
Report to: Overview and Scrutiny Committee (Health and Social Care) **Date of Meeting:** 6 May 2014

Council 3 June 2014

Subject: Protocol for the Establishment of Joint Health Scrutiny Arrangements for Cheshire and Merseyside

Report of: Director of Corporate Services **Wards Affected:** All

Is this a Key Decision? No **Is it included in the Forward Plan?** No

Exempt/Confidential No

Purpose/Summary

To agree the attached protocol for submission to the Council for approval.

Recommendation

That the Protocol for the establishment of Joint Health Scrutiny Arrangements for Cheshire and Merseyside attached to the report be agreed and recommended to the Council for approval.

How does the decision contribute to the Council's Corporate Objectives?

	<u>Corporate Objective</u>	<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community		√	
2	Jobs and Prosperity		√	
3	Environmental Sustainability		√	
4	Health and Well-Being	√		
5	Children and Young People		√	
6	Creating Safe Communities		√	
7	Creating Inclusive Communities		√	
8	Improving the Quality of Council Services and Strengthening Local Democracy	√		

Reasons for the Recommendation:

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.

What will it cost and how will it be financed? N/A

Implications: N/A

The following implications of this proposal have been considered and where there are specific implications, these are set out below:

Legal	
Human Resources	
Equality	
1. No Equality Implication	<input checked="" type="checkbox"/>
2. Equality Implications identified and mitigated	<input type="checkbox"/>
3. Equality Implication identified and risk remains	<input type="checkbox"/>

Impact on Service Delivery: N/A

What consultations have taken place on the proposals and when? N/A

The Head of Corporate Finance and ICT has no comments on this report because the contents of the report have no direct financial implications for the Council. (FD: No. 2942/14).

The Head of Legal Services has been consulted and has no comments on this report. There are no legal implications arising from the contents of this report. (LD: No. 2247/14).

Are there any other options available for consideration?

The Committee or the Council could refuse to approve the protocol. However, in the event that the Overview and Scrutiny Committee (Health and Social Care) subsequently agrees that any proposed changes or developments in NHS services are “substantial”, it could prove difficult for any Council representative(s) to be part of a joint health scrutiny arrangement for Cheshire and Merseyside if the Council had not agreed to the protocol guiding the operation of those joint health scrutiny arrangements, particularly if other local authorities had agreed the protocol.

Implementation Date for the Decision

Immediately following the Council meeting.

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Background Papers:

There are no background papers available for inspection.

1. Background

- 1.1 The Clatterbridge Cancer Centre NHS Foundation Trust (the Trust), currently based on the Wirral, is undertaking a pre-consultation exercise at present to explain the transformation of cancer care across Cheshire and Merseyside.
- 1.2 The proposal is to develop a comprehensive cancer centre by building a new Clatterbridge Cancer Centre at a site adjacent to the Royal Liverpool University Hospital, based in Liverpool City Centre, for inpatient services. The Trust's Wirral site would be retained for outpatient radiotherapy and chemotherapy treatments for Wirral and West Cheshire patients who would find it easier to access the Wirral site than Liverpool. The satellite radiotherapy facility at the Aintree site would also be retained, as would services in existing clinics across the region.
- 1.3 In due course the Trust will be seeking opinion from local Overview and Scrutiny Committees on whether they consider the proposals to be a substantial variation in services and will only be working with those local authorities who consider it to be so.
- 1.4 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 be 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, eg. 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.
- 1.5 There are 9 local authorities across Cheshire and Merseyside potentially affected by these proposals and the relevant regulations state:-

“(5) Where a responsible person (*i.e. a Health Organisation*) consults more than one local authority pursuant to [regulation 23](#), those local authorities **must** appoint a joint overview and scrutiny committee for the purposes of the consultation and only that joint overview and scrutiny committee may—

(a) make comments on the proposal consulted on pursuant to [regulation 23\(4\)](#);
(b) require the provision of information about the proposal under [regulation 26](#); or
(c) require a member or employee of a responsible person to attend before it under [regulation 27](#) to answer questions in connection with the consultation.”

- 1.6 Without wishing to pre-empt any forthcoming decision(s) as to whether or not the proposals constitute a substantial variation in services, there is a distinct possibility that this may occur across a number of local authorities. Where a proposal impacts on more than one area, there is a requirement for local authorities to form a joint health scrutiny committee.
- 1.7 Mindful of the likelihood of a joint health scrutiny committee being required, officers at Knowsley MBC have taken the lead in drafting a protocol for how such arrangements might operate in practice. Much of the protocol attached has been drafted based on the one developed by Yorkshire and the Humber Councils on a proposed reconfiguration of children’s congenital heart services in England.
- 1.8 In developing the draft protocol individual authorities across Cheshire and Merseyside were particularly consulted on proposals regarding membership of a joint health scrutiny committee.
- 1.9 Officers across Cheshire and Merseyside were invited to attend a meeting at Knowsley MBC at the end of February 2014 to discuss the logistics of how a joint protocol might be adopted across 9 authorities. It was agreed at the meeting that any comments on the draft protocol should be submitted to Knowsley MBC by the end of March 2014, in order that all the relevant local authorities would approve the same document. Amendments submitted by other local authorities have been incorporated into the protocol now submitted at **Appendix A**.
- 1.10 The issues regarding political proportionality of any joint Scrutiny Committee are set out in paragraph 6.3.2 of the protocol.

2. Recent Developments

- 2.1 Early indications are that it is possible that other variations in health services across Cheshire and Merseyside may occur in the future. In the event that any future variations are deemed to be “substantial”, the protocol could also be applied to other joint health scrutiny committee arrangements established across the patch.