

Oxfordshire Joint Health Overview and Scrutiny Committee Framework for Assessing Substantial Change

Purpose / Recommendation

Oxfordshire Joint Health Overview and Scrutiny Committee (OJHOSC) are asked to consider the revised toolkit framework and approve the toolkit.

Background

The NHS is legally required (under section 7 of the Health and Social Care Act 2001) to consult relevant overview and scrutiny committees (OSCs) on any proposals for “substantial variations or developments of health services”. A substantial variation or development is not defined in regulations. OSCs are therefore encouraged to develop local frameworks in partnership with NHS bodies to set out how substantial variations of change will be assessed locally.

Department of Health guidance (2014) and good practice as recorded by the Centre for Public Scrutiny (CfPS 2005) suggests that the following issues should be considered when deciding whether a proposed change is substantial:

- a) Changes in the accessibility of services
- b) Impact of the service on the wider community and other services, including economic impact, transport and regeneration
- c) Number of patients affected, changes may affect the whole population of a geographical area or a small group. If a change affects a small group of patients it may still be ‘substantial’ especially if patients need to continue to access that service for many years
- d) Methods of service delivery, e.g. moving a particular service into a community setting from an acute hospital setting.

Following best practice, OJHOSC has used a framework to assess substantial change. In February 2015, the toolkit framework was updated in line with Department of Health Local Authority Guidance (2014). Since then, the OJHOSC framework has been used a number of times. In the September 2015 meeting of OJHOSC, a councillor raised concerns about the use of the toolkit in particular the record keeping and openness of the meeting. As a result of this the HOSC chairman requested that the process be reviewed.

Following this review, the framework was further updated in December 2015/January 2016. This report outlines the changes made.

The Revised Toolkit Framework

The OJHOSC toolkit has been revised in relation to two areas of consideration:

- The accessibility and user-friendly nature of the framework
- The transparency and accountability of the procedure for assessing substantial change

To achieve this, the process of revising the toolkit was organised into four stages:

1. Research

The first stage of the process of reviewing the OJHOSC toolkit framework involved researching the available scrutiny guidance and examples of best practice. The following sources of information proved to be the most useful:

- Department of Health, Local Authority Health Scrutiny Guidance (2014)
- Centre for Public Scrutiny, 'Substantial Variations and Developments of Health Services', (2005), describes examples of best practice.
- Southampton, Hampshire, Isle of Wight and Portsmouth Health Scrutiny Committee Arrangements for Assessing Substantial Change in NHS provision

2. Reviewing the Process

The procedure of assessing substantial change was then reviewed in relation to the lessons learnt from most recent application of the toolkit and examples of best practice and the following changes were made:

- The process for assessing substantial change is displayed in the flow-chart on the first page of the OJHOSC toolkit framework.
- The process describes how the NHS or service provider responsible for the proposed change is responsible for initiating early dialogue with OJHOSC and arranging a meeting.
- Following this meeting, (quorum and further details are provided in the toolkit), all OJHOSC members should be informed of the outcomes and given a record of the meeting.
- The OJHOSC framework for assessing substantial change is designed to take place within a context of broader meaningful engagement between service providers and local communities. It is important to note that the provider is responsible for engaging and consulting all relevant local people. It is expected that this will include locally elected representatives where the service change will have an impact (parish, district, county and MPs).

3. Formatting

Following the consideration of guidance and examples of best practice, the presentation of the toolkit was redesigned to make it more user-friendly:

- The presentation of the toolkit process was organised into a flow-chart.
- The presentation of information concerning the purpose and outcomes of the process of assessing substantial change was reviewed and reorganised.
- The format of the assessment framework was changed from a set of factual statements to questions to be answered.
- The assessment framework questions were grouped in relation to subject area, i.e. patient impact or stakeholder engagement.

4. Legal Advice

Oxfordshire County Council's Legal and Governance services reviewed the feedback given by councillors regarding the toolkit in September and gave their support that this draft version addresses the issues raised.

5. Next Steps

Following the approval of the new toolkit framework, the following next steps will be actioned on:

- The toolkit will be shared as widely as possible with key stakeholders in Oxfordshire.
- The toolkit will be taken to all partner liaison meetings to ensure that all providers are clear about the purpose behind it.
- The toolkit will be continually reviewed and feedback will be sought from providers whenever it is used.

Recommendation:

The Committee is asked to note the report and to approve the updated toolkit.

Contact Officers: Belinda Dimmock-Smith and Hannah Iqbal: Tel: (01865) 323969 belinda.dimmocksmith@oxfordshire.gov.uk and (01865) 815923 hannah.iqbal@oxfordshire.gov.uk

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