



General Purposes Committee

Date:	21st February 2012
Classification:	For General Release
Title:	North West London Joint Health Overview and Scrutiny Committee (NWLJHOSC)
Report of:	Head of legal and Democratic Services
Wards Involved:	None
Policy Context:	Management of the Council
Financial Summary:	No financial implications arising from this report
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1. Executive Summary

- 1.1 This report proposes that the General Purposes Committee recommends to the full Council that Westminster joins the North West London Joint Health Overview and Scrutiny Committee (NWLJHOSC) to deal with one issue, formulating a response to recommendations made by the NHS North West London on service reconfigurations across the London Boroughs of Kensington & Chelsea, Hammersmith & Fulham, Ealing, Brent, Harrow, Hillingdon, Hounslow and Westminster City Council.

2. Recommendations

- 2.1 That the General Purposes Committee recommends to the full Council that it agrees:
 1. To establish a Joint Health Overview and Scrutiny Committee ('the joint committee') of North West London local authorities, in order to respond to NHS North West London's consultation on the service changes indicated in '*Shaping a Healthier Future.*'

2. To authorise the Head of Legal and Democratic Services to agree the terms of reference of the joint committee, in consultation with the Council's nominated member(s) of the joint committee.
3. To appoint member(s) to the NWLJHOSC as nominated by the Chief Whip and appointed by the Head of Legal and Democratic Services in accordance with his existing delegated authority.

Background

3. Duties of Health Scrutiny:

- 3.1 Current legislation (under the 2001 Health and Social Care Act, 2002 Regulations and 2003 Directions and Guidance) requires that:

"...where a local NHS body consults more than one OSC on a proposal it has under consideration for a substantial development of the health service or a substantial variation in the provision of such a service, the local authorities of these OSCs shall appoint a JOSC for the purpose of the consultation. Once established, only that JOSC may:

- *Make comments on the proposal consulted on to the local NHS body;*
- *Require the local NHS body to provide information about the proposal;*
- *Require an officer of the local NHS body to attend to answer questions in relation to the proposal."*

- 3.2 The eight North West London boroughs (Westminster, Kensington & Chelsea, Hammersmith & Fulham, Ealing, Brent, Harrow, Hillingdon and Hounslow) are therefore required to set up a time limited JHOSC to consider and respond to the forthcoming proposals. The formation of a JHOSC is required in any service change programme that affects neighbouring boroughs, to enable a view to be taken across the whole patch affected. The plans within NHS North West London's '*Shaping a healthier future*' would affect almost 2 million people, with many services crossing borough boundaries. NHS North West London believes that considering care across the whole area would enable them to plan services more effectively and more efficiently.

4. 'Shaping a Healthier Future' Case for Change

- 4.1 NHS North West London (NHS NWL) considers that the health needs of the people of North West London are changing, demands on health services are increasing and the way in which they have organised hospitals and primary care currently will not meet the needs of the future. Therefore NHS NWL report that health care services must change.

- 4.2 NHS NWL believes that people needing hospital care must be sure of receiving the best possible services and they deem that this is not happening consistently. They report that there are big differences in the quality of care patients receive depending on which hospital visited and when they visit. NHS NWL research across London has shown that those people attending and admitted to hospital during evenings, nights or at the weekend are more likely to die than people admitted at times when more senior staff are available. NHS NWL report that around 130 lives could be saved every year if mortality rates for admissions at the weekend were the same as during the week.
- 4.3 NHS NWL report that they have more hospital floor space per head of population than in other parts of the country, and use a greater proportion of the NHS budget on hospital care than average, whilst the productivity of NWL hospitals is lower than in other regions. The organisation believes that this is not the best use of resources. NHS NWL considers that the physical condition of hospital buildings also needs to improve. Despite having three relatively newly built hospitals (Central Middlesex, Chelsea and Westminster and West Middlesex), NHS buildings in NWL are reportedly in a poor state. Three quarters of hospitals require significant work to meet modern standards, at an estimated cost of £150m.
- 4.4 NHS NWL considers that the demand for health services in NWL will continue to grow and, given the economic pressure, the NHS would like to focus even harder on improving quality, safety, outcomes and experience, whilst also providing care in the most effective way. In essence this means that NHS North West London will want health services to be localised where possible, centralised where necessary. This will mean NHS NWL will need to review the current arrangement of hospitals.

5. Further Action

- 5.1 Only the Joint Health Overview and Scrutiny Committee (JHOSC) may comment on proposals for service change where proposals impact on patients in the area of more than one local authority. It is therefore a vehicle to enable local authorities to have input to any proposals for changes in NHS services in their area. However, individual local authorities retain the right to make a referral to the Secretary of State on service reconfiguration within their areas.
- 5.2 NHS NWL expects that discussions with stakeholders will take place throughout at both a local and more regional level. Local NHS leaders will continue to engage Local Authorities on a range of topics, especially those with joint commissioning arrangements and as part of the dialogue at Health and Wellbeing Boards (HWBs). For health scrutiny, monthly briefing sessions will be set up by NHS NWL to ensure all HOSCs are briefed on programme progress and have an opportunity to feed in their views and input.
- 5.3 However, NHS NWL would wish to only engage with the JHOSC once option(s) for consultation were identified and in lead up to decision to go to consultation. NHS NWL would expect JHOSC members to take topics for discussion back to their respective committees.

- 5.4 Although individual HOSCs will not have a formal role in the process, NHS NWL will be glad to engage, in an informal and proportional way, local HOSCs that would welcome that extra involvement. NHS NWL indicates that it is not intended that Health and Wellbeing Boards will have a formal scrutiny role or formal involvement with consultation on service change.
- 5.5 The terms of reference of the joint committee will be determined by an agreement of all London boroughs prior to the formation of the committee. The terms of reference are expected to be confined to responding to consultation. The details of the terms of reference, to be confined to responding to consultation and any matter incidental to that, will be finalised by the Head of Legal and Democratic Services.

6. Legal implications

- 6.1 The Local Authority (Overview and Scrutiny Committees Health Scrutiny Function) Regulations 2002 state that NHS bodies have a duty to consult an Overview and Scrutiny committee on any proposals it may have under consideration for any substantial development of the health service in its area; or any proposal to make a substantial variation in the provision of such services.
- 6.2 Regulation 7 allows for two or more authorities to establish a joint committee and arrange for the relevant functions in relation to those authorities to be exercisable by the joint committee. Regulation 10 states that the Secretary of State may direct a local authority to make arrangements to establish a joint committee. In 2003, the Secretary of State issued such directions to Local Authorities Overview and Scrutiny Committees which stated:

"Where a local NHS body consults more than one overview and scrutiny committee pursuant to regulation 4 of the Regulations on any proposal it has under consideration for a substantial development of the health service or a substantial variation in the provision of such service, the local authorities of those overview and scrutiny committees shall appoint a joint overview and scrutiny committee for the purposes of the consultation and only that joint overview and scrutiny committee may:—

- (a) make comments on the proposal consulted on to the local NHS body under regulation 4(4) of the Regulations;*
- (b) require the local NHS body to provide information about the proposal under regulation 5 of the Regulations; or*
- (c) require an officer of the local NHS body to attend before it under regulation 6 of the Regulations to answer such questions as appear to it to be necessary for the discharge of its functions in connection with the consultation."*

- 6.3 The decision of the General Purposes Committee to establish a joint committee is a non-executive function which must be approved by the full Council.
- 6.4 Each North West London borough will be entitled to nominate member(s) to sit on the joint committee. A nomination from the Chief Whip will be sought and the Members appointed by the Head of Legal and Democratic Services under his existing delegation.

If you have any queries about this Report or wish to inspect any of the Background Papers please contact: Mark Ewbank on 020 7641 2636; Email mewbank@westminster.gov.uk

BACKGROUND PAPERS

NHS North West London (2012) *Shaping a Healthier Future* [Published 1st February 2012]

Dr Rainsberry's letter to WCC (6th December 11)

Informal Briefing to Chairmen and Health Scrutiny Officers (16th Jan 12)

Presentation NHS NWL to the Health Scrutiny Officer Network (19th Jan 12)

Press Release – Case for Change (1st February 12)

Further Letter from Dr Rainsberry (1st February 12)

Health Scrutiny Briefing (1st February 12)