

Divisions Affected – Adult Social Care, Public Health, (Also external bodies)

**REPORT OF THE JOINT HEALTH OVERVIEW AND SCRUTINY
COMMITTEE: CARE HOMES / NATIONAL COVID ENQUIRY**

CABINET

21 JUNE 2022

Report by DIRECTOR OF LAW AND GOVERNANCE

RECOMMENDATION

The Cabinet is RECOMMENDED to:-

1. Consider the letter endorsed by the Joint Health Overview and Scrutiny Committee on 09 June 2022 and propose its response.

Executive Summary

2. The Joint Health Overview and Scrutiny Committee have had a close interest in the Covid-19 pandemic, receiving reports and undertaking in-depth reviews.
3. One of those reviews was titled 'The First Thirty Days' and the report, recommendations arising from that report and a response to it were provided to the Joint Health Scrutiny Committee in November 2021.
4. As part of Overview and Scrutiny's role in tracking recommendations, and against the backdrop of the recent High Court judgement in respect of discharges of patients to care homes with Covid-19, the Committee is seeking to revisit a recommendation made.
5. The letter enclosed at **Appendix 1** provides the requisite background and the request of the HOSC in respect of not missing any opportunities to learn the lessons of Covid-19 across Oxfordshire and the concerns of Members of waiting for the national inquiry to commence.

Next Steps

6. That Cabinet considers the appended letter of the HOSC and agrees to make its response within 28 days of the request.

Corporate Policies and Priorities

7. The import of this letter links to the Council's priorities to i) prioritise the health and wellbeing of residents, and ii) support carers and the social care system.

Legal Implications

8. To facilitate familiarity with the process and the legal framework through which this report is being presented to Cabinet, details are provided below.
9. 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.
10. Under Part 6.2 (13) (a) of the Constitution Scrutiny has the following power: 'Once a Scrutiny Committee has completed its deliberations on any matter a formal report may be prepared on behalf of the Committee and when agreed by them the Proper Officer will normally refer it to the Cabinet for consideration.'
11. The HOSC has its own specific Constitutional powers also. Under Part 2 Article 8 s. 13 'After the Committee has completed its deliberations on any matter, a formal report will be prepared on its behalf and, when agreed, the authorised officer will refer it and any recommendations to the relevant body or National Health Service body or health service provider as appropriate and to any other body specified by the Committee. At the same time, the report and its findings shall also be made public.' As an issue spanning both health and social care, functions of the NHS and the Council respectively, it is being submitted to Cabinet and copied to the relevant NHS bodies.
12. Under the 2013 Regulations, where a Scrutiny Committee requests a response from a responsible person to whom it has made a report or recommendation, that person must respond in writing within 28 days of the request.
13. It is a requirement that requests made using this power include a list of the participants involved in determining the recommendation. The members who agreed to the current recommendation are duly provided here:
 - Cllr Jane Hanna
 - Cllr Nigel Champken-Woods
 - Cllr Imade Edosomwan
 - Cllr Damian Haywood
 - Cllr Nick Leverton

- Cllr Nathan Ley
- Cllr Richard Webber

- Cllr Paul Barrow
- Cllr Elizabeth Poskitt
- Cllr Jo Robb

- Jean Bradlow
- Alan Cohen
- Barbara Shaw

Comments checked by:

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Risk Management

14. The risk associated with not responding to the Health Overview and Scrutiny Committee is a perceived demonstration of poor governance and a lack of regard for local democratic accountability.

Anita Bradley
 Director of Law and Governance

Annex:	Letter from HOSC to Cllr T Bearder, Executive Member: Adult Social Care
Background papers:	None
Other Documents:	None
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