

Divisions Affected - All

OXFORDSHIRE JOINT HEALTH OVERVIEW AND SCRUTINY COMMITTEE 23 SEPTEMBER 2021

WORK PROGRAMME 2021

Report by Director of Law and Governance

RECOMMENDATION

1. The Committee is RECOMMENDED to

- (a) Consider the approach to Overview and Scrutiny outlined in Paragraph 8 and provide comments;
- (b) Consider the results of the limited work programme engagement exercise as detailed in Appendix 1;
- (c) Consider suggestions made by Partners, the Cabinet and Senior Officers;
- (d) Consider the methods by which the Committee would like to undertake its Overview and Scrutiny activity;
- (e) Consider and agree the work programme for the Committee for the 2021/22 municipal year;
- (f) Agree on whether to create any task group reviews and appoint membership of that review;
- (g) Identify any specific training and support needs required to deliver the 2021/22 work programme

Executive Summary

2. The purpose of this report is to support and advise Committee members to determine their work programme for the 2021/22 municipal year.
3. This report sets out the following information to assist the Committee in this process:
 - The principles of effective scrutiny and the criteria against which work programme items should be considered;
 - The roles and responsibilities of the Joint Health Overview and Scrutiny Committee;
 - The findings of the consultation exercise undertaken with councillors and Council senior management;
 - Support available to the Joint Health Overview and Scrutiny Committee to determine, develop and deliver its 2021/22 work programme

New approach to Overview & Scrutiny

4. The Council agreed in July 2021 that three new overview and scrutiny committees would replace the two existing council scrutiny committees. The aim was to afford greater opportunity to review services on a thematic basis with regards to cross-cutting but defined areas of Place, People and Performance and Corporate Services. Increasing the scrutiny arrangements by one committee aimed to enable a wider range and depth of scrutiny activity than was previously possible.
5. Although this did not alter arrangements for the JHOSC it did signal a change in approach to delivering Overview and Scrutiny in Oxfordshire. The new approach is based around adding value and ensuring that the Overview and Scrutiny function has the support required to fulfil its role.
6. It will take time to embed and develop the new approach to Overview and Scrutiny. If the Overview and Scrutiny function is going to truly add value then it will need to be supported by Members, both Scrutiny and Cabinet, and by Officers and Partners.
7. Creating a strong organisational culture that supports scrutiny work can add real value by, for example, improving policy-making and the efficient delivery of public services. In contrast, low levels of support for and engagement with the scrutiny function often leads to poor quality and ill-focused work that serves to reinforce the perception that it is of little worth or relevance.
8. There are a number of developing proposals for JHOSC to consider that could allow the Committee to add value through the Overview and Scrutiny process, they are as follows:
 - i. An Overview and Scrutiny Development Plan would set out how the Council, its Members, Officers and Partners intend to improve and develop the function.
 - ii. Each Overview and Scrutiny Committee should produce an annual report that sets out the activity it has undertaken and how it has added value, to gauge where the function is, it is proposed that each annual report contain an assessment or health check of how the function is performing and developing.
 - iii. To make sure Overview and Scrutiny can fulfil its role in having adequate opportunity to hold decision-makers to account and contribute to policy development. It is proposed to operate Overview and Scrutiny as follows:
 - **Be Member-led:** that Members own the work programme and decide what evidence to seek. That we ask all Members to take an active role in the scrutiny process, for example by going on visits, taking part in consultation activities with service users, residents and discussions with local organisations as required.
 - **Take a consensual approach:** Effective scrutiny works towards developing a consensus-based view of the service or issue under consideration, focused on the needs of service users and residents and not on party politics.

- **Be evidence-based:** Scrutiny should take evidence from a wide and balanced range of sources in order to develop a rounded view of the issues under consideration. Recommendations made by scrutiny should be firmly supported by the evidence gathered.
 - **Dive deeper:** Alongside taking a wider and more balanced range of sources, Scrutiny should take 'deeper dives' into the areas of greatest challenge for Partners and the Council and those of greatest concern to the public. That is likely to mean focusing on a limited number of items in detail at each meeting.
 - **Provide constructive challenge:** Good scrutiny should foster a style of constructive challenge to Health Providers, the Cabinet and decision-makers, with the support of officers, patients and other witnesses, enabling sharing of views in an open and positive manner.
 - **Seek to amplify the voice and concerns of the public:** Making sure we are looking at topics that can genuinely make a difference to the public and looking to engage the public in the function wherever possible. Reporting the concerns of patients and providing Partners with patient experiences is key.
- iv. Develop a Cabinet/ Scrutiny protocol - such a protocol would further develop and facilitate the working relationship between Scrutiny and Cabinet. Good relationships and clear lines of communication between Scrutiny and Cabinet are important to facilitate effective scrutiny that adds value to the work of the council. It is important to set out agreed ways of working, especially at a time when the scrutiny function is developing. It is important to have clarity and clear expectations about communication, attendance at meetings, response times, etc.
 - v. Develop an enhanced Health Scrutiny Protocol – such a protocol would build on existing arrangements with health partners and seek to deliver benefits as outlined above, as well as confirming commitment and ensuring understanding regarding the health scrutiny function.
 - vi. Effective Scrutiny tends to focus on ensuring it can add value to a selected number of topics in order to maximise its outputs against available resources of Member and Officer time and support. To do this effectively the function needs to innovate in how it deals with items such as annual reports, information items and updates.
 - vii. Effective work programming is the bedrock of an effective scrutiny function. Done well it can help lay the foundations for targeted, incisive, and timely work on issues of local importance, where scrutiny can add value. An effective and tailored annual work programme exercise needs to be developed to support JHOSC moving forward.
 - viii. The approach described in this paper will require that both Councillors (chairs and committee members), partners and officers are provided with support to understand their roles, obligations and responsibilities. Training and development is an important part of the improvement process – it will help councillors and officers to enhance their roles under the new arrangements and ensure that they have additional skills and expertise to further develop the scrutiny function in the future. Ongoing training and development will be key, not just through dedicated training but also through information sharing, examination of best practice and developing briefings on emerging issues and council

services. It is proposed that the Council considers how best to support ongoing training and development.

- ix. There is a range of written materials in existence on effective scrutiny, any approach to ongoing development should consider how best to make this information available to Members. Consideration should also be given to developing an Oxfordshire Health Scrutiny Handbook to support those members tasked with delivering this important function.
- x. Officer support for the function is vital, officers support the function through interaction and engagement with Committees, providing information and answering questions. The Council should also consider through the budget cycle how it can provide further dedicated specialist officer support to directly develop and support the Overview and Scrutiny function.

9. The Committee is asked to consider the approach to Overview and Scrutiny outlined above and make comments to the Director of Law and Governance.

Principles of the Work Programme

10. The following key principles of effective scrutiny should be considered when the Committee is determining its work programme:

- Be selective** – There is a need to prioritise so that high priority issues are scrutinised given the limited number of scheduled meetings and time available. Members should consider what can realistically and properly be reviewed at each meeting, taking into account the time needed to scrutinise each item and what the session is intended to achieve.
- Add value with scrutiny** – Items should have the potential to ‘add value’ to the work of the council and its partners. If it is not clear what the intended outcomes or impact of a review will be then Members should consider if there are issues of a higher priority that could be scrutinised instead.

It is recommended that Members limit the number of items they wish to consider at a meeting to 2 or 3 to maximise the time and attention they can give the topic and maximise the potential for adding value.

- Be flexible** – Members are reminded that there needs to be a degree of flexibility in their work programme to respond to unforeseen issues/items for consideration/comment during the year and accommodate any developmental or additional work that falls within the remit of this Committee.
11. Effective Overview and Scrutiny should provide extensive opportunities for community involvement and democratic accountability. Engagement with service users and with the general public can help to improve the quality, legitimacy and long-term viability of recommendations made by the Committee.
12. Service users and the public bring different perspectives, experiences and solutions to scrutiny, this engagement can help the Committee to understand

the service user's perspective on individual services and on co-ordination between services. The Committee is encouraged to ensure it considers opportunities for engagement with service users and the public when agreeing its work programme.

13. The Committee is asked to consider these points when developing its work programme.

Models for carrying out scrutiny activity

14. There are a number of means by which the Overview and Scrutiny Committee can deliver its work programme. Members should consider which of the following options is most appropriate to undertake each of the items they have selected for inclusion in the work programme:

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| Item on a scheduled meeting agenda/ hold an extra meeting of the Committee | The Committee can agree to add an item to the agenda for a meeting and call Cabinet Members/ Officers/Partners to the meeting to respond to questioning on the matter. |
| Task Group | <p>A small group of Members, with officer support, meet outside of the scheduled meetings to gather information on the subject area, visit other local authorities/ sites, speak to service users, expert witnesses and/ or Officers/ Partners. The Task Group can then report back to the Committee with their findings to endorse the submission of their recommendations to Cabinet/Council</p> <p>This is the method usually used to carry out policy reviews.</p> |
| The Committee asks for a report then takes a view on action | The Committee may need more information before taking a view on whether to carry out a full review so asks for a report to give them more details |

15. Note that, in order to keep agendas to a manageable size, and to focus on items to allow the Committee to make a direct contribution, the Committee may choose to take some "information only" items outside of meetings, for example by email.

Limited Work Programme Engagement Exercise

16. To assist the Committee in developing a work programme a limited engagement exercise has taken place to seek the views of County Councillors and Senior Officers, the results of which are attached at **Appendix 1**.
17. As the aim of the work programme is to ensure that scrutiny makes the biggest impact possible the exercise advised that suggestions for inclusion consider the following criteria:
 - a. Is the issue a priority area for the Council?

- b) Is it a key issue for local people?
- c) Are improvements for local people likely?
- d) Is it an opportunity to contribute towards significant policy development?
- e) Does it examine a poor performing service?
- f) Will it result in improvements to the way the Council operates?

18. The Committee already has a prioritisation process designed to help assess the relative merits of topics brought forward in order to prioritise areas of focus for scrutiny through a transparent and objective process. The “PICK” methodology can help scrutiny committees consider which topics to select or reject. This is:

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| Public interest | <input type="checkbox"/> Is the topic of concern to the public? <input type="checkbox"/> Is this a “high profile” topic for specific local communities? <input type="checkbox"/> Is there or has there been a high level of user dissatisfaction with the service or bad press? <input type="checkbox"/> Has the topic has been identified by members/officers as a key issue? |
| Impact | <input type="checkbox"/> Will scrutiny lead to improvements for the people of Oxfordshire? <input type="checkbox"/> Will scrutiny lead to increased value for money? <input type="checkbox"/> Could this make a big difference to the way services are delivered or resource used? |
| Council performance | <input type="checkbox"/> Does the topic support the achievement of corporate priorities? <input type="checkbox"/> Are the Council and/or other organisations not performing well in this area? <input type="checkbox"/> Do we understand why our performance is poor compared to others? <input type="checkbox"/> Are we performing well, but spending too much resource on this? |
| Keep in context | <input type="checkbox"/> Has new government guidance or legislation been released that will require a significant change to services? <input type="checkbox"/> Has the issue been raised by the external auditor/ regulator? <input type="checkbox"/> Are any inspections planned in the near future? |

19. The Centre for Governance and Scrutiny (CfGS) also has a prioritisation tool to assist with the selection of topics for the work programme. Members are asked to provide their view on the current PICK process and for the CfGS tool to be considered in the development of the new approach to work programme development.

Agreeing a work programme

- 20. Committee Members are asked to consider the results of the engagement exercise and the contents of this report in agreeing a work programme for the remainder of the 2021-22 municipal year.
- 21. Committee is also asked to consider suggestions made by Partners, the Cabinet and Senior Officers which will be reported at the Committee meeting on the 23 September.

22. The Committee is also asked to agree whether to create any task group reviews and appoint membership of that review and to identify any specific training and support needs required to deliver the 2021/22 work programme.

Financial Implications

23. The report does not raise any financial implications

Comments checked by:

Rob Finlayson, Finance Business Partner (Environment & Place),
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Legal Implications

24. The law states that a Scrutiny Committee can:
- (a) • Require a council officer or councillors to attend to answer questions
 - (b) • Require information to be provided that is held by the council
 - (c) • Require responses to recommendations

Specific Health Scrutiny powers set out in the Health and Social Care Act 2012 and the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 provide:

- Power to scrutinise health bodies and authorities in the local area
- Power to require members or officers of local health bodies to provide information and to attend health scrutiny meetings to answer questions
- Duty of NHS to consult scrutiny on major service changes and provide feedback on consultations

Comments checked by:

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Anita Bradley
Director of Law and Governance

Annex: Appendix 1 – Response to limited work programme engagement exercise

Background papers: Report to Council 13 July 2021 – Review of Scrutiny Arrangements

HOSC Forward Plan – June 2021

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September 2021

Appendix 1: Consultation Exercise Responses

JHOSC Work Programme Suggestions received during limited consultation exercise:

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| Topic Suggestion | Access to health care that has been closed or reduced during the pandemic |
| How does the topic suggestion comply with the PICK methodology: | |
| Public Interest | The topic is concern to the public |
| Impact | Scrutiny should lead to improvements through opening closed services |
| Council Performance | Yes |
| Context | Impact of BOB ICS on delivery of services |

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| Topic Suggestion | Involvement of the Voluntary Sector/Third sector in BOB ICS |
| How does the topic suggestion comply with the PICK methodology: | |
| Public Interest | Managing the opacity of BOB would be of public interest |
| Impact | The voluntary sector can deliver usually quicker and more cost effectively as well as having a closer involvement with the local community |
| Council Performance | The Council is committed to working with the Voluntary Sector |
| Context | BOB ICS is supposed to include the voluntary sector but doesn't in any meaningful way – the way that it has interpreted the current legislation |

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| Topic Suggestion | Focus on the Health and Wellbeing Board, and how it provides oversight of the Oxfordshire ICP part of BOB |
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| How does the topic suggestion comply with the PICK methodology: | |
| Public Interest | Lack of democracy in HWB is a significant barrier to full involvement and understanding of the public |
| Impact | Increased scrutiny will allow improved services overseen by the HWB – taking a broader health perspective rather than an illness perspective |
| Council Performance | Council Statutory Body |
| Context | Role remains unclear with the emerging practice of ICS |

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| Topic Suggestion | NHS Dental services |
| How does the topic suggestion comply with the PICK methodology: | |
| Public Interest | No NHS services available locally |
| Impact | Lack of local service availability (some practices no longer taking NHS turning private) Poor dental health leading to poor general health. |
| Council Performance | |
| Context | |

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| Topic Suggestion | Antimicrobial resistance (i) How does Oxfordshire compare with the rest of England regarding measure to reduce AMR, in both hospitals and GO surgeries. (ii) Are national guidelines for prescribing being followed? Are there any difficulties which are encountered which reduces the effectiveness of the guidelines? |
| How does the topic suggestion comply with the PICK methodology: Changes would be relatively easy in theory to implement with big payoff but over the long term. | |
| Public Interest | Doesn't immediately grab the public's attention. Crops up occasionally on the news and medical/scientific news but is a major global issue described by Jim O'Neill as potentially one of the biggest existential crises for the 21st century. |
| Impact | Potentially big impact and if our performance can be improved we may take the lead nationally (atm not sure how we far in Oxon) |
| Council Performance | No idea |
| Context | We really need an update on where we are viz a viz the rest of England particularly for the Critically Important Antibiotics |

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| Topic Suggestion | CCG, GP surgeries and housing development. CCG have historically been slow at engaging with developers regarding expansion or building new GP surgeries such that we have rejected some planning applications because there has been insufficient attention to community health provision. This may have changed under pressure recently but movement towards BOB ICS may cause additional problems. Therefore we need to know how this problem will be addressed either at ICS or at county level. |
| How does the topic suggestion comply with the PICK methodology: Pay off could be big but may be slow depending on money available to CCG for new practises and availability of GPs (as opposed to GP surgeries) | |
| Public Interest | Considerable |
| Impact | Important for the ongoing housing developments in the county |
| Council Performance | Not good so far (Rejections in North Abingdon and Lioncourt (Kingston Bagpuize) as far as I'm aware of the latter. |
| Context | Movement of CCG decisions to BOB |

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| Topic Suggestion | Community Health Strategy |
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How does the topic suggestion comply with the PICK methodology: It has been difficult to provide guidance to OH/CCG regarding outlining sensible and comprehensive plans for community health provision. The role of scrutiny is general reactive and retrospective. A more interactive role would be good. So, pay off would be high but implementation is likely to be difficult.

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| Public Interest | Considerable, already in OX12 |
| Impact | High both in short term (in terms of provision of services) and longer term (in terms of resulting health improvement) |
| Council Performance | |
| Context | I know that this is currently under review but it is being done badly and the OX12 review does not give confidence that it will be done well. Recommend a Task & Finish group for scrutiny and report to JHOSC. |

Also received:

Mental Health Provision

Maternity Provision and quality of service

A deep dive into SEND provision in the county.

Specifically looking at:

- Educational healthcare plans (EHCPs)
- NHS waiting lists for SEND diagnosis
- SENDIASS and impact of budget cuts
- School admissions panels
- Number of places for special schools in the county
- SEND budget overspend and false economies
- CAMS, funding and staffing retention