

North Yorkshire Council Scrutiny of Health Committee 17 June 2022

Overview and Scrutiny at North Yorkshire Council

Purpose of Report

The purpose of this report is to provide Members of the Scrutiny of Health Committee with a summary of how overview and scrutiny is undertaken at the Council, the way in which subjects for scrutiny are identified, why it is important and what role committee Members have to play.

This report provides Members with details of some of the specific responsibilities and powers relating to this committee and also a copy of the committee work programme for review and comment.

Overview and Scrutiny

The Local Government Act 2000 first introduced the requirement for every local authority to include provision for at least one scrutiny committee. Under this Act and associated legislation, scrutiny can make recommendations to the executive and other local bodies. The committees also have the power to question Cabinet members, Council officers and representatives of other organisations, such as health and community safety agencies. The committees can also investigate any issue which affects the local area or its residents.

For more detail on the roles and responsibilities of the overview and scrutiny committees have, please refer to the North Yorkshire County Council Constitution – <http://www.northyorks.gov.uk/article/24041/The-council-constitution>

Why it is important

Overview and scrutiny provides an important check and balance, helping to ensure that the decisions made by the executive reflect the needs of local people, are financially robust and are in keeping with the strategic priorities and responsive to the operational demands of the Council.

Where overview and scrutiny is not active, engaged and inquisitive, then there is a risk that some strategic and operational issues could be overlooked and opportunities for early intervention and action missed. Examples of where this has occurred in other local authorities, albeit at the extreme, include: child sexual exploitation in Rotherham MBC; poor care and high mortality rates at Mid Staffordshire NHS Foundation Trust; and governance failings in Tower Hamlets LBC.

How it contributes to the Council's outcomes

In addition to being an important check and balance and providing early warning, scrutiny aims to contribute to the Council's corporate outcomes in many other ways, including:

- Enabling Councillors to become directly involved in the development of: policy and strategy; consultation and public engagement planning; and the performance management of the Council

- Ensuring continuity across the new Unitary council
- Keeping Councillors and the public informed of key issues, priorities and initiatives
- Enabling direct engagement with the people of North Yorkshire
- Acting as a critical friend and providing Cabinet Members and senior officers with a non-partisan forum in which to test out ideas, approaches and gain feedback and suggestions
- Providing a structure, through the call-in process, for scrutinising specific decisions of the Executive
- Scrutinising issues of public concern beyond the remit of the Council.

The overview and scrutiny committees

There are five thematic overview and scrutiny committees, each of which meet in public four times a year, as below:

- Transport, Economy and Environment – focussed upon transport and communications infrastructure, supporting business and helping people develop their skills, sustainable development, climate change, countryside management, waste management, environmental conservation and cultural issues
- Corporate and Partnerships - the Council's corporate organisation and structure, resource allocation, asset management, procurement policy, people strategy, equality and diversity, performance management, communications, partnership working, community development and engagement and community safety (as the designated Crime and Disorder Committee).
- Young People – focussed upon the interests of young people, including education, care and protection and family support
- Care and Independence – focussed upon the needs of vulnerable adults and older people and people whose independence needs to be supported by intervention from the public or voluntary sector
- Health - focussed upon the planning, provision and operation of health services in the County with the aim of acting as a lever to improve the health of local people and ensuring that the needs of the local people are considered as an integral part of the delivery and development of health services.

Overview and scrutiny functions are also supported through the following bodies:

- Scrutiny Board – this is made up of the Chairs of the five thematic overview and scrutiny committees and enables work to be co-ordinated, opportunities for joint scrutiny to be identified, and committee Chairs to act as critical friends.
- Police and Crime Panel - which scrutinises the Police and Crime Commissioner. There is also a Complaints Sub-Committee which meets on an ad hoc basis.
- Looked After Children's Members Group – this is not a formal committee but acts as an informal advisory group to the Executive Portfolio Holder for Children's and Young Peoples Services. The group performs a role consistent with statutory

guidance for local authorities to promote the health and well-being of looked-after children.

Mid Cycle Briefings

In addition to formal meetings of the committees, there is also a system of Mid Cycle Briefings. A Mid Cycle Briefing enables the Chair, Vice Chair and Spokespersons for each committee to meet in private four times a year to:

- Discuss the work of the committee
- Identify areas for in-depth scrutiny
- Have an early discussion with commissioners and providers about topics that may be confidential or under development.

Different approaches to overview and scrutiny

In addition to formal committee meetings and Mid Cycle Briefings, there are a number of approaches that overview and scrutiny can take, including:

- Task and finish groups – these are informal, time-limited bodies comprised of councillors that are established by the committee to undertake a discrete piece of scrutiny work and then report back their findings and recommendations.
- In-depth scrutiny review – this is when the committee undertakes a prolonged and detailed piece of work, which includes: desktop research; expert witnesses, typically commissioners and providers; service/site visits; and engagement with service users. This approach combines formal committee meetings and the use of a sub-group.
- Select Committee – where an overview and scrutiny committee works as a whole committee to address a particular issue. Typically, this would involve a one-off meeting lasting a day where a range of expert witnesses are invited to attend and give evidence. The committee members then analyse the evidence given and make recommendations for improvements.
- Call-in – this is when non-executive members of the Council can have decisions of the Executive considered by a scrutiny committee.
- Joint scrutiny – this is when there is an issue that is directly relevant to more than one overview and scrutiny committee and so a collaborative approach is taken. This can be internal or external. External joint scrutiny is often undertaken by the Scrutiny of Health Committee.

Role of committee members

All the members of an overview and scrutiny committee have a key role to play in ensuring that Council and other public sector services are delivered effectively, efficiently and that they achieve good outcomes for local people. The things that committee members can do, include:

- Contributing to the development of the committee's work programme, providing constructive challenge and suggesting topics for inclusion
- Actively engaging with all stages of the scrutiny process, including any additional groups or meetings that are setup outside of the scheduled, formal meetings of the committee

- Developing constructive relationships with other members of the committee, the relevant portfolio holders and service leads
- Working apolitically as a committee, with a strong focus upon service improvement and outcomes
- Receiving the data, information and analysis that is presented in an impartial manner
- Assessing the data, information and analysis presented to the committee and testing the conclusions that are drawn
- Contributing to the development of recommendations, based on the committee's deliberations, which are specific, realistic and relevant.

Scrutiny of Health Committee

The Scrutiny of Health Committee has a responsibility to review any matter relating to the planning, provision and operation of health services in the County. This includes:

- being consulted on the reconfiguration of healthcare and public health services locally
- contributing to the Department of Health's Quality Accounts initiative and the Care Quality Commission's process of registering NHS trusts
- carrying out detailed examination into a particular healthcare/public health service.

The Scrutiny of Health Committee's powers include:

- reviewing and scrutinising any matter relating to the planning, provision and operation of health services in the local authority's area
- requiring NHS bodies to provide information within 28 days to and attend (through officers) before meetings of the committee to answer questions necessary for the discharge of health scrutiny functions
- making reports and recommendations to local NHS bodies and to the local authority on any health matters that they scrutinise
- requiring NHS bodies to respond within a fixed timescale to the health scrutiny reports or recommendations
- requiring NHS bodies to consult health scrutiny on proposals for substantial developments or variations to the local health service
- referring contested proposals to the Secretary of State for Health.

In addition to the County Councillors on the committee, there is also District Councillor representation up to 31st March 2023. This helps ensure that there is as full as possible a consideration of health issues in depth across the County.

Work programme

The topics for overview and scrutiny are identified by the committee Chairs, Vice-Chairs, Spokespersons and Members, advised by the relevant overview and scrutiny officer, using some of the following sources of information:

- Performance data, information and analysis, in particular when it has been benchmarked against similar local authorities
- Inspection reports, such as those produced by the Care Quality Commission or OFSTED

- National research findings
- National policy changes
- National and local consultations and public engagement events
- Council Plan
- Council budget and delivery against savings proposals and targets
- Agendas for Executive
- Local issues raised by elected members, members of the public or highlighted in the media
- Local networks and partnerships.

Where an initial area of interest or line of inquiry is identified, further information is gathered to ascertain whether this is a valid area for scrutiny that will add value and not duplicate work that is already underway.

On every agenda for formal meetings of the overview and scrutiny committees, there is an item on the committee work programme. This provides Members with an opportunity to reflect on the issues that have been identified and assure themselves that they are appropriate for the committee.

The work programme for this committee is covered in agenda point 9.

Further information

Further information on Overview and Scrutiny is available on the North Yorkshire Council website - <https://www.northyorks.gov.uk/overview-and-scrutiny>

The overview and scrutiny officer supporting the work of this committee is:

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Committee papers are available from the North Yorkshire County Council website as follows - [Committee structure | North Yorkshire County Council](#)

Recommendation

That Members review the Committee's work programme, taking into account issues highlighted in this report, the outcome of discussions on previous agenda items and any other developments taking place across the County during the transition to a Unitary council.

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