodology and in the three proposed models. However, what has not been possible to explain is why these variances occur. To give only three examples;
- The *average* contribution that people pay under the current policy based on their available disposable income is £32.19 per week for



those of pensionable age, but is £18.32 per week for those of working age;

- people who identify as Asian currently have a lower average contribution than those who identify as Black;
- 22% of those clients recorded as having “learning difficulty” as their primary support reason face an increase in model 1, but only 19% in model 2 and 15% in model 3.

4.20 The conclusion is that the apparent variation between characteristics is most likely to arise from the personal circumstances of each person rather than from any impact on a particular characteristic. The modelling was based on the actual recorded capital and income of the 195 clients, applied to the allowances and limits set out in the financial assessments regime and set against their service whose cost will vary greatly according to its nature.

4.21 All these factors, plus the fact that the underlying government regulations and benefits do (apparently) benefit particular groups, make delivering “equality” a challenge, particularly in the situation where Sandwell is increasing contributions overall.

4.22 Based on this work, a range of changes were proposed in the report to Cabinet on 18 May 2022 which attempted to balance these issues. Some – particularly those proposing change in how we calculate people’s non-residential contributions - have a significant impact on some current users of our services. Others are more technical changes to the policy that clarify and update elements of it.

4.23 The aim of the proposed changes is to offer alternative models which produce a non-residential contributions regime which is financially viable for the Council whilst being fairer and complying with equalities expectations, i.e. it aims to avoid discriminating against any group of people with a protected characteristic.

4.24 As stated, the forecast increase in income is between £1.2m and £1.4m, and within this **net** increase, the models expend approximately £0.5m to address issues with current practice on Disability Related Expenditure



costs (a statutory requirement for non-residential services). Currently we only fund such costs as exceed the 53% allowance against income we provide, whereas the revised models all include such costs in full before any allowance is calculated, thus benefitting all clients facing additional costs due to their disabilities.

4.25 Cabinet agreement; the report to Cabinet proposed public consultation on the elements of the revised Contributions Policy that have a significant impact on the contributions people may pay, particularly on the three models that the paper proposes as options for calculating non-residential contributions.

4.26 Cabinet approved the proposals, and public consultation commenced on 6 June 2022, and will end after 12 weeks on 29 August 2022. The more technical changes which were not subject to consultation have been implemented with immediate effect. A summary of all the main changes is set out in **Appendix A**

4.27 Once the consultation closes and responses have been analysed, a final report making recommendations for changes to the Contributions Policy will be presented to Cabinet on 16 November 2022, proposing any implementation of revised policy from 1 January 2023.

4.28 The nature of consultation; the consultation has been accompanied by a range of publicity and documentation designed to encourage participation and feedback from the public, particularly those who currently use ASC services (or may do in the future) and who are likely to be impacted by the changes proposed.

4.29 It has been acknowledged from the start that Contributions is a complex subject which is difficult to simplify and may be challenging to engage people on, so the approach taken is to set out as clearly as possible the changes and provide as many opportunities as possible for people to identify the impact on them.

4.30 Notification of the consultation has been as follows;



- Notice to stakeholder groups such as voluntary organisations and partner statutory bodies in the form of a summary and link to the consultation documents on the Council website, asking them to promote the consultation to their members;
- A mailshot to all existing clients who have been assessed for contributions giving them details of the website and contact details;
- General social media posts on Sandwell Council’s platforms (Facebook, Twitter, LinkedIn);
- An article in the June edition of the Adult Social Care staff update;
- A short article in the forthcoming Sandwell Herald.

4.31 Opportunities to get more information have been provided for both the public and staff;

- Anyone participating in the consultation has been provided with a specific email address and phone number where they can raise any questions they have about the changes, or if they need alternative formats;
- Two drop-in sessions have been arranged where people can discuss the changes with staff from the financial assessments team and can be given an estimate of the effect of each of the proposed models based on their personal finances;
- An offer of a visit from the financial assessment team to community groups and locations across the borough to raise awareness of the consultation and answer questions.

4.32 A range of documentation has been provided on the council’s consultation page of the website (paper copies of all documentation is also offered);

- A full description of the changes being consulted on;
- A set of “frequently asked questions”;
- A document setting out a wide range of examples of the effect of the various changes on different people;
- A “calculator” which people can download and, by inputting a small amount of personal information, can see estimates of what they



currently pay as contributions against what they would pay under the three models;

- An online survey for their responses.

5 Alternative Options

5.1 The Council must have a Contributions Policy as it has discretion over aspects of both Residential and Non-Residential Contributions.

5.2 It would be possible to defer these updates until national decisions on recent case law and on the Care Cap proposals are reached, but some of these changes are essential and should be made without delay. The financial viability of the current policy is also important.

6. Appendices

Appendix A – summary of the proposed changes to the council's Contributions Policy

7. Background Papers

- Cabinet Report Adult Social Care Contributions Policy final
- Assessment of other councils' contributions policies
- The Care Act 2014
- The Care and Support (Charging and Assessment of Resources) Regulations 2014 (amended 2021)
- The Care and Support Statutory (CASS) Guidance October 2014
- The Care and Support and Aftercare (Choice of Accommodation) Regulations 2014
- The Mental Health Act 1983 (mental health aftercare services commissioned under section 117 of this Act must be free from contribution)
- The Mental Capacity Act 2005 (the determination of a person's ability to manage decisions, specifically those relating to their finances)



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Appendix A: contributions policy for consultation

Summary of main changes agreed in report to Cabinet 18 May 2022

A1 For consultation: the following changes are now the subject of public consultation;

- Joint financial assessment of couples: we are proposing in the consultation to end the practice of offering a joint assessment of couples, as the Care Act no longer permits this;
- Short-term (respite) care charges: to comply with Care Act requirements and LGO rulings, we propose to base contributions on a financial assessment and the actual costs of the service, rather than a flat-rate fee;
- Three alternative contributions models have been proposed in the consultation for people to choose from. Each model changes the method by which a person's financial contribution is calculated for non-residential services, and all three models increase council income to varying degrees by modifying or removing the existing level of allowances currently provided. All three attempt to address some of the equity and case law implications and consequently have varying degrees of impact on individuals and on equalities data;
- Disability Related Expenditure: whichever model is selected, the consultation follows legal advice and proposes amending the method of allowing people's Disability Related Expenditure costs (a statutory requirement for non-residential services) to allow the full sum of any such costs against income, up to the total of their disability benefits. The change also reflecting recent rulings by the Local Government Ombudsman on the type of expenses that should be considered;
- Transitional protection: again, irrespective of the model selected, the consultation proposes using a process that will limit changes in a person's contributions solely attributable to changes in policy (such as those



outlined in the Consultation paper) to a maximum sum for a period up to three years, if that person faces a significantly adverse impact.

A2 Clarifications of existing policy and practice: the following changes to policy and practice have now been implemented following Cabinet's approval;

- Updating policy to remove out-of-date references, clarify what the council's policy, take account of recent case law and decisions by the Local Government Ombudsman, and clarifying areas of ambiguity between the original policy and practice;
- Reviews and appeals: to implement a revised process for the review of financial assessments and contributions when people do not agree with our decisions;
- Contributions start dates and backdating: to ratify existing practice to limit the backdating of Non – Residential contributions;
- Services excluded from assessed contributions; to update the list of services where we have chosen to apply a fee which everyone must pay (rather than an assessed contribution), as well as the list of those that the council has have chosen to provide free of charge.
- Arranging care for self-funders: to offer an ad-hoc service on request, with no charge to be levied for this service under the policy. This situation would be reviewed if the volume of requests becomes significant.
- Short-term (respite) care charges: in line with revised Adult Social Care policy, to amend the contributions policy to reduce the number of days respite charged at flat rate from 56 to 28 within a 12-month period.
- Contract issues: to address identified equity issues in some services, where practice in the council may be inconsistent in terms of what contracts require of providers or what is included in people's care and support plan. These particularly impact on travel required to meet an assessed need, and the cost of any meals provided;



- Debts and client liability: we have implemented a range of practice measures to reduce debt and better identify a person's ability to manage their finances;
- Residential services policies: to set out in policy what is already practised in terms of the limited discretion in the way in which financial contributions for residential care are assessed.



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Report to Health and Adult Social Care Scrutiny Board

10 August 2022

Subject:	Joint Health Scrutiny Arrangements
Director:	Director of Law and Governance – Surjit Tour
Contact Officer:	Senior Democratic Services Officer Stephnie Hancock Stephnie_Hancock@sandwell.gov.uk

1 Recommendation


- 1.1 That the Health and Adult Social Care Scrutiny Board re-establishes arrangements with Birmingham City Council for the joint scrutiny of matters affecting the Sandwell and West Birmingham area;
- 1.2 That the Health and Adult Social Care Scrutiny Board appoints five named members of the Health and Adult Social Care Scrutiny Board to the Joint Health Overview and Scrutiny Committee with Birmingham City Council.

2 Reasons for Recommendations

- 2.1 The re-establishment of joint working arrangements with Birmingham City Council will enable the council to scrutinise health matters across the Sandwell and West Birmingham area.
- 2.2 The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 mandate local authorities to appoint joint committees where a relevant NHS body or health service provider consults more than one local authority's health scrutiny function about substantial reconfiguration proposals.



3 How does this deliver objectives of the Corporate Plan?

	<i>People live well and age well</i> – The re-establishment of the Joint Health Scrutiny arrangements with Birmingham City Council will ensure that scrutiny of important health matters affecting the population of Sandwell and West Birmingham can continue at both the information (discretionary) level and a formal (mandatory) level.
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4 Context and Key Issues

- 4.1 NHS bodies have responsibilities to consult overview and scrutiny committees on about substantial reconfiguration proposals, this is in addition to the duty under S11 of the Health and Social Care Act 2001 to involve and consult patients and public. Experience has shown that there is a need for authorities to be ready to respond quickly to such consultations.
- 4.2 In accordance with the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 local authorities may appoint a discretionary joint health scrutiny committee to look at issues that cross local authority boundaries. The Regulations also mandate local authorities to appoint joint committees where a relevant NHS body or health service provider consults more than one local authority's health scrutiny function about substantial reconfiguration proposals.
- 4.3 Joint health scrutiny arrangements with Birmingham City Council have been established annually since 2004/05 (under previous and current legislation) and provide a mechanism for both informal and formal joint scrutiny of matters relating to the planning, provision and operation of health services in the area affecting both local authorities.
- 4.4 In light of the recent NHS boundary changes the Board may wish to consider establishing joint arrangements with Dudley, Walsall and Wolverhampton councils to scrutinise health matters across the Black Country area. Of course, this would require discussions with counterparts in these authorities.
- 4.5 In accordance with the provisions of the Local Government Act 2000 and specific guidance from the Secretary of State, the political balance



requirement must be applied in respect of each joint committee which may be established. However, it is possible for political proportionality to be waived subject to the agreement of all parties involved.

The Current Position

4.5 Joint health scrutiny arrangements with Birmingham City Council have been established annually since 2004/05 (under previous and current legislation) and provide a mechanism for both informal and formal joint scrutiny of matters relating to the planning, provision and operation of health services in the area affecting both local authorities.

5 Alternative Options

5.1 The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 mandate local authorities to appoint joint committees where a relevant NHS body or health service provider consults more than one local authority's health scrutiny function about substantial reconfiguration proposals.

5.2 The Board could choose not to establish a joint committee now, and instead establish such a committee as and when the council is made aware of proposals for substantial reconfigurations. However, members may feel it is more practical to have such arrangements in place from the start of the municipal year. The same applies for substantial configuration proposals affecting the Black Country, hence the suggestion to give consideration to establishing joint arrangements now.

6 Implications

Resources:	There are none.
Legal and Governance:	<p>The National Health Service Act 2006, as amended by the Health and Social Care Act 2012, confers health scrutiny functions to local authorities.</p> <p>The Joint Health Overview and Scrutiny Committee is established in accordance with the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013</p>



	In accordance with the provisions of the Local Government Act 2000 and specific guidance from the Secretary of State, the political balance requirement must be applied in respect of each joint committee which may be established. However, it is possible for political proportionality to be waived subject to the agreement of all parties involved.
Risk:	Failure to have a joint committee arrangement would mean that health issues that cross local authority boundaries would not be considered to the detriment of health provision.
Equality:	An equality impact assessment is not required.
Health and Wellbeing:	The overall aim of the joint committee is to improve the health and wellbeing of the population of Sandwell and West Birmingham.
Social Value	There are no direct social value implications arising from this report. The overall social value arising from the joint committee arrangements would be to improve the health and wellbeing of the population of Sandwell and West Birmingham.

7 Appendices

None.

8 Background Papers

There are no background papers.



Health and Adult Social Care Scrutiny Board

10 August 2022

Subject:	Tracking and Monitoring of Scrutiny Recommendations
Director:	Director of Law and Governance Surjit Tour Surjir_tour@sandwell.gov.uk
Contact Officer:	Stephnie Hancock Senior Democratic Services Officer stephnie_hancock@sandwell.gov.uk

1 Recommendations







- 1.1 That the Board notes the responses from the Executive/Directors/Partners on recommendations referred since the Board's last meeting, as set out in the Appendix.
- 1.2 That the Board notes the progress on implementation of those recommendations approved by the Executive/Directors/Partners, as set out in the Appendix.
- 1.3 That the Board identifies any recommendations where progress is unsatisfactory and determines what action it wishes to take.
- 1.4 That the Board determines which recommendations no longer require monitoring.



2 Reasons for Recommendations

- 2.1 To facilitate the effective monitoring of progress on responses to and press with implementation of recommendations made by the Board and identify where further action is required.
- 2.2 Effective monitoring of recommendations facilitates the evaluation of the impact of the scrutiny function overall.

3 How does this deliver objectives of the Corporate Plan?

	Best start in life for children and young people	<p>The scrutiny function supports all of the objectives of the Corporate Plan by seeking to improve services for the people of Sandwell. It does this by influencing the policies and decisions made by the Council and other organisations involved in delivering public services.</p> <p>Effective monitoring of recommendations made supports this and allows scrutiny to evaluate its impact.</p>
	People live well and age well	
	Strong resilient communities	
	Quality homes in thriving neighbourhoods	
	A strong and inclusive economy	
	A connected and accessible Sandwell	

4 Context and Key Issues

- 4.1 The attached Appendix details the responses to and progress on the implementation of recommendations made by the scrutiny function.



5 Implications

Resources:	
Legal and Governance:	<p>The duty to undertake overview and scrutiny is set out in Part 1A Section 9 of the Local Government Act 2000.</p> <p>The Local Government and Public Involvement in Health Act 2007 places a duty on the Executive to respond to Scrutiny recommendations within two months of receiving them.</p> <p>Scrutiny committees can require a response from NHS bodies within 28 days in relation to recommendations made to them.</p>
Risk:	<p>Any risk implications have been considered with the relevant Officer/Director/Cabinet Member/Risk Owner at the time the recommendations were referred to them by the Board.</p> <p>Any specific risks for the Board's attention are detailed in the Appendix.</p>
Equality:	<p>Any equality implications have been considered with the relevant Officer/Director/Cabinet Member/Equality, Diversity and Inclusion Team at the time the recommendations were referred to them by the Board.</p> <p>Any specific equality implications for the Board's attention are detailed in the Appendix.</p>
Health and Wellbeing:	<p>Any health and wellbeing implications have been considered with the relevant Officer/Director/Cabinet Member at the time the recommendations were referred to them by the Board.</p> <p>Any specific health and wellbeing implications for the Board's attention are detailed in the Appendix.</p>
Social Value	Any social value implications have been considered with the relevant Officer/Director/Cabinet



	Member/Equality, Diversity and Inclusion Team at the time the recommendations were referred to them by the Board.
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6 Appendices

Appendix A – Scrutiny Action Tracker - Monitoring Table

7. Background Papers

None.



Tracking and Monitoring of Actions and Recommendations of Scrutiny Boards

Scrutiny Board Date	Agenda Item Title	Action/Recommendation	Responsible Director /Body	Activity Log as at July 2022 (reporting to 18 July 2022 Health and Adult Social Care Scrutiny Board meeting)
Health and Adult Social Care Scrutiny Board 21/22				
04 OCT 21	Access to primary Care	Clinical Commissioning Group be requested to arrange a briefing session for all members on primary care services access; to be led by the Cabinet Member for Adults, Social Care and Health	CCG in consultation with Cabinet Member for Adults, Social Care and Health	CCG has confirmed support, but briefing session is yet to take place.
		A joint task force to look at ways in which to communicate the message to Sandwell residents about the variety of ways in which primary care services can be accessed	Cabinet Member for Adults, Social Care and Health in consultation with CCG and Director of Public Health	CCG has confirmed support, but task force still to be established.
14 MAR 22	Community Diagnostic Centres Update	That the Cabinet be asked to endorse the letter to Secretary of State for Health and Social Care asking for long-term revenue funding for CDC to be confirmed	Cabinet / SWBHT	Letter being drafted.

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Sandwell Metropolitan Borough Council
August 2022
Forward Plan list of decisions to be taken by the Executive and
Notice of Decisions to be taken in private session

Representations to a decision being taken in Private Session, where indicated must be e-mailed to Democratic_services@sandwell.gov.uk or in writing to Democratic Services, Sandwell Council House, Oldbury, B69 3DP.

The Council defines a Key Decision as:

- (a) an executive decision which is likely to result in the Council incurring expenditure which exceeds that included in any approved revenue or capital budget or the limits set out within an approved borrowing or investment strategy and was not the subject of specific grant; or
- (b) an executive decision which is likely to result in the Council incurring expenditure, the making of savings or the generation of income amounting to:
 - £250,000 or more where the service area budget exceeds £10m;
 - £100,000 or more where the service area budget is less than £10m; or
- (c) an executive decision which is likely to be significant in terms of its effect on communities living or working in an area comprising two or more wards of the Borough

All items listed in the Executive Notice will be listed as a key decision using the above criteria. Business items which are not defined as a Key Decision may be referred to the Cabinet for information and/or decision but will not be listed in the Executive Notice.

Items listed in the notice of Executive Decisions to be taken in Private Session will list the relevant exemption information as related to the Local Government Act 1972 12A as amended by the Local Government (Access to Information) (Variation) Order 2006 set out as follows:-

1. Information relating to any individual.
2. Information that is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the authority proposes:-
 - to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - to make an order or direction under any enactment.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

The Cabinet/Members of the Executive are as follows:- Councillors Ahmed, Carmichael, Hackett, Hartwell, Hughes, Millard, Padma, Piper and Rollins.

The following items set out key decisions to be taken by the Executive in public session:-

	Title/Subject	Cabinet Portfolio Area	Decision Date	Pre-decision Scrutiny to be carried out? (Board and date)	List of documents to be considered
1	<p>Sandwell Children’s Trust – Contract Review</p> <p>Contact Officer: Mandip S. Chahal</p> <p>Director: Michael Jarrett, Director of Children’s Services and Education</p>	<p>Children & Education (Cllr Hackett)</p>	<p>28 September 2022</p>		<p>Report by:</p> <p>Director of Children and Education</p> <p>Contract Review Report</p>



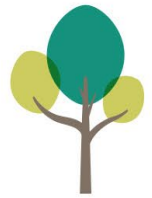
	Title/Subject	Cabinet Portfolio Area	Decision Date	Pre-decision Scrutiny to be carried out? (Board and date)	List of documents to be considered
2	<p>Residential Education Service Tutorial Staffing</p> <p>Contact Officer: Richard Oakes</p> <p>Director of Children’s Services and Education, Michael Jarrett</p>	<p>Children & Education (Cllr Hackett)</p>	<p>28 September 2022</p>		<p>Report</p>
3	<p>Application to Secretary of State for Education for change of use/appropriation of Denbigh Drive</p> <p>Contact Officer: Rachel Hill</p> <p>Director of Children and Education, Michael Jarrett</p>	<p>Children & Education (Cllr Hackett)</p>	<p>28 September 2022</p>		<p>Report</p>



	Title/Subject	Cabinet Portfolio Area	Decision Date	Pre-decision Scrutiny to be carried out? (Board and date)	List of documents to be considered
4	<p>Sandwell Residential Education Centres Fees & Charges 2023-2024</p> <p>Contact Officer: Richard Oakes</p> <p>Director of Children’s Services and Education, Michael Jarrett</p>	<p>Children & Education (Cllr Hackett)</p>	<p>28 September 2022</p>		<p>Report</p>
5	<p>School Organisation Plan 2021-26: outcome of consultation and approval to publish</p> <p>Contact Officer: Rachel Hill</p> <p>Director of Children and Education, Michael Jarret</p>	<p>Children & Education (Cllr Hackett)</p>	<p>28 September 2022</p>		<p>Report</p>



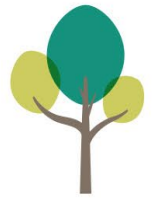
	Title/Subject	Cabinet Portfolio Area	Decision Date	Pre-decision Scrutiny to be carried out? (Board and date)	List of documents to be considered
6	<p>Stock Condition Surveys</p> <p>Contact Officer: J. Rawlins</p> <p>Director: Gillian Douglas</p>	Housing (Cllr Padda)	28 September 2022		Report
7	<p>City Region Sustainable Transport Settlement and Local Transport Capital Programme Update</p> <p>Contact Officer: Andy Miller</p> <p>Director: Tony McGovern - Director of Regeneration & Growth</p>	Regeneration and Growth (Cllr Hughes)	28 September 2022		



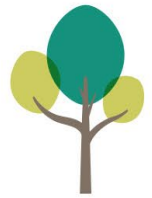
Title/Subject		Cabinet Portfolio Area	Decision Date	Pre-decision Scrutiny to be carried out? (Board and date)	List of documents to be considered
8	<p>The Appropriation of Various Disused Former Garages in the Borough</p> <p>Contact Officer: Paul Evans</p> <p>Director: Tony McGovern - Director for Regeneration and Growth / Gillian Douglas - Director of Housing</p>	<p>Regeneration & Growth (Cllr Hughes)</p> <p>Housing (Cllr Padda)</p>	28 September 2022 (private item)		Cabinet Report And Site Plans
9	<p>Friar Park Residential Development</p> <p>Contact Officer – Tammy Stokes</p> <p>Director: Tony McGovern – Director of Regeneration and Growth</p>	Regeneration and Growth (Cllr Hughes)	28 September 2022		



	Title/Subject	Cabinet Portfolio Area	Decision Date	Pre-decision Scrutiny to be carried out? (Board and date)	List of documents to be considered
10	<p>Land off Danks Way, West Bromwich</p> <p>Contact Officer: Stefan Hemming</p> <p>Director of Regeneration and Growth – Tony McGovern</p>	Regeneration & Growth (Cllr Hughes)	28 September 2022		
11	<p>Flat 28 Parsonage Street, West Bromwich</p> <p>Contact Officer: Stefan Hemming</p> <p>Director of Regeneration and Growth = Tony McGovern</p>	Regeneration & Growth (Cllr Hughes)	28 September 2022		



Title/Subject		Cabinet Portfolio Area	Decision Date	Pre-decision Scrutiny to be carried out? (Board and date)	List of documents to be considered
12	<p>Land at Lower High Street, Cradley Heath</p> <p>Contact Officers: Stefan Hemming/ Jenna Langford Director of Regeneration and Growth - Tony McGovern</p>	Regeneration & Growth (Cllr Hughes)	28 September 2022		
13	<p>Council new build homes on land at Garratts Lane, Cradley Heath</p> <p>Contact Officer: Alan Martin</p> <p>Director: Tony McGovern, Director – Regeneration and Growth/ Gillian Douglas – Director of Housing</p>	Housing (Cllr Padda)	28 September 2022		



	Title/Subject	Cabinet Portfolio Area	Decision Date	Pre-decision Scrutiny to be carried out? (Board and date)	List of documents to be considered
14	<p>Provision of 15 new council homes at Hawes Lane, Rowley Regis</p> <p>Contact: Alan Martin</p> <p>Director: Tony McGovern – Director of Regeneration and Growth/Gillian Douglas – Director of Housing</p>	Housing (Cllr Padda)	28 September 2022		
15	<p>Serco Annual Report</p> <p>Contact Officer: Gary Charlton</p> <p>Director – Borough Economy, Alice Davey</p>	Environment Services (Cllr Ahmed)	28 September 2022		



	Title/Subject	Cabinet Portfolio Area	Decision Date	Pre-decision Scrutiny to be carried out? (Board and date)	List of documents to be considered
16	<p>Memorandum of Understanding between SMBC and Chance Heritage Trust re Heritage related regeneration in the Borough</p> <p>Contact Officer: Tony McGovern</p> <p>Director: Tony McGovern – Director of Regeneration and Growth</p>	Regeneration and Growth (Cllr Hughes)	28 September 2022		



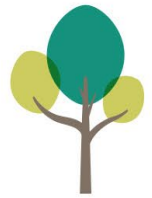
	Title/Subject	Cabinet Portfolio Area	Decision Date	Pre-decision Scrutiny to be carried out? (Board and date)	List of documents to be considered
17	<p>Review of the Council’s Surplus Property Assets</p> <p>Contact Officer: Chris Hilton</p> <p>Director: Tony McGovern, Director of Regeneration and Growth</p>	<p>Regeneration & Growth (Cllr Hughes)</p>	<p>28 September 2022 (private item)</p>	<p>tbc</p>	<p>Report</p> <p>Surplus Assets List (to be annexed to Cabinet paper)</p>
18	<p>Delegated authority to award contract for ICT Local Connectivity Services from 1 December 2022 to 30 November 2025</p> <p>Contact Officer: Andy Saunders Director of Business Strategy & Change, Neil Cox</p>	<p>Finance & Resources (Cllr Piper)</p>	<p>28 September 2022</p>		



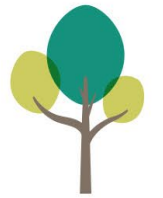
Title/Subject		Cabinet Portfolio Area	Decision Date	Pre-decision Scrutiny to be carried out? (Board and date)	List of documents to be considered
19	<p>Investment Programme – Street Lighting</p> <p>Contact Officer: Robin Weare</p> <p>Director Borough Economy: Alice Davey</p>	Environment Services (Cllr Ahmed)	28 September 2022		
20	<p>Highway Asset Management Funding</p> <p>Contact Officer: Robin Weare</p> <p>Director Borough Economy: Alice Davey</p>	Environment Services (Cllr Ahmed)	28 September 2022		



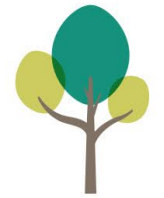
	Title/Subject	Cabinet Portfolio Area	Decision Date	Pre-decision Scrutiny to be carried out? (Board and date)	List of documents to be considered
21	<p>Highways and Transportation Workforce Plan</p> <p>Contact Officer: Robin Weare</p> <p>Director Borough Economy: Alice Davey/ Director Regeneration & Growth – Tony McGovern</p>	Environment Services (Cllr Ahmed)	28 September 2022 (private item)		
22	<p>Medium Term Financial Strategy 2022-25</p> <p>Contact Officer: Simone Hines</p> <p>Director of Finance: Simone Hines</p>	Finance & Resources (Cllr Piper)	28 September 2022		



	Title/Subject	Cabinet Portfolio Area	Decision Date	Pre-decision Scrutiny to be carried out? (Board and date)	List of documents to be considered
23	<p>Adult Social Care Direct Payments Policy</p> <p>Contact Officer: Kay Murphy</p> <p>Director: Rashpal Bishop Director of Adult Social Care</p>	Adults, Social Care and Health (Cllr Hartwell)	12 October 2022		
24	<p>Adult Social Care Deferred Payment Agreements Policy</p> <p>Contact Officer: Kay Murphy</p> <p>Director: Rashpal Bishop Director of Adult Social Care</p>	Adults, Social Care and Health (Cllr Hartwell)	12 October 2022		



	Title/Subject	Cabinet Portfolio Area	Decision Date	Pre-decision Scrutiny to be carried out? (Board and date)	List of documents to be considered
25	<p>ASC Contributions Policy – Outcome of the consultation and final policy proposals</p> <p>Contact Officer: Kevin Balchin</p> <p>Director of Adult Social Care: Rashpal Bishop</p>	<p>Adults, Social Care and Health (Cllr Hartwell)</p>	<p>16 November 2022</p>		
26	<p>Draft Budget 2023/24</p> <p>Contact Officer: Simone Hines</p> <p>Director of Finance: Simone Hines</p>	<p>Finance & Resources (Cllr Piper)</p>	<p>16 November 2022</p>		



	Title/Subject	Cabinet Portfolio Area	Decision Date	Pre-decision Scrutiny to be carried out? (Board and date)	List of documents to be considered
27	<p>Schools' Model Pay Policies 2019/20</p> <p>Contact Officer: David Briggs</p> <p>Director of Children & Education: Michael Jarrett</p>	Children & Education (Cllr Hackett)	16 November 2022		
28	<p>2023-24 Asset Management and Housing December 2022 Maintenance Investment Programme</p> <p>Contact Officer: J Rawlins</p> <p>Director: Gillian Douglas, Director of Housing</p>	Housing (Cllr Padda)	7 December 2022		



The following items set out key decisions to be taken by the Executive in private session:-

Title/Subject	Cabinet Portfolio Area	Decision Date	Reason for Exemption	List of documents to be considered
<p>The Appropriation of Various Disused Former Garages in the Borough</p> <p>Contact Officer: Paul Evans</p> <p>Director: Tony McGovern - Director for Regeneration and Growth / Gillian Douglas - Director of Housing</p>	<p>Regeneration & Growth (Cllr Hughes)</p> <p>Housing (Cllr Padda)</p>	<p>28 September 2022 (private item)</p>	<p>Commercial sensitivity</p>	
<p>Review of the Council's Surplus Property Assets</p> <p>Contact Officer: Chris Hilton</p>	<p>Regeneration & Growth (Cllr Hughes)</p>	<p>28 September 2022 (private item)</p>	<p>tbc</p>	<p>Report Surplus Assets List (to be</p>



Title/Subject	Cabinet Portfolio Area	Decision Date	Reason for Exemption	List of documents to be considered
Director: Tony McGovern, Director of Regeneration and Growth				annexed to Cabinet paper)
<p>Highways and Transportation Workforce Plan</p> <p>Contact Officer: Robin Weare</p> <p>Director Borough Economy: Alice Davey/ Director Regeneration & Growth – Tony McGovern</p>	Environment Services (Cllr Ahmed)	28 September 2022 (private item)	Information relating to the financial or business affairs of the authority	



Report to Health and Adult Social Care Scrutiny Board

10 August 2022

Subject:	Work Programme 2022-23
Director:	Director of Law and Governance Surjit Tour Surjit_Tour@sandwell.gov.uk
Contact Officer:	Senior Democratic Services Officer Stephnie Hancock Stephnie_Hancock@sandwell.gov.uk

1 Recommendations


- 1.1 That the Board consider its work programme for 2022-23, taking into account outstanding items from the previous municipal year, suggestions from the public, items on the Cabinet Forward Plan, the work of Health and Wellbeing Board and the Corporate Plan and Vision 2030.

2 Reasons for Recommendations

- 2.1 The relevant Director(s) have been invited to provide the Board with an overview of the services, key issues and priorities relevant to this Board's terms of reference (Appendix A) and how they support the Corporate Plan and Vision 2030.
- 2.2. To assist members in this the Sandwell Scrutiny Prioritisation Tool is attached at Appendix B. This Tool provides members with a structured method of creating a focussed work programme.



3 How does this deliver objectives of the Corporate Plan?

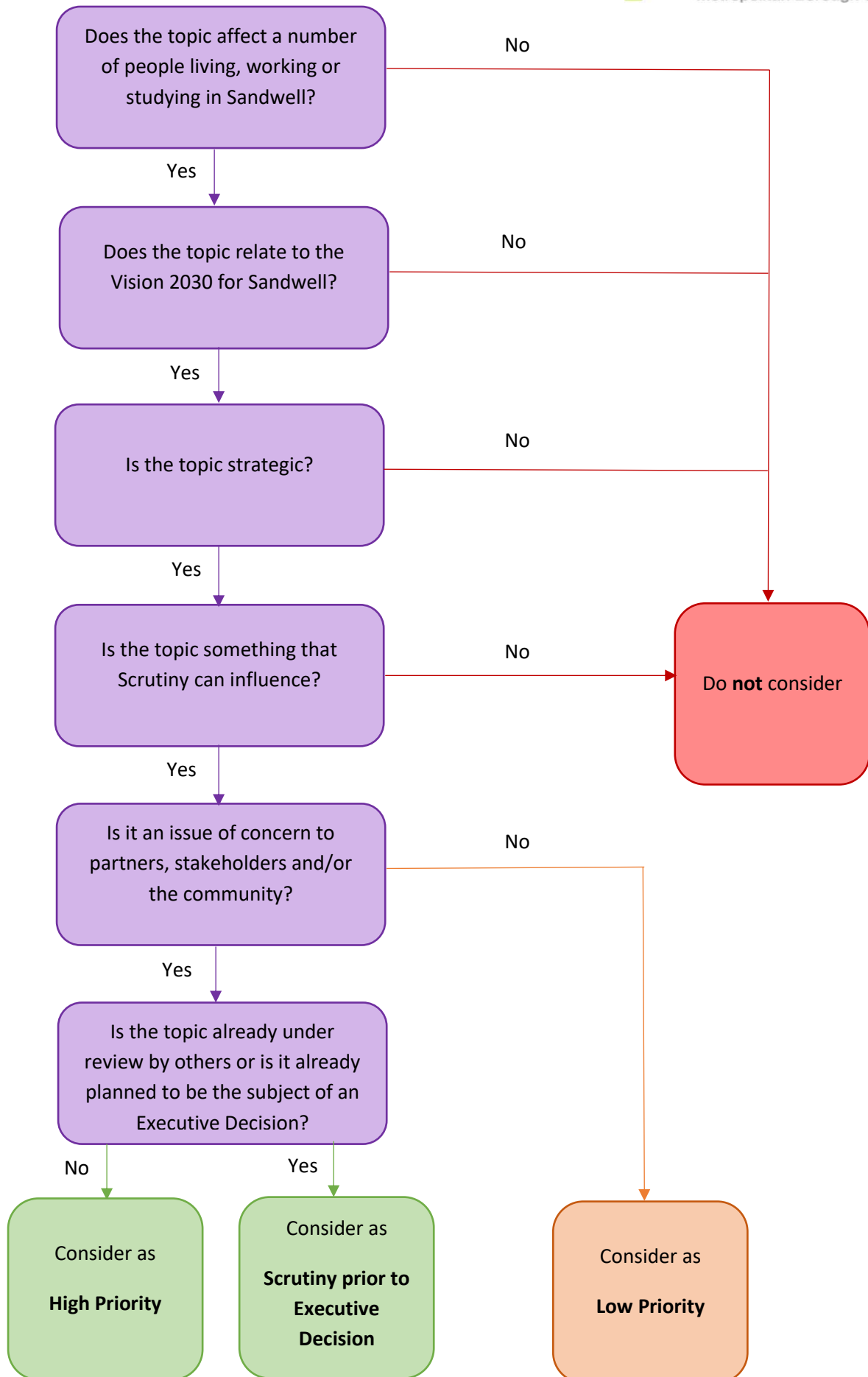
	<p><i>People live well and age well</i> – A structured work programme for the Health and Adult Social Scrutiny Board will help ensure that important health issues affecting the population of Sandwell are given attention by the councillors and that focus can be maintained on those areas where scrutiny will have the most impact.</p>
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4. Appendices

Appendix A – Sandwell Scrutiny Prioritisation Tool

Appendix B – Terms of Reference





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Health and Adult Social Care Scrutiny Board

Terms of Reference

As set out in the Scrutiny Procedure Rules contained in Part 4 of the Council's Constitution to scrutinise recommendations, consider referrals under the Call for Action process, and contribute to decision making and policy development through pre-decision scrutiny processes in relation to the following matters:-

- (1) services for older and vulnerable adults;
- (2) local safeguarding arrangements for adults;
- (3) whole life services for people with disabilities and/or learning disabilities;
- (4) mental health services;
- (5) dementia services;
- (6) Public Health;
- (7) the activities of NHS Trusts, Clinical Commissioning Groups (CCGs), NHS England, Health and Wellbeing Board and Healthwatch;
- (8) the Better Care Fund;

In relation to the council's relevant regulations and directions made under the Health and Social Care Act 2001; all functions of the Council contained in the National Health Service Act 2006; the Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002; the Health and Social Care Act 2012 and related regulations the Board will;

- (a) make reports and recommendations to relevant NHS bodies, relevant health service providers and commissioners, the Secretary of State or Regulators;
- (b) be responsible for initiating the response to any formal consultation undertaken by relevant NHS Trusts and CCGs or other health providers or commissioners on any substantial development or variation in services;
- (c) participate with other relevant neighbouring local authorities in any joint scrutiny arrangements of NHS Trusts providing cross-border services;

- (d) refer a proposed substantial variation in service delivery to the Secretary of State, subject to the agreement of the Chair of the Scrutiny Board who will hold the power of veto in respect of any proposed referral of a substantial variation to the Secretary of State.
- (e) review and scrutinise the decisions made or actions of the Health and Wellbeing Board.