

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
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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.

