

Divisions Affected: N/A

COUNCIL – 23 MARCH 2021

HEALTH SCRUTINY ARRANGEMENTS FOR OXFORDSHIRE

Report by Director for Law and Governance and Monitoring Officer

RECOMMENDATIONS

The Council is **RECOMMENDED** to approve:

- (a) the revisions to the draft Terms of Reference for a health scrutiny committee for health system-wide issues across the Buckinghamshire, Oxfordshire and Berkshire West (BOB) area;
- (b) a delegation from Council to enable the Monitoring Officer, in consultation with the Chairman and Deputy Chairman of the Oxfordshire Joint Health Overview and Scrutiny Committee, to make minor changes to the Terms of Reference after 23 March 2021 should other BOB councils request them as part of their own approval process.

Executive Summary

1. In 2020 both Oxfordshire Joint Health Overview and Scrutiny Committee¹ and Oxfordshire's Council² approved in principle Terms of Reference for a new health overview scrutiny committee which will scrutinise system-wide health issues across the Buckinghamshire, Oxfordshire and Berkshire West (BOB) area.
2. This report seeks Council's approval of revisions to those Terms of Reference, which were proposed jointly at a meeting of HOSC Chairs and scrutiny officers in the relevant 5 BOB local authorities on 5 February 2021.
3. The revisions to the Terms of Reference were approved at a meeting of Oxfordshire Joint HOSC on Friday 12 March by a vote of 6 members to 2.

Background

4. Health Services have a legislative duty to consult a local authority's Health Overview and Scrutiny Committee about any proposals they have for a substantial development or variation in the provision of health services in their

¹ Oxfordshire Joint HOSC meeting, 26 November 2020, agenda item 47/20:
https://mycouncil.oxfordshire.gov.uk/documents/s54280/CC_DEC0820R03%20-%20HOSC%20BOB%20-%20Annex%201.pdf

² Oxfordshire County Council meeting, 8 December 2020, agenda item 78/20:
https://mycouncil.oxfordshire.gov.uk/documents/s54280/CC_DEC0820R03%20-%20HOSC%20BOB%20-%20Annex%201.pdf

area. When these substantial developments or variations affect a geographical area that covers more than one local authority, the local authorities are required to appoint a Joint Health Overview and Scrutiny Committee (JHOSC) for the purposes of the consultation.

5. Oxfordshire has a Joint HOSC which scrutinises almost all health and wellbeing issues for the county of Oxfordshire. The exception to this is a separate committee constituted in 2018, known as the Horton HOSC, which with Northamptonshire County Council and Warwickshire County Council exists to scrutinise NHS proposals related to the Horton General Hospital.
6. In response to the development of an Integrated Care System (ICS) across the Buckinghamshire, Oxfordshire and Berkshire West (BOB) footprint, a health scrutiny committee is needed for the patient-flow geography impacted by service changes at a BOB-level. This includes the authorities of Buckinghamshire Council, Oxfordshire County Council, West Berkshire Council, Reading Borough Council and Wokingham Borough Council.
7. This paper concerns revisions to the BOB HOSC Terms of Reference which were proposed by the 5 BOB local authorities at a meeting of their HOSC Chairs and scrutiny officers on 5 February 2021.
8. In order for the establishment of BOB HOSC to proceed the revisions to the Terms of Reference require agreement by both Oxfordshire Joint HOSC and Full Council. The revised Terms of Reference in entirety will also then require approval by the Councils of the other BOB local authorities.
9. The revisions were approved by Oxfordshire Joint HOSC on 12 March 2021 and are recommended to Council for approval at its 23 March 2021 meeting. Other BOB local authorities are due to consider the revised Terms of Reference for approval at Council meetings between now and May.
10. This report sets out the revisions to the Terms of Reference, which can be found in Annex A. Annex A includes first a “clean” version of the revised Terms of Reference, showing how the Terms of Reference would look if the Council were to accept all revisions, and second a version of the Terms of Reference with the proposed revisions visible for ease of reference.

Key issues

11. Health scrutiny powers are held by county and unitary local authorities. Chief among health scrutiny powers is the ability to:
 - a) Require officers of NHS bodies to attend committee meetings.
 - b) Require the local NHS to provide information about the planning, provision and operation of the health service in the area.
 - c) Make reports and recommendations to NHS bodies.
 - d) Refer proposals for substantial changes to health services to the Secretary of State for decision if the committee believes the consultation has been

inadequate, if there were inadequate reasons for not consulting, or if the proposals would not be in the interests of the local health service.

- e) The NHS is obliged to consult the HOSC on any substantial changes it wants to make to local health services, in addition to its wider responsibility to involve and consult the public.
12. For Oxfordshire County Council, health scrutiny powers are primarily discharged through the Oxfordshire Joint HOSC. This joint committee comprises members from the county council, Oxfordshire district and city councils and co-opted non-voting members. A separate committee constituted in 2018 with Warwickshire County Council and Northamptonshire County Council, known as the Horton HOSC, scrutinises NHS proposals related to the Horton General Hospital. These arrangements would continue unchanged after the establishment of the BOB HOSC.
13. The background to, and need for, a new joint BOB HOSC are set out in full in the paper for Oxfordshire Joint HOSC's 26 November 2020 meeting.³
14. Oxfordshire Joint HOSC's approval of the draft BOB HOSC Terms of Reference on 26 November 2020, and Council's subsequent approval in principle on 8 December 2020, were the first formal endorsements of BOB HOSC's scope, membership and functions.

Revisions to the Terms of Reference

15. The Terms of Reference agreed by Council in December 2020 were subsequently discussed on 5 February 2021 by the HOSC Chairs and supporting officers of the 5 BOB local authorities. In discussion, revisions were requested relating to three elements of the Terms of Reference:
- Membership of the BOB HOSC
 - BOB HOSC's use of co-opted members
 - The need for the Terms of Reference to recognise "locality" as a tier of health and care provision
16. The proposed revisions can be seen as tracked changes in the Terms of Reference in Annex A of this paper. Commentary on the revisions follows.
17. Membership of BOB HOSC set out in the original Terms of Reference is proportionate to the population size across the BOB ICS footprint: 7 members for Oxfordshire, 6 for Buckinghamshire and 6 across Berkshire West (i.e. 2 for West Berkshire, 2 for Reading and 2 for Wokingham). At the 5 February meeting it was noted that allowing substitutions would be helpful to those councils with smaller

³ Oxfordshire Joint HOSC meeting, 26 November 2020, agenda item 47/20:
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memberships, would allow flexibility and would ensure that meetings were quorate with all authorities being represented.

18. The issue of co-opted members for BOB HOSC was discussed. While it was agreed that co-opted members bring many benefits to HOSC work, involvement of co-opted members in health scrutiny differed across the geographical footprint, those attending the 5 February meeting agreed that BOB HOSC should have the power to appoint co-opted members but should not be obliged to do so. It was also agreed that Healthwatch should be acknowledged as a key stakeholder (not a co-opted member) with a standing item on the BOB HOSC agenda.
19. It was agreed that the Terms of Reference should recognise "Locality" as an additional tier of health and care provision alongside System, Place and Neighbourhood in Berkshire West. The change was made during the 5 February meeting with further explanatory text added immediately afterwards.
20. Oxfordshire Joint HOSC approved these revisions on 12 March 2021 with two further amendments also agreed as shown in Annex A:
 - replacement of "Chairman" and "Vice Chairman" with "Chair" and "Vice Chair" throughout the Terms of Reference, as previously agreed by Oxfordshire Joint HOSC and Council in November and December 2020 respectively.
 - An additional "by" has been inserted into paragraph 27 of the Terms of Reference for accuracy.
21. Oxfordshire Joint HOSC also agreed at its 12 March meeting that it would review the BOB HOSC Terms of Reference after a year to ensure that they remain appropriate in the context of the BOB HOSC's activities and any wider legislative or structural changes in the health and care system.

Financial Implications

22. This report raises no new or additional financial implications.

(Comments checked by Hannah Doney, Head of Corporate Finance)

Legal Implications

23. This report raises no new or additional legal implications.

(Comments made by Anita Bradley, Monitoring Officer)

Next steps

24. The revised Terms of Reference will be considered for approval by the other BOB local authorities. The indicative timetable for this is as follows:

- Buckinghamshire: the revised Terms of Reference have been agreed by the Health & Adult Social Care Select Committee, with delegation given to the HASC Chairman to make any minor changes before going to Full Council on 21 April.
- West Berkshire: the revised Terms of Reference were approved at a scrutiny meeting on 9 February and are scheduled to go to Full Council on 4 May.
- Reading: the revised Terms of Reference will go to the relevant Committee on 30 March and to the Annual Council Meeting on 26 May.
- Wokingham: the timetable is being determined now. Wokingham's Council next meets on 18 March and 20 May.

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Annex A: BOB HOSC Terms of Reference including proposed revisions

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