

**Name of meeting: Overview and Scrutiny Management Committee**

**Date: 9 September 2019**

**Title of report: Health Scrutiny – appointment of Kirklees representatives to a Joint Health Scrutiny Committee to review proposed changes to specialist vascular services for adults in West Yorkshire**

To seek approval from the Overview and Scrutiny Management Committee (OSMC) on the process that will be followed for the appointment of Kirklees representatives to a North Yorkshire and West Yorkshire Joint Health Overview and Scrutiny Committee (JHOSC).

<b>Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?</b>	<b>N/A</b>
<b>Is it in the <a href="#">Council's Forward Plan</a>?</b>	<b>N/A</b>
<b>Is it eligible for "call in" by <a href="#">Scrutiny</a>?</b>	<b>N/A</b>
<b>Date signed off by <u>Director</u> &amp; name</b>	<b>Rachel Spencer-Henshall 26 August 2019</b>
<b>Is it signed off by the Director of Finance?</b>	<b>N/A</b>
<b>Is it signed off by the Service Director - Legal Governance and Commissioning?</b>	<b>Julie Muscroft</b>
<b>Cabinet member <a href="#">portfolio</a></b>	<b>Health and Social Care</b>

**Electoral [wards](#) affected:** All

**Ward councillors consulted:** N/A

**Public or private:** Public Report

**(Have you considered GDPR?)**

Yes GDPR has been considered. The information in this report does not identify any individuals.

## 1. Key Points

- 1.1 At the West Yorkshire Joint Health Overview and Scrutiny Committee (JHOSC) meeting held on 11 February 2019 NHSE North Region Specialised Commissioning Team presented a report that provided details of proposed changes to specialist vascular services for adults in West Yorkshire.
- 1.2 There are currently three arterial centres providing complex, inpatient vascular care in West Yorkshire: Bradford Teaching Hospitals NHS Foundation Trust (BTHFT) - at Bradford Royal Infirmary (BRI); Calderdale and Huddersfield NHS Foundation Trust (CHFT) – at Huddersfield Royal Infirmary (HRI); and Leeds Teaching Hospitals NHS Trust (LTHT) – at Leeds General Infirmary (LGI).
- 1.3 Under the proposals the service would be provided at only two centres BRI and LGI which would mean that current complex inpatient care carried out by CHFT would in the future be predominately carried out at BRI. Based on recent patient data the West Yorkshire JHOSC was advised that the proposed changes would affect approximately 800 patients per year.
- 1.4 NHSE also advised members of the West Yorkshire JHOSC that in its opinion the proposals represented a substantial service change that impacted on several local authority areas and requested that a mandatory Joint Health Overview and Scrutiny Committee<sup>1</sup> be established to consider the proposals.
- 1.5 At meeting of the West Yorkshire JHOSC held on 8 April 2019 there was consensus from all Local Authorities represented that they would want to participate in a mandatory joint committee regardless of the impact of the proposals on each LA's population.
- 1.6 The West Yorkshire JHOSC has been established as a discretionary Committee which means that it does not have the formal powers that are vested in a mandatory committee.
- 1.7 It has therefore been agreed that the 6 local authorities represented on the discretionary West Yorkshire JHOSC will each follow its own internal procedures and make arrangements to participate in a mandatory JHOSC.
- 1.8 At its meeting held on the 9 April 2019 the Kirklees Health and Adult Social Care Scrutiny Panel agreed that the proposed changes to specialist vascular services for adults in West Yorkshire was a substantial change in health service for the residents of Kirklees.
- 1.9 This decision meant that Kirklees Council could begin the process of obtaining the internal approval required to participate in a mandatory committee and to seek membership for the Committee.

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<sup>1</sup> As detailed in Section 30 of the Public Health, Health and Wellbeing Boards and Health Scrutiny Regulations (2013)

- 1.10 Section 2.5 of the Council's Overview and Scrutiny Procedure Rules delegates from full council the responsibility for appointing members to any JHOSC which may be required with other authorities to OSMC.
- 1.11 Under the Local Government Act 2000 provisions, Overview and Scrutiny Committees must generally reflect the make-up of full Council. Consequently, when establishing a Joint Health Scrutiny Committee, each participating local authority should ensure that those Councillors it nominates reflects its own political balance. However, the political balance requirements may be waived but only with the agreement of all the participating local authorities.
- 1.12 Based on the political balance in Kirklees the Labour group would be allocated both places on the Committee. However previous practice in Kirklees Council has been to provide an opportunity for all main political groups to have representation on a joint scrutiny committee.
- 1.13 As outlined in the Article 6 of the Council's Articles of the Constitution the Overview & Scrutiny Management Committee may, subject to compliance with legal procedures, decide that the normal political balance requirements shall not apply to scrutiny panels. In that case the Management Committee may determine an alternative distribution of membership between political groups.
- 1.14 If this is the process that OSMC would wish to follow officers would propose that nominations be sought from the two largest parties. This is in line with the approach that was taken to allocating the places on the discretionary West Yorkshire Joint Health Scrutiny Committee.
- 1.15 The power of referral to the Secretary of State for Health and Social Care is a power that can be delegated to a joint health scrutiny committee. It is for each local authority participating in the joint scrutiny arrangements to decide on whether to delegate this power to the joint committee.
- 1.16 Once a local authority has delegated this power it cannot subsequently exercise the power of referral. OSMC is asked to consider whether Kirklees should delegate this power to the Joint Committee.
- 1.17 It is worth noting that the Joint Committee will be established solely for the purpose of reviewing the proposed changes to specialist vascular services. This will be explicitly covered in the Joint Committee's Terms of Reference which will be presented for comment and approval to OSMC at a later date.

## **2. Implications for the Council**

There are no specific implications for the Council at this time.

## **3. Consultees and their opinions**

No consultation was appropriate in respect of the contents of this report.

## **4. Next steps**

Subject to confirmation of the process that OSMC decide to follow officers will start the process of seeking nominations for representation to the mandatory Joint Health Scrutiny Committee.

## **5. Officer recommendations and reasons**

That OSMC agrees:

1. How it wishes to proceed to seek nominations for the Joint Committee, from the options outlined in sections 1.12 – 1.14.
2. Whether the power of referral is to be delegated to Joint Committee as outlined in sections 1.15 – 1.17.
3. That the agreed way forward for points 1 and 2 above are subject to OSMC's approval of the Joint Committee's Terms of Reference.

## **6. Cabinet portfolio holder recommendation**

Not applicable

## **7. Contact officer and relevant papers**

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## **8. Service Director responsible**

Julie Muscroft, Service Director, Legal, Governance & Commissioning