

Robert Courts MP  
Anneliese Dodds MP  
John Howell MP  
David Johnston MP  
Layla Moran MP  
Victoria Prentis MP

**Cllr J Hanna OBE**

Chair, Oxfordshire Health  
Overview and Scrutiny  
Committee

**5 July 2022**

Dear Oxfordshire MPs,

### **Health Overview and Scrutiny Committee Request to MPs**

Thank you for your correspondence in response to my letter in November 2021 requesting your support for the cross-party Oxfordshire County Council motion regarding the introduction of successful reforms to the health and social care system (Chair's report HOSC November 25<sup>th</sup> 2021 minute 61/21– letter to Oxfordshire MPs attached).

I am writing again following our most recent HOSC committee on 9<sup>th</sup> June to raise your awareness and ask for your intervention to protect Oxfordshire's powers of democratic scrutiny.

On 9<sup>th</sup> June the Committee met to discuss a briefing from the Centre for Governance and Scrutiny (agenda item 16 pages 1-14). The session can be viewed on video link [video link https://oxon.cc/OJHOSC09062022](https://oxon.cc/OJHOSC09062022) (from 4.42 hours into the meeting).

The Council's Director of Law and Governance advised the committee of a perceived reduction in the 'hard' powers afforded to local Health and Overview Scrutiny Committees and that this could lead to loss of a key feature of local accountability. A detailed briefing from the Deputy Chief Executive Officer of the Centre of Governance and Scrutiny was part of this agenda item.

The Committee were incredibly concerned about the loss of its power of referral to the Secretary of State in respect of services changes and the lack of clarity in respect of what powers remain. You will know we are only days away from the Health and Care Act 2022 coming into force (1 July) which includes the new Integrated Care Board and Partnership, against a backdrop of a lack of clarity for HOSCs going forward.

The HOSC has used such powers sparingly since they were introduced – most recently in 2019 when HOSC referred a national decision to privatise cancer screening services without prior consultation with Oxfordshire's joint health overview and scrutiny committee and the Oxfordshire Clinical Commissioning Group.

The position of the Committee is that we do not want to lose that proactivity as local democratic health scrutiny going forward. At a time when the Secretary of State for Health has gained new powers to intervene locally, it is imperative that local health scrutiny is **not** diminished.

Members expressed concern that there had been no consultation with the HOSC on any proposed reductions in local scrutiny powers and that although from 1<sup>st</sup> July under the

Health and Care Act the powers of the new decision-making bodies become legal, there is still uncertainty about local health scrutiny powers. This in itself is deeply undermining. Whilst scrutiny power relies on 'soft' powers as a critical friend of the whole health and care system, the perceived loss of the 'hard' power of referral, especially where there has been no consultation and engagement, is incredibly risky for local public accountability. The Committee's voting members and co-opted members on 9<sup>th</sup> June voted unanimously that I write to all Oxfordshire MPs to ensure you are aware of this threat and to ask you to intervene to seek clarity and necessary reassurances for Oxfordshire HOSC.

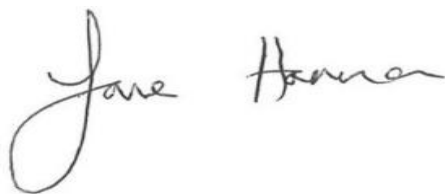
The Committee has received representations from members of the public at most of our meetings fearful and distressed that the new reforms have yet to deliver anything by way of reassurance.

The Committee is concerned that policy changes are achieved through the democratic Parliamentary procedures which afford the highest level of visibility and detailed Parliamentary Scrutiny and that any changes to accountability are subject to public consultation including communication with and formal consultation with JHOSC committees.

To conclude, members at our last meeting were shocked by the huge uncertainties that hang over democratic local scrutiny powers and hope that this will be a matter that you will want to help with. Without adequate debate and scrutiny it is doubtful that the risks to local accountability will be appreciated or mitigated as new ministerial powers over local decisions are brought into force.

With that in mind I am writing to ask if you would support the committee by writing to ministers and in asking questions in the House of Commons. Thank you in advance for your consideration of this very serious matter of concern.

Yours sincerely,

A handwritten signature in black ink that reads "Jane Hanna". The signature is written in a cursive, flowing style.

Cllr Jane Hanna OBE

Chair, Oxfordshire JHOSC, OCC

[Jane.hanna@oxfordshire.gov.uk](mailto:Jane.hanna@oxfordshire.gov.uk)

### **Brief Summary**

We have been advised by the Centre of Governance and Scrutiny that local health scrutiny powers under Part 12, s244 of the 2006 Act and the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) regulations are to be changed.

- (i) New regulations and new guidance (not primary legislation which is subject to the greatest scrutiny by Parliament) are expected to remove the pro-active power of referral of health scrutiny committees
- (ii) Where before the Secretary of State was only able to intervene after the referral from a local authority had taken place there is now a new ministerial power, which although modified after concerns were raised to require the issuing of a direction and a requirement to consult and publish representations, to intervene in substantial variations of health services.
- (iii) Health Scrutiny would have no formal status to contact the Secretary of State to ask that powers be exercised and that the wording of the Act is not clear that local health scrutiny bodies would be consulted when the Secretary of State decides to issue a directive.