

Report to:	Council	Date of Meeting:	19 May 2022
Subject:	Cheshire and Merseyside Joint Health Scrutiny Arrangements		
Report of:	Chief Legal and Democratic Officer	Wards Affected:	(All Wards);
Portfolio:	Cabinet Member – Health and Wellbeing		
Is this a Key Decision:	No	Included in Forward Plan:	No
Exempt / Confidential Report:	No		

Summary:

To seek approval for the establishment of a Cheshire and Merseyside Integrated Care System Joint Health Scrutiny Committee and to consider for adoption the amended “Protocol for the Establishment of Joint Health Scrutiny Arrangements in Cheshire and Merseyside”.

Recommendation(s):

That

- (1) the establishment of a Cheshire and Merseyside Integrated Care System Joint Health Scrutiny Committee be approved; and
- (2) the amended “Protocol for the establishment of Joint Health Scrutiny Arrangements in Cheshire and Merseyside” be adopted.

Reasons for the Recommendation(s):

In response to the proposed establishment of Integrated Care Systems in England under the Health and Care Act 2022, actions are required to ensure that joint health scrutiny arrangements in Cheshire and Merseyside are fit to meet the challenge of the new statutory Integrated Care System (ICS) arrangements.

The “Protocol for Establishment of Joint Health Scrutiny Arrangements for Cheshire and Merseyside” was approved by the Council in June 2014. The amended version now requires Council approval.

Alternative Options Considered and Rejected: (including any Risk Implications)

None

What will it cost and how will it be financed?

(A) Revenue Costs

Temporary funding (£90k across all nine Local Authorities affected) to support the Joint Health Scrutiny Committee for an initial period of 18 months will be required. Each authority will be requested to contribute a total of £10,000 over the initial 18 months. This will be met from a Place Director budget which will be created from existing service budgetary provision.

Discretion is permitted at individual local authority level for remuneration to be paid to Joint Health Scrutiny Committee representatives.

(B) Capital Costs

None.

Implications of the Proposals:

Resource Implications (Financial, IT, Staffing and Assets): Temporary funding (£90k across all nine Local Authorities affected) to support the Joint Health Scrutiny Committee for an initial period of 18 months.	
Legal Implications: Health and Care Act 2022.	
Equality Implications: There are no equality implications identified within this report.	
Climate Emergency Implications: The recommendations within this report will	
Have a positive impact	No
Have a neutral impact	Yes
Have a negative impact	No
The Author has undertaken the Climate Emergency training for report authors	Yes
There are no sustainability or environmental implications identified within this report.	

Contribution to the Council's Core Purpose:

<p>Protect the most vulnerable:</p> <p>The contents and proposals within this report are in line with the Council priorities of the promotion of good health, independence, and care across our communities.</p> <p>The establishment of a standing Joint Health Scrutiny Committee will hold to account the Cheshire and Merseyside Integrated Care System in relation to the exercise of their responsibilities at footprint level.</p>
Facilitate confident and resilient communities:

As above.
Commission, broker and provide core services: As above.
Place – leadership and influencer: As above.
Drivers of change and reform: As above.
Facilitate sustainable economic prosperity: As above.
Greater income for social investment: As above.
Cleaner Greener: There are no sustainability or environmental implications associated with this report.

What consultations have taken place on the proposals and when?

(A) Internal Consultations

The Executive Director of Corporate Resources and Customer Services (FD.6784/22) and the Chief Legal and Democratic Officer (LD.4984/22) have been consulted and any comments have been incorporated into the report.

(B) External Consultations

A Joint Health Scrutiny Working Group comprised of Health Scrutiny Officers was established in January 2022 and has met on a fortnightly basis to agree the arrangements for the establishment of the Joint Health Scrutiny Committee.

Implementation Date for the Decision

Immediately following the Council meeting.

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Appendices:

Appendix A Draft Cheshire and Merseyside Integrated Care System Joint Health Scrutiny Committee – Joint Committee Arrangements Document

Appendix B Draft Protocol for the Establishment of Joint Health Scrutiny Arrangements in Cheshire and Merseyside (updated March 2022)

Background Papers:

There are no background papers available for inspection.

Introduction/Background

1. Establishment of a Cheshire and Merseyside Integrated Care System Joint Health Scrutiny Committee

- 1.1 In response to the proposed establishment of Integrated Care Systems in England under the Health and Care Act 2022, the Chief Executives of the nine Merseyside and Cheshire local authorities agreed a number of actions to ensure that joint health scrutiny arrangements in Cheshire and Merseyside are fit to meet the challenge of the new statutory Integrated Care System (ICS) arrangements. It has been deemed appropriate to establish a standing joint health scrutiny committee which will have the opportunity to take on the Authorities' collective statutory responsibility to oversee and scrutinise the operation of the ICS at Cheshire and Merseyside Level.
- 1.2 Originally, it was anticipated that actions would need to be taken prior to April 2022 to meet the government's anticipated timescale for transition to Integrated Care Systems. However, it has been confirmed that the transition to ICS arrangements will now take place on 1 July 2022.
- 1.3 A Joint Health Scrutiny Working Group, comprised of Health Scrutiny Officers was established in January 2022 and has met on a fortnightly basis to agree the arrangements for the establishment of the Joint Health Scrutiny Committee. The Working Group has drafted a Cheshire and Merseyside Integrated Care System Joint Health Scrutiny Committee – Joint Committee Arrangements Document (attached as **Appendix A**) to outline how the standing joint committee will operate. The main features of the document are as follows:
 - Funding – consensus was that a flat rate of £10,000 should be paid by each authority for an initial period of 18 months.
 - Membership – each authority should nominate 2 representatives to serve on Committee.
 - Political balance – recognition of the need to ensure that membership had to reflect the aggregate political balance across the nine authorities. This would be

subject to annual calculation and would require compromise between the authorities to secure balance on each occasion.

- Joint Committee remit – this would cover the ICS responsibilities exercised at Cheshire and Merseyside level, plus any proposals for changes in health services that not only impact all nine local authority areas but was also considered to be a substantial change by each of the nine.

2. Legal Implications

- 2.1 The functions of the Joint Committee, to be known as the “Cheshire and Merseyside Integrated Care System Joint Health Scrutiny Committee” are to be exercised with a view to supporting the effective planning, provision, and operation of health services at Cheshire and Merseyside level. This will include promoting transparency in how the ICS fulfils its responsibilities within Cheshire and Merseyside. The overarching role of the Joint Committee is to scrutinise the work of the ICS in the discharge of its statutory responsibilities and functions at Cheshire and Merseyside level in order to support their effective exercise and, where appropriate, to make reports or recommendations to the ICS.
- 2.2 Post-July 2022 and the establishment of the ICS, local authorities will still have a statutory obligation to undertake health scrutiny at a “place” level. Individual local authority Health Scrutiny Committees will need to continue to meet to consider matters directly relating to their areas and also to consider any potential substantial variations in health service provision that only impact on their respective local authority area. Each local authority will be responsible for determining these work plans and managing their relationships with NHS colleagues to ensure Health Scrutiny at this level (i.e. place) meets its obligations and provides the necessary political oversight, transparency and challenge.

3. “Protocol for the Establishment of Joint Health Scrutiny Arrangements in Cheshire and Merseyside”.

- 3.1 In 2014, all nine Cheshire and Merseyside Authorities gave their approval to a “Protocol for Establishment of Joint Health Scrutiny Arrangements for Cheshire and Merseyside”. Substantively, the existing protocol provides a framework for the mandatory establishment of ad-hoc joint committees where two or more of the authorities deem a service change proposal to be a substantial variation in those services. The protocol was approved by full Council in June 2014 (Minute No. 20 refers).
- 3.2 In summary, the statutory framework set out in legislation authorises local authorities to review and scrutinise any matter relating to the planning, provision and operation of the health service; and consider consultations by a relevant NHS body or provider of NHS-funded services on any proposal for a Substantial Development or Variation (SDV) to the health service in the local authority’s area.
- 3.3 Where such proposals impact on more than one local authority area, each authority’s health scrutiny arrangements must consider whether the proposals constitute a substantial development or variation or not. The regulations place a requirement on those local authorities that agree that a proposal is an SDV to establish, in each instance, a joint overview and scrutiny committee for the purposes of considering it. The existing protocol deals with the operation of such

arrangements for the local authorities of Cheshire and Merseyside. The criteria set out within the protocol assists in ensuring that there is a consistent approach applied by each authority in making their respective decisions on whether a proposal is “substantial” or not.

- 3.4 Given the incoming changes and the establishment of Integrated Care Systems in England under the Health and Care Act 2022, the opportunity has been taken to review and update the existing Joint Health Scrutiny Protocol (agreed in 2014) to ensure that the framework for the operation of joint health scrutiny committees regarding substantial developments and variations of the health service across Cheshire and Merseyside was consistent with the arrangements for the new standing committee. The proposed revisions relate to quorum and political balance and is attached at **Appendix B**.

4. Approval Route

- 4.1 In order to confirm the arrangements for the new Joint Health Scrutiny Committee and allow for the nomination of Members, it has been proposed that each Local Authority considers the draft Joint Health Scrutiny Committee Arrangements document and the updated overarching protocol at their respective Annual Meetings in May 2022.
- 4.2 The health scrutiny officer working group is confident that the arrangements outlined in the documents are not only in line with legislative requirements but will also provide a strong foundation for effective joint health scrutiny within the new arrangements.
- 4.3 The health scrutiny officer working group will continue to meet over the coming weeks to progress other work in preparation for the Joint Health Scrutiny Committee.