

# West Berkshire Council Health Scrutiny Committee - Terms of Reference

## Overview

The role of this Committee is to undertake scrutiny of the planning, development and operation of Public Health and NHS services for citizens of West Berkshire, in accordance with the National Health Service Act 2006 (as amended by the Health and Social Care Act 2012) and the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.

Scrutiny of Social Care services within West Berkshire shall remain with the Overview and Scrutiny Management Commission (OSMC), and the Health Scrutiny Committee will report to OSMC.

## Functions of the Committee

1. To review and scrutinise any matter relating to the planning, provision and operation of Public Health and NHS services for citizens of West Berkshire, and in doing so to ensure that services are safe and effective in improving health and wellbeing of local citizens and reducing health inequalities.
2. To proactively seek information about the quality of local Public Health and NHS services, and about the performance of the commissioners and providers of these services, and also to test information provided by commissioners and providers by drawing on different sources of intelligence.
3. To consider and respond to consultations by relevant NHS bodies or health service providers, on proposals that both parties agree constitute a substantial development or substantial variation in the provision of health services for citizens of West Berkshire, using the powers set out in the relevant legislation and referring to any guidance issued by the Secretary of State for Health.
4. To develop and maintain a joint protocol about how the Health Scrutiny Committee and responsible NHS bodies and health service providers will reach a view as to whether or not a proposal constitutes a “substantial development” or “substantial variation”.
5. To require the relevant NHS body or health service provider to provide information about the proposal under consideration and its impacts on patients in West Berkshire, and where appropriate to require the attendance of a representative of NHS body or health service provider before the Committee to answer such questions as appear to it to be necessary for the discharge of its function in connection with the consultation.
6. Where there is a disagreement between the Committee and the relevant NHS body or health service provider, which cannot be resolved after reasonable practicable steps and the Committee believes that:
  - (a) the proposed substantial variation or development would not be in the interests of the citizens of West Berkshire; or

- (b) the arrangements put in place by the relevant NHS body or health service provider for consultation have not been adequate in relation to content or time allowed; or
- (c) the reasons given for not consulting by the relevant NHS body or health service provider are not adequate;

the Committee may determine whether to refer the matter to the Secretary of State for Health, in accordance with the relevant legislation and any government guidance, and taking account of any protocol agreed between the Committee and the NHS body or health service provider.

7. To liaise with Healthwatch West Berkshire (or its contractors) in relation to the health care element of their work programme, and to consider and respond to referrals from Healthwatch West Berkshire in relation to the planning, provision and operation of health services in the area.
8. To set up task and finish groups to undertake in-depth scrutiny reviews in relation to the above services on behalf of the Committee.
9. To consider and approve reports, including recommendations, prepared following in-depth reviews undertaken by task and finish groups, for submission to the relevant NHS organisation or other decision maker. Such reports and recommendations to include:
  - (a) an explanation of the matter reviewed or scrutinised;
  - (b) a summary of the evidence considered;
  - (c) a list of participants involved in the review or scrutiny; and
  - (d) an explanation of any recommendations on the matter reviewed or scrutinised.
10. To report on a quarterly basis to OSMC on progress against the work programme and any recommendations it makes.
11. In undertaking the above, the Health Scrutiny Committee should seek opportunities to engage with and represent local people, and engage them in the health scrutiny process.

### **Frequency of Meetings**

Meetings of the Health Scrutiny Committee are to be held in public as a matter of course, unless discussing items that are considered to be sensitive, in which case these may be considered as Part II items.

The Committee shall meet in accordance with the timetable of meetings agreed annually by Full Council.

Extraordinary meetings may be convened with the agreement of the Chairman to deal with specific, urgent matters.

Informal meetings, such as site visits, and meetings of task and finish groups may be organised as required.

### **Membership**

There will be 5 Members of the Health Scrutiny Committee, which will reflect the political balance of the council. These cannot be Members of the Executive.

Up to two non-voting co-optees can be appointed to the Health Scrutiny Committee to provide particular health expertise to assist with a particular review.

### **Quorum**

The quorum for the Health Overview & Scrutiny Committee shall be 4 voting members.

### **Joint Health Scrutiny Committees**

Where a joint health scrutiny committee is set up to undertake scrutiny of health issues across local authority boundaries, West Berkshire Council's membership of that joint committee will be drawn from the Members of the Health Scrutiny Committee.