

Report to:	Council	Date of Meeting:	Thursday 16 May 2024
Subject:	Protocol for Joint Health Scrutiny Arrangements for Cheshire and Merseyside		
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 agree the attached revised protocol for Joint Health Scrutiny Arrangements for Cheshire and Merseyside.

Recommendation(s):

That the revised Protocol for Joint Health Scrutiny Arrangements for Cheshire and Merseyside, as attached to the report, be approved.

Reasons for the Recommendation(s):

The Protocol has been revised to take into account recent statutory changes and requires approval by all nine local authorities across Cheshire and Merseyside.

Health scrutiny regulations require the establishment of joint health scrutiny committees where more than one local authority's health scrutiny arrangements consider a proposed change or development in NHS services to be "substantial" in terms of the impact on its area.

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

None. The revised protocol requires approval. Refusal to approve the revised protocol could result in difficulties for Sefton Council representatives to be part of joint health arrangements, particularly if other Cheshire and Merseyside local authorities agree the protocol.

What will it cost and how will it be financed?

(A) Revenue Costs

None. There are no costs associated with adoption of the revised Protocol.

(B) Capital Costs

None

Implications of the Proposals:

<p>Resource Implications (Financial, IT, Staffing and Assets): There are no resource implications</p>								
<p>Legal Implications:</p> <ul style="list-style-type: none">• Health and Social Care Act 2012,• The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013; and• The Health and Care Act 2022. <p>This is supplemented by relevant guidance:</p> <ul style="list-style-type: none">• Local Authority Health Scrutiny (DHSC, updated 2024)• Statutory guidance: “Reconfiguring NHS services – ministerial intervention powers” (DHSC, 2024).								
<p>Equality Implications:</p> <p>There are no equality implications.</p>								
<p>Impact on Children and Young People: Not directly</p> <p>It is feasible that any future substantial variations could impact on health arrangements for children and young people.</p>								
<p>Climate Emergency Implications:</p> <p>The recommendations within this report will</p> <table border="1"><tr><td>Have a positive impact</td><td>No</td></tr><tr><td>Have a neutral impact</td><td>Yes</td></tr><tr><td>Have a negative impact</td><td>No</td></tr><tr><td>The Author has undertaken the Climate Emergency training for report authors</td><td>Yes</td></tr></table> <p>There are no direct climate emergency implications arising as a result of the report.</p>	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
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Have a neutral impact	Yes							
Have a negative impact	No							
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Contribution to the Council’s Core Purpose:

<p>Protect the most vulnerable: Agreeing the protocol will ensure that any future considerations of substantial health variations that impact on Sefton residents will be taken into account.</p>
<p>Facilitate confident and resilient communities: As above.</p>
<p>Commission, broker and provide core services:</p>

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: As above.

What consultations have taken place on the proposals and when?

(A) Internal Consultations

The Executive Director of Corporate Resources and Customer Services (FD.7634/24) and the Chief Legal and Democratic Officer (LD.5734/24) have been consulted and any comments have been incorporated into the report.

The revised protocol has been provided to the following, via email:-

- Executive Director of Adult Social Care and Health
- The Chair and Vice-Chair of the Overview and Scrutiny Committee (Adult Social Care and Health 2023/24)

(B) External Consultations

Discussions have taken place between officers responsible for health scrutiny arrangements across Cheshire and Merseyside.

The Monitoring Officer for the Council has been consulted on the revised Protocol.

Implementation Date for the Decision

Immediately following the Council meeting.

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Appendices:

The following appendix is attached to this report:

- Revised Protocol for the Establishment of Joint Health Scrutiny Arrangements in Cheshire and Merseyside

Background Papers:

There are no background papers available for inspection.

1. Introduction/Background

- 1.1 Where health providers, such as NHS Hospital Trusts, propose changes in the provision of service(s), health providers are obliged to consult with local health overview and scrutiny committees as to whether the changes are deemed to be “substantial”.
- 1.2 The term “substantial” is not defined in legislation. However, it is generally considered that a substantial change or variation to a health service is one that has a major impact on services experienced by patients and/or future patients. In considering whether a proposal is substantial, local authorities are encouraged to consider the following criteria:-
 - Changes in accessibility of services – any proposal which involves the withdrawal or change of patient or diagnostic facilities for one or more speciality from the same location.
 - Impact on the wider community and other services – this could include economic impact, transport, regeneration issues.
 - Patients affected – changes may affect the whole population, or a small group. If changes affect a small group, the proposal may still be regarded as substantial, particularly if patients need to continue accessing that service for many years.
 - Methods of service delivery – altering the way a service is delivered may be a substantial change, e.g. Moving a particular service into community settings rather than being entirely hospital based;
 - Potential level of public interest – proposals that are likely to generate a significant level of public interest in view of their likely impact.
- 1.3 Where a proposal impacts on more than one local authority area, there is a requirement for local authorities to form a joint health scrutiny committee, to consider the proposals in detail and, where appropriate, to make recommendations.
- 1.4 There are nine local authority areas across Cheshire and Merseyside, as follows:-
 - Cheshire East Council
 - Cheshire West and Chester Council
 - Halton Borough Council
 - Knowsley Council
 - Liverpool City Council

- St. Helens Metropolitan Borough Council
- Sefton Council
- Warrington Borough Council
- Wirral Borough Council

1.5 In 2014, a protocol was developed for joint health scrutiny arrangements and all nine local authorities agreed the protocol.

2. Matters for Consideration

2.1 Recent health scrutiny guidance statutorily removed the reference for referrals on substantial variations to be made to the Secretary of State. This has necessitated the requirement for the protocol to be revised and for it to be approved by all nine local authority areas across Cheshire and Merseyside. Some text has also been added to the protocol on the ability to request a “call-in” by the Health Secretary.

2.2 Once agreed by all nine local authority areas across Cheshire and Merseyside, the revised protocol will be made available within the Library of Documents, on the Council’s website

2.3 A link to the Protocol is provided within the Council’s Executive / Scrutiny Protocol, as referred to in Chapter 6 of the Council’s Constitution, and the link may require updating.

2.4 In order for Sefton to continue to play a role in joint health scrutiny arrangements, it is recommended that the Council approve the attached revised Protocol for the Establishment of Joint Health Scrutiny Arrangements in Cheshire and Merseyside.