

HEALTHY STAFFORDSHIRE SELECT COMMITTEE

Code of Joint Working Arrangements – Health

1. Definitions

1.1 In this code the following words and phrases shall have the following meanings:

HSSC:	Healthy Staffordshire Select Committee.
Health:	NHS England via the Chief Executive and any NHS Trust, including Foundation Trusts, operating in or providing services in/to Staffordshire again via the Chief Executives and other NHS health organisations which fall within the scope of the Regulations.
The Regulations:	Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002 as exemplified by the Department of Health Overview and Scrutiny of Health Guidance May 2003 (to include a reference to or any amendment or re-enactment).
Officers Group:	that group whose membership and terms of reference are currently detailed in the Terms of Reference, Appendix 2.

2. Background

- 2.1 The Health and Social Care Act 2001 (“the Act”) as amended by the National Health Service Act 2006 confers upon local authorities with social services functions powers to undertake scrutiny of health matters as detailed in the Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002 (“the Regulations”) (as amended by the Directions to Local Authorities (Overview and Scrutiny Committees, Health Scrutiny Functions) 2003)..
- 2.2 The County Council currently has responsibility for social services functions and, for the benefit of the inhabitants of Staffordshire (excluding Stoke on Trent), the County Council and the eight District/Borough Councils in the county have agreed to operate joint working arrangements for health scrutiny. There is in existence a Code of Joint Working Arrangements, which explains the broad arrangements for the scrutiny of Health within Staffordshire, between the Healthy Staffordshire Select Committee and the District/Borough Council local scrutiny arrangements. See Appendix 1.
- 2.3 It will be noted from Appendix 1 that, in summary, the HSSC is intended to deal with matters that have a Staffordshire wide theme, whilst the local District/Borough scrutiny arrangements are intended to deal with matters that have a local theme. A dedicated health scrutiny committee does not necessarily discharge District/Borough scrutiny arrangements. Currently, the District/Borough arrangements are based on their areas. An Officers’ Group on which all the District/Boroughs are represented and Health, support the HSSC. See Appendix 2, the Group’s current terms of reference.

- 2.4 The HSSC has adopted the practice of its members taking a special interest in one of the Health Trusts as defined in paragraph 1.1 above. The list of special interests will be maintained by the County Council and notified to the Trusts from time to time.
- 2.5 This code has been developed to provide a framework for the working arrangements between SHSC, and Health and unless other local arrangements have been determined also provides a framework for the working arrangements between the District/Borough Council local scrutiny arrangements and Health.
- 2.6 The spirit of this code is to facilitate effective and proper scrutiny of matters within the Regulations. For the avoidance of doubt the HSSC recognises and accepts that the health of local residents is dependent on a number of factors, not just the quality of health services provided by National Health Services organisations, but also on the quality of other services. The intended outcome of health scrutiny activity is the reduction of health inequalities and to promote and support health improvement of the people of Staffordshire.
- 2.7 It is accepted that this document will need amending from time to time.

3. Keeping Health Informed

- 3.1 HSSC and the local District/Borough Councils will endeavour to:
- (a) forward to Health non confidential agenda/minutes of the HSSC and of the local District/Borough health scrutiny arrangements;
 - (b) forward to Health any relevant Health Scrutiny communications that are produced;
 - (c) forward to Health any proposals for items of scrutiny, giving an opportunity for Health to comment;
 - (d) forward to Health any draft/final reports on topics actually scrutinised, in the case of drafts giving an opportunity for comment;
 - (e) with reasonable notice advise Health of any request for attendance at the authority discharging the scrutiny arrangement, with reason(s) why attendance is asked for;
 - (f) for as long as it is determined appropriate by the HSSC, make available to Health, membership for three health representatives on its Officers' Group;
 - (g) answer any reasonable request from Health in relation to scrutiny activity.

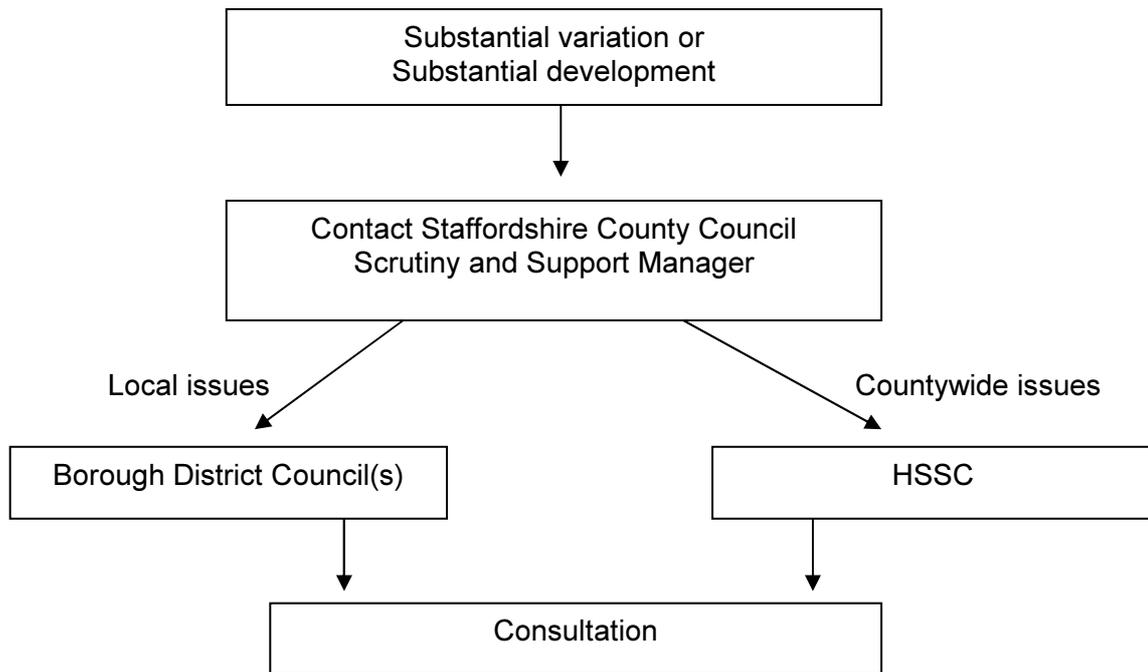
4. Assistance from Health

- 4.1 Health will comply with the Regulations and the provisions of the NHS Act (2006) as amended by the Local Government and Public Involvement in Health Act (2007).
- 4.2 Information is most likely to be requested from Health in respect of scrutiny: work programme planning; topics under review; the preliminary consideration of

Councillor Calls for Action; consideration of Councillor Calls for Action; and questions from members. When information has been requested, Health will comply within a reasonable time-scale. Where information requested, is not available in a ready or easily convertible format, Health will advise of such and advise what other information is available or what arrangements can be made to facilitate the provision of the required information. HSSC and the District/Boroughs appreciate the workload of Health organisations and will ensure that requests for information are only made if such information is relevant and necessary to the topic being reviewed or relevant and necessary for discharge of the arrangements under the Regulations.

- 4.3 If requested, Health will make appropriate arrangements with the HSSC and/or District/Borough councils for the passing on of information that is already in the public domain or should/can be made available to local authorities. Without prejudice to the generality of this paragraph, Health will endeavour to ensure that members with special interests (see paragraph 2.4) are kept informed on a regular basis of matters pertaining to the Regulations.
- 4.4 Whilst it is acknowledged that the Regulations provide for attendance of Health at local authorities discharging health scrutiny arrangements, every effort in exercising this request will be made to limit unnecessary attendance, and where appropriate written responses from Health that address the question will be adequate.
- 4.5 Any request to Health in relation to this code will be by a duly authorised officer/member of the authority, whose names shall be notified to health from time to time.
- 4.6 Health will consult with the Scrutiny arrangements where decisions are going to be made which affect the commissioning of services for people of Staffordshire by reference to the numbers of people who could be affected and/or the significance of the service, for example specialist services. In order to satisfy this paragraph, the scrutiny arrangements operating in Staffordshire would welcome being an addition to Health's consultation distribution lists/patient and public involvement strategy. If there is doubt about a decision that may or may not fall under this paragraph, Health should speak, in the first instance, direct with the SHSC Health Scrutiny and Support Manager.
- 4.7 Without prejudice to the generality of paragraph 4.6, Health will particularly consult with the appropriate scrutiny arrangement on matters, which constitute a substantial variation and/or substantial development. In deciding whether or not a matter falls within this heading Health will have regard to the Guidance which specifies possible substantial variations and/or developments when they fall under one or more of the following:
 - (a) changes in accessibility of services – for example the creation of a new GP and/or dental practice;
 - (b) impact of proposal on the wider community – exercising some flexibilities under Foundation Status;
 - (c) patients affected – closing facilities or parts of, eg Saturday surgeries, relocation of services;

- (d) methods of service delivery – new arrangements for out of hours services.



Examples of countywide substantial variations/developments

- 4.8 It is not envisaged that Health will consult on contractor changes, minor amendments to service regulations or matters which are internal issues.

5. Information Sharing/Data Protection/Confidentiality

- 5.1 For the purposes of this code information will be shared provided such is within the law. Further, for the purposes of facilitating this paragraph, but not limited to, co-operating organisations will sign up to the Staffordshire Police, Information Sharing Protocol for Crime and Disorder purposes.

6. General Working Principles

- 6.1 Generally, unless this code provides a specific provision, then the health scrutiny activity in Staffordshire will be carried out on the basis of the following general working principles:
- (a) **Co-operation** – the organisations involved are willing to share knowledge, respond to requests for information, initiatives and reports as appropriate.
 - (b) **Accountability** - the process of health scrutiny will be open and transparent, except where the principles of confidentiality apply.
 - (c) **Accessibility** – the approach to each piece of scrutiny work may vary but scrutiny activity will, for each piece of work, actively seek to identify interested parties and stakeholders and to involve them where appropriate in the overview on scrutiny process.