

**Healthy Staffordshire Select Committee  
Code of Joint Working Arrangements – Local Authorities**

**1. Background**

- 1.1 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).
- 1.2 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.
- 1.3 This code has been developed to provide a framework for the joint working arrangements.
- 1.4 This document may need amending from time to time.

**2. Scope of Overview and Scrutiny Activity**

- 2.1 The areas of activity that may form the basis for possible overview and scrutiny flow from the Regulations. The broad scope is detailed at paragraph 2(1) **“An overview and scrutiny committee may review and scrutinise any matter relating to the planning, provision and operation of health services in the area of its local authority.”** (“scrutiny activity”).
- 2.2 All parties accept and agree that scrutiny activity is not a complaints mechanism. Accordingly matters which are referred/determined for consideration by the scrutiny process, shall properly fall within its scope and overview. Whether or not this will be the case will depend on the individual circumstances.
- 2.3 In Staffordshire scrutiny activity will be based on three levels of responsibility. The level of responsibility will determine where a specific scrutiny activity may be dealt with:
  - (a) The County Council may lead on matters that can best be dealt with at a county level.
  - (b) For some matters the County Council may ask a lead District/Borough Council to carry out the scrutiny, and this may be singly or jointly with other District/Borough Councils.
  - (c) Those matters best dealt with by District and Borough Councils.

2.4 In order to discharge the levels of responsibility:

- (a) **The County Council scrutiny activity** – will be undertaken by the Healthy Staffordshire Select Committee. Its initial membership is thirteen County Councillors whose appointment takes account of political balance and eight District/Borough Councillors (the Chair of the appropriate Scrutiny Committee undertaking Health Scrutiny) from each of the District/Borough areas within the County of Staffordshire), nominated annually. Since this will constitute eight separate appointments, political balance is not an issue. The Healthy Staffordshire Select Committee will be administrated by the County Council and operate in accordance with the County Council's Constitution<sup>1</sup>, Committee procedure and rules. The Chair and Vice Chair will be appointed by the County Council. All Members will be required to sign the Code of Conduct for Members. Guidance for all Members may be sought from the Scrutiny and Support Manager. The Scrutiny and Support Manager will ensure that there is opportunity for appropriate links with officers of all the District/Borough Councils. For this purpose an officer group has been formed and has its own terms of reference (see Appendix 2).
- (b) **County Council appointment of lead District/Borough** – the Healthy Staffordshire Select Committee, will determine any scrutiny activity which falls under this heading, the terms of reference, and ask a lead District/Borough (with their agreement). The terms of reference will determine if appropriate, which organisations' Constitution will be adhered to during the process. This approach could, for example, be taken because a particular District/Borough wishes to undertake the specific scrutiny activity due to local interest. This approach may involve more than one District/Borough, but in such a case it is accepted that only one will be the nominated lead.
- (c) **District and Borough scrutiny activity** – this will be undertaken by the appropriate scrutiny arrangements set up locally. In all cases one County Councillor will be appointed to each Committee designated for the purpose and they will be voting members for those matters which relate to health scrutiny activity. Appointments will be by the County Council on a yearly basis. As a Member of the relevant District/Borough Council Committee all County Councillors will be bound by the Constitution and rules of procedure etc of that Committee.

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<sup>1</sup> The County Council's Constitution does not permit substitute members but in the event of a District/Borough Council member being unable to attend a meeting of the Committee they may send a representative to attend as an observer for the part of that meeting held in public.

## **County Level Scrutiny Activity**

2.5 The Healthy Staffordshire Select Committee may deal with:

- (a) matters pertaining to NHS England , West Midlands Strategic Commissioning and West Midlands Ambulance Service NHS Trust (in conjunction with the health overview and scrutiny committees of the relevant Councils within the region);
- (b) matters pertaining to the Staffordshire Clinical Commissioning Groups (Stafford and Surrounds, Cannock Chase, East Staffordshire, South East and Seisdon Peninsula and North Staffordshire)
- (c) matters pertaining to the North Staffordshire Combined Healthcare NHS Trust and the South Staffordshire and Shropshire Healthcare NHS Foundation Trust;
- (d) matters pertaining to Burton Hospitals NHS Foundation Trust, and University Hospital of North Midlands NHS Trust;
- (e) matters relating to any other health body which commissions or provides services to inhabitants of Staffordshire;
- (f) Social Services and Health Services interface including relevant partnerships;
- (g) responding to reports from Healthwatch ; and
- (h) health related consultations, commissioning, and services that relate to more than one District/Borough;

other than where a District/Borough has agreed to take a lead role in scrutinising a matter.

- (i) Other scrutiny activity which has been agreed by the Healthy Staffordshire Select Committee and all the relevant District/Borough Councils to be dealt with by the Healthy Staffordshire Select Committee

## **County Appointment of Lead District/Borough Scrutiny Activity**

2.6 Matters which fall under this heading will be determined by agreement at the relevant time. See paragraph 2.4(b) above.

## **District/Borough Scrutiny Activity**

2.7 District/Borough scrutiny activity may deal with:

- (a) health bodies, consultations, commissioning and services which contribute towards health improvement within their area;
- (b) matters which have been agreed with the Healthy Staffordshire Select Committee;

- (c) District/Borough services that interface with planning for and providing health services - for example, but not exclusively, housing, leisure and environmental health service; and
- (d) relevant local partnerships.

## **Choosing the Topics**

2.8 It is recognised that the final choice of topics for health scrutiny is that of the appropriate Committee, but that the planning and co-ordination of scrutiny activity is important in regard to assuring the quality of scrutiny activity and making the best use of resources. In order to avoid duplication/overload the following principles are accepted:

- (a) That the Committees will develop their approach to involving interested parties and the public in the preparation of their annual work programmes, including one another.
- (b) The Healthy Staffordshire Select Committee is currently the most appropriate committee to advise on choice of topics for health scrutiny across Staffordshire. Accordingly, each District/Borough Councillor member will undertake this advisory role when attending the Healthy Staffordshire Select Committee and each appropriate District/Borough Councillor and County Council member will undertake this role when attending the District/Borough Committee designated to deal with health scrutiny activity.
- (c) It is accepted that a degree of flexibility within work programmes is required to adapt to unforeseen issues arising. However, following Healthy Staffordshire Select Committee approval to its annual work programme for scrutiny activity there shall not be deviation from the programme unless there is a clear and urgent need. Whether or not a matter is clear and urgent will be determined by the Healthy Staffordshire Select Committee in consultation with the Chairman.

## **Maintaining Links**

- (d) Whilst undertaking scrutiny activity, for the purpose of keeping each other up-to-date about progress and final recommendations, District/Borough Councillors and County Councillors will be the prime link. However, in addition, arrangements will be facilitated to ensure that the Staffordshire Health Scrutiny and Support Manager regularly receives copies of all District/Borough committee reports/minutes in relation to health scrutiny and that summary updates are provided so that an item may appear on Healthy Staffordshire Select Committee agenda. The Healthy Staffordshire Select Committee will provide a summary update so that an item may appear on each District/Borough Council agenda similarly. Members of the officer group will assume this responsibility on behalf of their Councillor.
- (e) For the avoidance of doubt, final draft reports and final reports will also be shared under paragraph 2.9(d) above. In the case of draft reports this will be timed to facilitate comments. Final reports and recommendations will

take account of paragraph 3 of the Regulations. It will be the responsibility of the Committee producing the final report to take follow-up action.

- (f) Calling health representatives to any committee will be the responsibility of the Chair of that Committee. In so doing it is accepted by all chairs that such will be conducted with courtesy and following appropriate enquires to avoid duplication of requests. Each Chair will also particularly be bound by paragraphs 5 and 6 of the Regulations.
- (g) In addition to committee papers, relevant County Council Health Scrutiny communications will be sent to all Officer Group members and District/Borough Councillor members of the Staffordshire Health Scrutiny Committee. The Healthy Staffordshire Select Committee process provides for questions to be asked by its members as a standard agenda item. All members agree to co-operate in the discharge of this arrangement.
- (h) All Councils accept and agree to appropriate officers meeting in accordance with the Staffordshire Health Officers' Group Terms of Reference. (See Appendix 2).

## Resources

- (i) The Healthy Staffordshire Select Committee will be administered by the County Council, currently there is approximately one and a half full-time equivalent staff for this purpose.
- (j) The resource for the local health scrutiny arrangements will be a matter for the appropriate District/Borough Council.
- (k) The resourcing of other joint work on matters of common interest, including training and development, will be agreed on a case by case basis.

## 3. General Working Principles

3.1 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 working principles (and meeting statutory requirements where applicable):

- (a) **Scope of Health Scrutiny** – recognising that the health of local residents is dependent on a number of factors, not just the quality of health services provided by National Health Service organisations, but also on the quality of other services. The intended outcome of health scrutiny activity is the improvement of the health of the people of Staffordshire.
- (b) **Co-operation** – the authorities involved must be willing to share knowledge, respond to requests for information, initiatives and reports as appropriate.
- (c) **Accountability** – the process of health scrutiny will be open and transparent.

- (d) **Accessibility** – the approach to each piece of scrutiny work may vary but scrutiny activity will actively seek to identify interested parties and to involve them where appropriate in the overview and scrutiny process.

### Brief Terms of Reference

#### Health Scrutiny Officers Group

##### 1. Introduction

1.1 The Health Scrutiny Officers Group ('HSOG') has been formed to support the Healthy Staffordshire Select Committee ('HSSC') and District and Borough Scrutiny arrangement.

1.2 The HSSC is a member committee while the HSOG is an officer group.

1.3 The function of health scrutiny began early 2002.

##### 2. Membership

2.1 The membership of the HSOG will be as follows:

Organisation	Number of Members
Cannock Chase Council	1
East Staffordshire Borough Council	1
Lichfield District Council	1
Newcastle-under-Lyme Borough Council	1
South Staffordshire District Council	1
Stafford Borough Council	1
Staffordshire Moorlands District Council	1
Tamworth Borough Council	1
Staffordshire County Council	1 (plus non-voting Support Officer)
Healthwatch	1
Health agencies as appropriate	
Clinical Commissioning Groups as appropriate	

2.2 By agreement the HSOG may invite other advisers/members to its Group on an ongoing or ad hoc basis.

2.3 The County Council Scrutiny and Support Manager will be an adviser to the HSOG.

##### 3. Terms of Reference

3.1 The main aim of the HSOG is to support the HSSC in achieving its aims and objectives as detailed in its terms of reference.

3.2 Without prejudice to paragraph 3.1 the HSOG may:

- (a) discuss, agree and put forward for approval items of business for the SHSC Agenda;

- (b) determine the process of work programme planning and delivery;
- (c) discuss and report on matters of note for the HSSC (generally via instruction to the Health Scrutiny and Support Manager) and in particular discuss and report on an appropriate mechanism for member involvement in the scrutiny process;
- (d) establish an appropriate mechanism to determine links between the Staffordshire Scrutiny process and local scrutiny arrangements;
- (e) be the link with their own organisation and member to keep such informed, seek views etc;
- (f) co-operate with each other, where possible, for the furtherance of the quality of scrutiny of health in Staffordshire.

#### **4. Operational Methods**

**4.1 Meetings** – the HSOG will meet as frequently as needed to achieve the terms of reference. Meetings will be organised and administered by the County Council.

**4.2 Decisions** – will be by consensus of agreement, failing such there shall be a vote. Simple majority will carry the vote. Any member not satisfied with the outcome of such may register a dispute. Registration of a dispute will hold the decision suspended and the matter shall be referred to the HSSC for determination, or any other process agreed by HSOG/HSSC to be appropriate. For the avoidance of doubt, advisers may not vote with the exception of the County Council Health Scrutiny and Support Manager.

**4.3 Agenda Items** – for the HSOG will be determined by the County Council Health Scrutiny and Support Manager. Other members may request appropriate items be included on the agenda by reasonable notice.

**Substitution** – officers may send substitutes who will have the same voting rights.

**Sub-Group(s)** – by agreement the HSOG may set up sub-groups on an ongoing or ad hoc basis.

**Chairing** – the County Council Health Scrutiny and Support Manager will chair the meetings and where possible produce an updating report for the HSOG.

#### **5. Review and Change**

**5.1** The content of this document may be reviewed and changed at any time by the agreement of the HSOG.