

Title of report: Role and Objectives of the Health, Care and Wellbeing Scrutiny Committee

Meeting: Health, Care and Wellbeing Scrutiny Committee

Meeting date: 22 July 2022

Report by: The Statutory Scrutiny Officer

Classification

Open

Decision type

This is not an executive decision

Wards affected

(All Wards);

Purpose:

This report provides a summary of the role of scrutiny committee, in accordance with the council's Constitution and the key strategic objectives for the committee, in accordance with the overall strategic objectives for scrutiny agreed by the Scrutiny Management Board on 16 June 2022.

Recommendation(s)

That the general role and remit of the scrutiny committee be noted, and the Health, Care and Wellbeing Scrutiny Committee Objectives for 2022-2023 be agreed.

Alternative options

1. There are no alternatives to the recommendations; the Scrutiny Management Board is to provide strategic management, direction and coordination of the council's five scrutiny committees. In developing this remit, it will require scrutiny committees to help implement its priorities and work programming activities.

Key considerations

2. On 11 October 2019, full Council resolved to review its governance arrangements to investigate and explore options for the future. The underpinning principles were set by the council:
 - a. To maximise member engagement and participation in decision-making.
 - b. To ensure decision-making is informed, transparent and efficient.

- c. To welcome public engagement.
 - d. To enable members and officers to perform effectively in clearly defined functions and roles.
3. The review was undertaken by the member led 'Re-thinking Governance' working group whereby a number of operational changes were proposed and agreed by full Council in March 2022. Those changes came into force on 20 May 2022. One of the principal changes brought in was a restructure to its scrutiny committees, moving from three scrutiny committees to five.
 4. Scrutiny is a statutory role fulfilled by councillors who are not members of the cabinet. The role of the scrutiny committees is to help develop policy, to carry out reviews of council and other local services, and to hold decision makers to account for their actions and decisions.
 5. The new scrutiny structure has been designed to drive improvements in the process of scrutiny at the council. Including, development of responsive and evidence led work programmes, strengthen mechanisms for cabinet to provide an Executive Response to scrutiny recommendations and to create a more robust system for being able to track and monitor their implementation.

The Role of Scrutiny Management Board

6. As part of the package of changes a new Scrutiny Management Board has been created. The remit of that board includes:
 - a. Undertaking scrutiny in relation to areas which are cross cutting nature e.g. corporate strategy and finance (budget), people and performance and corporate support.
 - b. Matters falling within the remit of one or more scrutiny committees,
 - c. Deciding which of the committees will consider whether a spotlight, task and finish or standing panel review is appropriate
 - d. The Budget and Treasury management
 - e. Approving an annual work programme for itself and the other scrutiny committees
 - f. Oversee communications to members and public in relation to scrutiny matters
 - g. The co-ordination of an annual effectiveness review and oversight of performance of council's companies, e.g. Hoople
7. To assist in the development of the Scrutiny Management Board, its Scrutiny Objectives were agreed by the Scrutiny Management Board on 16 June 2022.

The General Role of Scrutiny Committees

8. The general statutory role of local authority scrutiny committees is provided for by the Local Government Act 2000¹ and set out in the council's Constitution (Herefordshire Council Constitution, Part 2, Article 6²). In summary the general role of scrutiny committees in Herefordshire may be described as to:
 - a. drive improvement in public services,
 - b. provide constructive "critical friend" challenge;- hold the Executive to account,
 - c. be an effective vehicle for non-executive members to contribute to policy development.

¹ The Local Government Act 2000 F19f, Overview and scrutiny committees: functions.

www.legislation.gov.uk/ukpga/2000/22/section/9F

² Part 2, Article 6, Herefordshire Council Constitution, July 2022.

<https://councillors.herefordshire.gov.uk/documents/s50101327/Part%202%20Article%206%20Scrutiny.pdf>

The *Scrutiny Objectives*, is a working document, and as such, may be subject to change as the scrutiny committees develop their working practices. Scrutiny members are encouraged and invited to consider their working practices accordingly, working with the Statutory Scrutiny Officer, the scrutiny chairpersons and vice-chairpersons.

General Powers of Scrutiny Committees

9. Scrutiny committees also have the power to request information from council departments and certain other external organisations, where they should expect a response. Scrutiny committees should be clear why they are requesting information and when they need the response by.
10. Scrutiny committees have statutory powers to make recommendations to the Executive, as appropriate, and the Executive has a statutory duty to respond to scrutiny recommendations. They may also make reports and recommendations to external decision making bodies.
11. In tracking scrutiny recommendations, it is important that it is clear that the recommendations are addressed to the Cabinet, as the Executive decision making body of the council (or, where appropriate, external agency), and to track the decision of the Executive and thereafter the implementation status of the Executive Response and Executive decisions.

Scrutiny at Herefordshire Council

12. The council has five scrutiny committees, established by full Council on 20 May 2022;
 - i). Scrutiny Management Board
 - ii). Environment & Sustainability Scrutiny Committee
 - iii). Connected Communities Scrutiny Committee
 - iv). Children & Young People Scrutiny Committee
 - v). Health, Care & Wellbeing Scrutiny Committee.
13. The general role of the scrutiny committees is set out in Article 6 – Scrutiny of the Herefordshire Council Constitution, in accordance with the Local Government Act 2000. Part 3, Section 4 of the Constitution sets out the specific remits for each of the scrutiny committees. This includes the strategic management and coordination functions of the Scrutiny Management Board, as well as the thematic remits of the four other scrutiny committees. The Scrutiny Management Board is also responsible for the scrutiny of corporate cross cutting functions of the council.
14. Although scrutiny committees do not have any executive decision making powers, they do have statutory powers to make recommendations to the Executive, as appropriate, and the Executive has a statutory duty to respond to scrutiny recommendations. They may also make reports and recommendations to external decision making bodies.

The Health, Care and Wellbeing Scrutiny Committee Scrutiny Committee

15. The remit of the Health, Care and Wellbeing Scrutiny Committee is set out in the Council Constitution Part 3, Section 4, (Scrutiny Functions). The remit of the committee is:
 - i). Adult social care (including adult safeguarding)
 - ii). Health and wellbeing board
 - iii). Housing
 - iv). Adults mental and physical health & wellbeing

- v). Safe Herefordshire campaign
- vi). Outbreak control plan
- vii). New models of care accommodation
- viii). Talk Communities
- ix). Homelessness.
- x). All ages whole system commissioning strategy
- xi). Independent living services and Assistive technology plan
- xii). Adults and Communities budget and policy framework
- xiii). Statutory health scrutiny powers including the review and scrutiny of any matter relating to the planning provision and operation of health services affecting the area and to make reports and recommendations on these matters.

16. The draft key objectives for 2022-2023 for the Health, Care and Wellbeing Scrutiny Committee are set out at Appendix 1 for agreement by the committee.
17. This document sets out the role and approach of the Health, Care and Wellbeing Scrutiny Committee, in accordance with the terms of reference for the Scrutiny Committee which are contained within Part 3, Section 4 of the constitution. This is a working document and may require changes throughout the year.
18. The overall stated aim of the Health, Care and Wellbeing Scrutiny Committee is to provide effective constructive critical friend challenge to drive improvement in public services and be an effective vehicle for non-executive members to contribute to policy development.
19. The draft key objectives for 2022-2023 set out at Appendix 1 provides some specific objectives and measures for the committee to consider.

Community Impact

20. The council is committed to delivering continued improvement, positive change and outcomes in delivering key priorities.
21. In accordance with the principles of the code of corporate governance, the council is committed to promoting a positive working culture that accepts, and encourages constructive challenge, and recognises that a culture and structure for scrutiny are key elements for accountable decision making, policy development, and review.

Environmental Impact

22. The council provides and purchases a wide range of services for the people of Herefordshire. Together with partner organisations in the private, public and voluntary sectors we share a strong commitment to improving our environmental sustainability, achieving carbon neutrality and to protect and enhance Herefordshire's outstanding natural environment.
23. Whilst the scrutiny committees will not deal with specific environmental impacts, consideration should always be given to minimising waste and resource use in line with the council's Environmental Policy. Service areas within the council, where required to do so will be required to undertake specific environmental impact assessment for the service specific proposals being considered. The scrutiny committees, where they deem appropriate to do so, will be able to scrutinise those proposals to ensure that they minimise any adverse

environmental impact and actively seek opportunities to improve and enhance environmental performance.

Equality Duty

24. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to:–

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

25. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services. Whilst this is an update on the work of the scrutiny committees and will in itself have minimal equalities impacts, consideration has been made in the consideration of Executive decisions and the Executive Responses provided by the Cabinet.

Resource Implications

26. There are none.

Legal Implications

27. Sections 9F – 9FI of the Local Government Act 2000 requires council's that have Executive arrangements (Cabinet and Leader) must have in place a committee that provides an overview and scrutiny function for the council.

Risk management

Risk / opportunity	Mitigation
There is a reputational risk to the council if the scrutiny function does not operate effectively.	The arrangements for the development of the work programme should help mitigate this risk.

Consultees

The Chair of the Health, Care and Wellbeing Scrutiny Committee.

Appendices

Appendix 1: draft key objectives for 2022-2023 for the Health, Care and Wellbeing Scrutiny Committee – *to be tabled*.

Background papers

None identified.