

**Meeting**

**Adults and Health Overview and Scrutiny Sub-Committee**

**Date and time**

**Wednesday 24th January, 2024**

**At 7.00 pm**

**Venue**

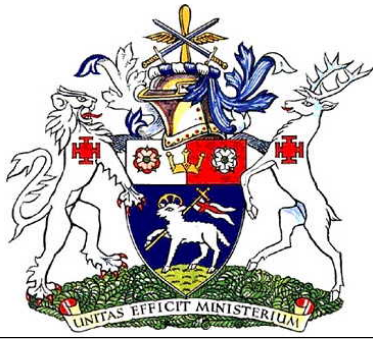
**Hendon Town Hall, The Burroughs, London NW4 4BQ**

Dear Councillors,

Please find enclosed additional papers relating to the following items for the above mentioned meeting which were not available at the time of collation of the agenda.

Item No	Title of Report	Pages
16	Terms of Reference of the Adults & Health Overview and Scrutiny Sub-Committee Changes due to new legislation.	3 - 8

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**AGENDA ITEM 16**  
**Adults and Health Overview and**  
**Scrutiny Sub-Committee**

<b>Title</b>	Terms of Reference amendments
<b>Date of meeting</b>	24 January 2023
<b>Report of</b>	Overview and Scrutiny Manager
<b>Wards</b>	All
<b>Status</b>	Public
<b>Urgent</b>	No
<b>Appendices</b>	Appx A: Draft ToR Adults & Health OSC (with tracked changes)
<b>Officer Contact Details</b>	Tracy Scollin, Principal Scrutiny Officer <a href="mailto:tracy.scollin@barnet.gov.uk">tracy.scollin@barnet.gov.uk</a>

### Summary

This report provides information on new rules which come into force on 31<sup>st</sup> January 2024 which will have an impact on the Adults & Health Overview and Scrutiny Sub-Committee's (OSC) Terms of Reference (ToR).

### Recommendations

1. That the Adults and Health OSC notes the change to the ToR and notes that this will be presented to Budget Council on 27<sup>th</sup> February 2024.

#### 1. Reasons for the Recommendations

- 1.1 From 31 January 2024, new rules are being put in place in respect of the aspect of health scrutiny that relates to reconfigurations of local health services. From this date the Adults & Health OSC will no longer be able to formally refer matters relating to these reconfigurations to the Secretary of State.
- 1.2 From the above date the Secretary of State will have power to intervene in local services – HOSCs (alongside Local Healthwatch) will have the right to be formally consulted on how the Secretary of State uses their powers to “call in” proposals to make reconfigurations to local health services. The Secretary of State’s powers to “call in” proposals will only be used as a last resort, and only when they consider that local methods for resolution have been exhausted.

1.3 Other aspects of health scrutiny remain unchanged – the power to require representatives of NHS bodies to attend formal meetings, the power to obtain information from NHS bodies and the power to require NHS bodies to have regard to scrutiny’s recommendation. HOSCs’ status as statutory consultees on reconfigurations also remains.

## **1. Post Decision Implementation**

1.1 None.

## **2. Corporate Priorities, Performance and Other Considerations**

### **Corporate Plan**

2.1 This report is aligned with the key priorities in the new corporate plan. The work of Overview and Scrutiny will support the Council in becoming a ‘listening council’ and ‘caring for people, our places and the planet’.

### **2.2 Sustainability**

2.3 There are no direct environmental implications from noting the recommendations.

### **Corporate Parenting**

2.4 In line with Children and Social Work Act 2017, the council has a duty to consider Corporate Parenting Principles in decision-making across the council. There are no implications for Corporate Parenting in relation to the recommendations in this report.

### **Risk Management**

2.5 All work will be carried out within the council’s approach to risk management.

### **Insight**

2.6 There are no insight implications in relation to the recommendations of this report.

### **Social Value**

2.7 The Public Services (Social Value) Act 2013 requires people who commission public services to think about how they can also secure wider social, economic and environmental benefits. There are no social value implications in relation to the recommendations in this report.

## **3. Resource Implications (Finance and Value for Money, Procurement, Staffing, IT and Property)**

3.1 There are no resource implications in the relation to the recommendations of this report.

## **4. Legal Implications and Constitution References**

4.1 The Terms of Reference of the Adults & Health Overview & Scrutiny Sub-Committee are set out at Section 2B 12 of the Barnet Constitution: [COMMITTEES \(moderngov.co.uk\)](http://www.moderngov.co.uk).

## **5. Consultation**

5.1 None.

## 6. Equalities and Diversity

- 6.1 Section 149 of the Equality Act 2010 sets out the Public-Sector Equality Duty which requires a public authority (or those exercising public functions) to have due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010.
  - Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not.
  - Fostering of good relations between persons who share a relevant protected characteristic and persons who do not.
- 6.2 The broad purpose of this duty is to integrate considerations of equality into everyday business and keep them under review in decision making, the design of policies and the delivery of services. The protected characteristics are: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex and sexual orientation.
- 6.3 In order to assist in meeting the duty the Council will:
- Try to understand the diversity of our customers to improve our services.
  - Consider the impact of our decisions on different groups to ensure they are fair.
  - Mainstream equalities into business and financial planning and integrating equalities into everything we do.
  - Learn more about Barnet's diverse communities by engaging with them.
- This is also what we expect of our partners.
- 6.4 This is set out in the Council's Equalities Policy, which can be found on the website at: <https://www.barnet.gov.uk/your-Council/policies-plans-and-performance/equality-and-diversity>

## 7. Background Papers

- 7.1 [2024-01-09-HEALTH-SCRUTINY-PRIMER.pdf \(cfigs.org.uk\)](#)
- 7.2 [Reconfiguring NHS services - ministerial intervention powers - GOV.UK \(www.gov.uk\)](#)

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# 1 Adults and Health Overview and Scrutiny Sub-Committee

- 1.1 The Adults and Health Overview and Scrutiny Sub-Committee shall perform the overview and scrutiny role and function in relation to:
  - 1.1.1 All matters as they relate to Adults Social Care;
  - 1.1.2 Reviewing and scrutinising, matters relating to the planning, provision and operation of health services in Barnet including inviting the relevant Chief Executive(s) of NHS organisations to account for the work of their organisation (s) as set out and required by the Health and Social Care Act 2001 and related primary and secondary legislation;
  - 1.1.3 Requesting call-in on proposals for reconfigurations by Referring contested major service reconfigurations to the Secretary of State in accordance with the Health and Social Care Act 2001; (in exceptional situations and where local resolution has not been reached).
  - 1.1.4 Receiving and commenting upon any external inspections and reviews;
- 1.2 Chair, Vice-Chair, Members and substitutes to be appointed by Council;
- 1.3 The Adults & Health Overview & Scrutiny Sub-Committee has the following powers and duties:
  - 1.3.1 To be responsible in accordance with Regulation 28 of the Local Authority (Public Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 for scrutiny of the Council's health functions. ~~other than the power under Regulation 23(9) to make referrals to the Secretary of State.~~
  - ~~1.3.2 To recommend to Council that a referral be made to the Secretary of State under Regulation 23(9) of the Local Authority (Public Health, Health and Wellbeing and Health Scrutiny) Regulations 2013.~~
  - 1.3.2 To request call-in by the Secretary of State on major reconfigurations (in exceptional circumstances) in accordance with the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) (Amendment and Saving Provision) Regulations 2024;
  - 1.3.3 To have specific responsibility for scrutiny of the following functions:
    - 1.3.3.1 Health and social care infrastructure and service
    - 1.3.3.2 NHS England, Integrated Care Boards and the Health and Wellbeing Board
    - 1.3.3.3 Public Health
    - 1.3.3.4 Other policy proposals which may have an impact on health, public health, social care and wellbeing
    - 1.3.3.5 Collaborative working with health agencies
    - 1.3.3.6 Commissioning and contracting health services
  - 1.3.4 To review the planning, provision and operation of Health services in Barnet and ensure compliance with Regulation 21(1) of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 by inviting and taking account of information and reports from local health providers and other interested parties including the local HealthWatch.
  - 1.3.5 Where a referral is made through the local HealthWatch arrangements, to comply with Regulation 21(3) of the Local Authority (Public Health, Health and Wellbeing Boards and

Health Scrutiny) Regulations 2013 by ensuring that the referral is acknowledged within 20 days and that the referrer is informed of any action taken.

- 1.3.6 Where appropriate, to consider and make recommendations for response to NHS consultations on proposed substantial developments/variations in health services that would affect the people of London Borough of Barnet.
- 1.3.7 Where appropriate, to consider and make recommendations for response to consultations from local health trusts, Department of Health and Social Care.
- 1.4 Care Quality Commission and any organisation which provides health services outside the local authority's area to inhabitants within it.
- 1.5 To discharge the functions conferred by Section 244 (2ZE) of the National Health Service Act 2006 as amended and Regulation 21 of the Local Authority (Public Health, Health and Wellbeing Board and Health Scrutiny Regulations 2013) of reviewing and scrutinising, matters relating to the planning, provision and operation of health services in Barnet.
- 1.6 To respond to consultations from local health trusts, Department of Health and Social Care and any organisation which provides health services outside the local authority's area to inhabitants within it.
- 1.7 Membership**
  - 1.7.1 8 Members and 2 Advisers (one for matters relating to adult social care and one for matters relating to health). Council will appoint 2 substitute Members from each group.
- 1.8 Quorum**
  - 1.8.1 6 members.