

## **COUNCIL – 14 JULY 2020**

### **SCOPE OF THE HORTON JOINT HEALTH SCRUTINY AND OVERVIEW COMMITTEE**

**Report by Corporate Director of Commercial Development, Assets and Investment**

#### **RECOMMENDATION**

**Council is RECOMMENDED to agree an amended scope of the health scrutiny powers delegated to the Horton Joint Health Overview and Scrutiny Committee to allow scrutiny of a masterplan for the Horton General Hospital, as set out in paragraph 15 (a and b).**

#### **Executive Summary**

1. 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 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 (HOSC) for the purposes of the consultation.
2. 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 has scrutinised NHS proposals on consultant-led obstetric services at the Horton General Hospital.
3. Following its work on consultant-led obstetric services, a recommendation was made at the Horton HOSC's meeting in September 2019 to revise the committee's scope to allow scrutiny of a masterplan for the Horton General Hospital.
4. This report sets out proposals to amend the scope of the Horton HOSC to allow for scrutiny of a master plan for the Horton General Hospital.

#### **Background**

##### *Health scrutiny powers*

5. Health scrutiny powers are held by local upper tier authorities. Chief among these are 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.
6. 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.

#### *Health scrutiny in Oxfordshire*

7. For Oxfordshire County Council, health scrutiny powers are primarily discharged through the Oxfordshire Joint Health Overview and Scrutiny Committee (HOSC). This is a joint committee comprising 12 non-executive voting members (seven county councillors and five district/city councillors) and three co-opted non-voting members.
8. The 'Horton HOSC' was formed in 2018 following a recommendation from the Secretary of State. The Committee's current remit is therefore solely in relation to the issue of consultant-led obstetric services at the Horton General Hospital. It has not had any wider remit to scrutinise any other health or wellbeing issues.
9. This is a joint committee of nine non-executive voting members and one co-opted non-voting member. Having due regard to the patient flow for the Horton Hospital, the committee has eight members from Oxfordshire, one from Northamptonshire and one from Warwickshire. Members are appointed to the committee from the respective local authorities and are reflective of the political balance accordingly.

#### **Scope of the Horton HOSC**

10. Throughout the twelve months from September 2018, an extensive process was undertaken by the Horton HOSC to examine and scrutinise obstetric services at the Horton General Hospital. Following this, a decision was made by Oxfordshire Clinical Commissioning Group (OCCG) in September 2019 to:
- a) Confirm an earlier decision made in August 2017 to create a single specialist obstetric unit for Oxfordshire (and its neighbouring areas) at the John Radcliffe Hospital and establish a Midwife Led Unit (MLU) at the Horton General Hospital, for the foreseeable future.
  - b) Work closely with Oxford University Hospitals (OUH) and local stakeholders to further develop the masterplan for the Horton General Hospital, ensuring it includes high quality, flexible clinical space that could be used for different services over time, including obstetric services if circumstances demand.

- c) Actively pursue with OUH the need for significant capital investment in the Horton Hospital, in clear recognition that this can improve recruitment and ensures the site is fit for its future as a thriving 21st century hospital for the whole of North Oxfordshire and beyond.
11. The Horton HOSC responded to this decision by making a referral to the Secretary of State on the following grounds:
- I. The Horton HOSC was not satisfied with the adequacy of the content of the consultation (Regulation 29(9)(a)).
  - II. The Horton HOSC believed the proposal would not be in the interests of the health service in this area (the latter being the cross-boundary area represented by the Horton HOSC) (Regulation 23(9)(c)).
12. The Committee accepted that partners were working to improve Horton General Hospital and agreed that it would be beneficial if the Horton HOSC could continue meet to hold OUH and OCCG and others to account in the development and implementation of the positive vision for the future of the Horton General Hospital (through the masterplan). To achieve this, it requires Oxfordshire County Council and its counterpart authorities in Warwickshire and Northamptonshire to amend the scope of the delegated health scrutiny power.
13. To date, there has not been a response by the Secretary of State to the Horton HOSC's referral.
14. The Oxfordshire Joint HOSC considered a proposal to amend the scope of the Horton HOSC at its meeting of 25 June 2020. It supported the following amended scope in relation to health partner's:
- a) Development of the masterplan for the Horton General Hospital, ensuring it includes high quality, flexible clinical space that could be used for different services over time, including obstetric services if circumstances demand.**
  - b) Active pursuit of significant capital investment in the Horton Hospital.**
15. It is not recommended to amend any other parts of the Terms of Reference for the Horton HOSC committee.
16. A revised Terms of Reference for the Horton HOSC is attached in Annex 1. Changes to the original Terms of Reference are highlighted for ease of reading.

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## Horton Joint Health Overview and Scrutiny Committee (Oxfordshire, Northamptonshire and Warwickshire)

### AMENDED Terms of Reference

July 2020

#### Rationale

1. Health Services are required 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 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 (HOSC) for the purposes of the consultation.
2. In response to the Oxfordshire Clinical Commissioning Group's proposals regarding consultant-led maternity services at the Horton General Hospital, the Secretary of State and Independent Reconfiguration Panel (IRP) advised a HOSC be formed covering the area of patient flow for these services. This was formed in 2018, across the area of patient flow for obstetric services at the Horton General Hospital covers Oxfordshire, Northamptonshire and Warwickshire.
3. A decision was made by Oxfordshire Clinical Commissioning Group (OCCG) in September 2019 to:
  - a) Confirm an earlier decision made in August 2017 to create a single specialist obstetric unit for Oxfordshire (and its neighbouring areas) at the John Radcliffe Hospital and establish a Midwife Led Unit (MLU) at the Horton General Hospital, for the foreseeable future.
  - b) Work closely with Oxford University Hospitals (OUH) and local stakeholders to further develop the masterplan for the Horton General Hospital, ensuring it includes high quality, flexible clinical space that could be used for different services over time, including obstetric services if circumstances demand.
  - c) Actively pursue with OUH the need for significant capital investment in the Horton Hospital, in clear recognition that this can improve recruitment and ensures the site is fit for its future as a thriving 21st century hospital for the whole of North Oxfordshire and beyond.
4. Following this decision, the Horton HOSC Terms of Reference were amended to allow its further scrutiny of the development of a Horton General Hospital masterplan [N.B This sentence to be inserted pending Council agreement].

5. These terms of reference set out the arrangements for Oxfordshire County Council, Northamptonshire County Council and Warwickshire County Council to operate a Joint HOSC Committee in line with the provisions set out in legislation and guidance to allow it to operate as a mandatory committee.

## Terms of Reference

6. The new Joint Health Overview and Scrutiny Committee will operate formally as a mandatory joint committee i.e. where the councils have been required under Regulation 30 (5) Local Authority (Public Health, Health and Well-being Boards and Health Scrutiny) Regulations 2013 to appoint a joint committee for the purposes of the specified health partner's consultation on:
  - i. Development of the masterplan for the Horton General Hospital, ensuring it includes high quality, flexible clinical space that could be used for different services over time, including obstetric services if circumstances demand.
  - ii. Active pursuit of significant capital investment in the Horton Hospital.
7. The purpose of the mandatory Horton Joint HOSC across Oxfordshire, Northamptonshire and Warwickshire is to:
  - a) Make comments on the proposal consulted on
  - b) Require the provision of information about the proposal
  - c) Require the member or employee of the relevant health service to attend before it to answer questions in connection with the consultation.
  - d) Refer to the Secretary of State only on the development of a masterplan for the Horton General Hospital where it is not satisfied that:
    - Consultation on any proposal for a substantial change or development has been adequate in relation to content or time allowed (NB. The referral power in these contexts only relates to the consultation with the local authorities, and not consultation with other stakeholders)
    - That the proposal would not be in the interests of the health service in the area
    - A decision has been taken without consultation and it is not satisfied that the reasons given for not carrying out consultation are adequate.
8. The response to the consulting health service will be agreed by the Joint Health Overview and Scrutiny Committee and signed by the Chairman.
9. With the exception of proposals to develop a masterplan for the Horton General Hospital, responsibility for all other health scrutiny functions and activities remain with the respective local authority Health Scrutiny Committees.

10. No matter to be discussed by the Committee shall be considered to be confidential or exempt without the agreement of all Councils and subject to the requirements of Schedule 12A of the Local Government Act 1972.

## **Timescales & Governance**

11. The Horton Joint Health Overview and Scrutiny Committee operates as a mandatory Committee only while the proposed service changes that affect the relevant areas are considered. This period is from the point at which the relevant health body notifies the Joint HOSC of the formal consultation timetable and the point at which a decision is taken.
12. Meetings of the Joint HOSC are conducted under the Standing Orders of Oxfordshire County Council (i.e. the Local Authority hosting and providing democratic services support).

## **Membership**

13. Membership of the Joint HOSC is appointed by Oxfordshire County Council, Northamptonshire County Council and Warwickshire County Council from the membership of their Scrutiny Committees that have responsibility for discharging health scrutiny functions.
14. Appointments to the Joint Committee have regard to the proportion of patient flow for ~~consultant-led obstetric services at the Horton General Hospital. Using latest figures available from 2015/16, of the 1466 births at the Horton General Hospital, 4% came from women with Warwickshire post codes and 14% from Northamptonshire post codes~~ (removed as the committee will scrutinise more than obstetric services). The membership of the Joint Committee will therefore be ten Councillors, consisting of eight from Oxfordshire, one from Northamptonshire and one from Warwickshire.
15. Appointments by each authority to the Joint Committee will reflect the political balance of that authority.
16. The quorum for meetings will be five members, comprising at least one member from either Northamptonshire or Warwickshire.

## **Committee support**

17. The work of the Joint Horton HOSC will require support in terms of overall co-ordination, setting up and clerking of meetings and underpinning policy support and administrative arrangements.

18. Meetings of the committee are to be held near to the Horton General Hospital (or virtually according to relevant regulations) and associated administrative support and costs to be borne by Oxfordshire County Council.
19. Should a press statement or press release need to be made by the Joint Health Overview and Scrutiny Committee, this will be drafted by Oxfordshire County Council on behalf of the Committee and will be agreed by the Chairman.