



Adults and Health Overview and Scrutiny Sub-Committee

Title	Terms of Reference amendments
Date of meeting	24 January 2023
Report of	Overview and Scrutiny Manager
Wards	All
Status	Public
Urgent	No
Appendices	Appx A: Draft ToR Adults & Health OSC (with tracked changes)
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Summary

This report provides information on new rules which come into force on 31st 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 27th 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 \(www.gov.uk\)](#)