

Progress Report

Meeting: Health, Care and Wellbeing Scrutiny Committee

Meeting date: 25th November 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 brief summary update on issues previously considered by the Health, Care and Wellbeing Scrutiny Committee, including responses to information requests made by the committee, updates on resolutions made by the committee, including reports and recommendations to the executive and the Executive Response and executive decision made in respect of scrutiny reports and recommendations.

Recommendation(s)

That the progress report on scrutiny information requests, scrutiny reports and recommendations and other matters raised by the committee be noted.

Alternative options

1. The alternative is for the committee not to receive a Progress Report to update on matters since the last meeting, which would provide less clarity and transparency on the progress of issues since the last meeting.

Key considerations

2. Scrutiny committees have statutory powers to make recommendations to the Executive, as appropriate, and the Cabinet has a statutory duty to respond to scrutiny recommendations. They may also make reports and recommendations to external decision making bodies.
3. 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 Cabinet and thereafter the implementation status of the Executive Response and Cabinet decisions.

4. Scrutiny committees also have the power to request information from council departments and certain other external organisations, from who they should expect a response. Scrutiny committees should be clear why they are requesting information and when they need the response by. Scrutiny committees may therefore wish to keep track of information requested at the previous meeting and for this to be received at the next ordinary meeting of the committee.

Scrutiny Committees at Herefordshire

5. 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.
6. 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 a strategic management and coordination functions for 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.
7. Although scrutiny committees do not have any executive decision making powers, they do have statutory powers to make recommendations to Cabinet, as appropriate, and Cabinet has a statutory duty to respond to scrutiny recommendations. The scrutiny committees may also make reports and recommendations to external decision making bodies.

Progress from the Previous Meeting

Obesity in Herefordshire

8. At the last meeting on 23rd September 2022 the committee considered strategies for preventing obesity in Herefordshire, with evidence from Councillor David Hitchiner – the Leader of the Council, council officers, including Matt Pearce - the Director of Public Health and Hilary Hall – Corporate Director for Community Wellbeing, NHS Partners from the Herefordshire and Worcestershire Integrated Care System (ICS), and expert witness Professor Paul Gately Carnegie Professor of Exercise and Obesity and Director of MoreLife Leeds Metropolitan University.
9. At the end of its consideration of this issue, the committee made 15 recommendations to the Cabinet, as set out in the minutes of the meeting¹. These have now been referred to Cabinet requesting an Executive Response. They have also been communicated to the NHS ICS.

¹ The numbering of the scrutiny recommendations may appear differently in the resolutions of the committee recorded in the minutes.

Stroke Services

10. At that meeting the committee also considered stroke services in Herefordshire, with oral and written evidence from the Mari Gay, Managing Director and chair of the Stroke Programme Board for the Herefordshire and Worcestershire Integrated Care System (ICS), Anna Swift - Project Manager for Children and Young People Transformation, NHS Herefordshire and Worcestershire, Anita Roberts, Programme Lead for Cancer and Stroke, Girish Muddegowda, Stroke Consultant and Jon Barnes, Chief Transformation and Delivery Officer.
11. The committee considered the NHS Herefordshire and Worcestershire ICS services and approach to stroke services across Herefordshire and Worcestershire, including a paper on Improving Stroke (including TIA) Services across Herefordshire and Worcestershire, September 2022.
12. At the end of its consideration of the matter the committee noted the wider public engagement being undertaken on improving stroke services across Herefordshire and Worcestershire will be focused on delivering the required improvement to further inform possible solutions, and put forward the following observations and suggestions for consideration by the NHS ICS:
 - a. The consultation on the model should consider how services can get early diagnosis and treatment to people in remote populations; specifically for patients to be able to get treatment within a four hour period.
 - b. There is a need to understand the budget implications and how the proposals would affect costs in reality, and how the Integrated Care Board would make decisions on the consideration of the cost / benefit analysis.
 - c. There is a need to be confident of the capacity of ambulance services and other local services to support the preferred model, as part of the future-proofing of the proposals.
 - d. That people that have suffered a stroke be offered bracelets to identify their increased risk of stroke.
 - e. That consideration be given to those patients on the Monmouthshire border and whether there were any prejudices to outcomes arising from travel times.
 - f. That 24/7 assessment imaging at Hereford County Hospital should be retained in the model.
 - g. The model should show confidence that it can accommodate fluctuation in demand over the average.
 - h. That the perceived tension between patients being seen at Worcester and the public health need to be seen quickly should be considered.
 - i. That it be recognised that increased travel times for relatives may arise and, where practical, provision should be made for visitors.
13. They have been referred to the NHS ICS and other relevant NHS partners involved.

Scrutiny Recommendations and Executive Response

14. In accordance with Part 4 Section 5 of the Herefordshire Council Constitution, the council's scrutiny committees may make recommendations to the full Council or the Cabinet with respect to any functions which are the responsibility of the executive or of any functions which are not the responsibility of the executive, or on matters which affect the county or its inhabitants. The Health, Care and Wellbeing Scrutiny Committee may also make recommendations to the relevant NHS bodies or relevant health service providers or full Council.
15. Scrutiny committees may not make executive decisions and scrutiny recommendations therefore require consideration and decision by the appropriate decision maker; usually the Cabinet, but also full Council for policy and budgetary decisions and the NHS where it is the decision maker.
16. The Scrutiny Recommendation Tracker table will provide a summary of scrutiny recommendations made during the municipal year, so that the scrutiny committee can track the progress of the recommendations made.
17. The Scrutiny Recommendation Tracker table includes each scrutiny recommendation made and the date it was made, (which will be as is recorded in the committee minutes), identification of the decision maker (e.g. Cabinet), the Executive Response (the actual Cabinet decision), which may be different from the scrutiny recommendation and which will be minuted in the Cabinet minutes, the date the Executive Response/decision was made and an implementation review date.
18. The Scrutiny Recommendation Tracker enables the scrutiny committee to track whether their recommendations have been agreed, what actually was agreed (if different) and ask about any outcomes arising from the scrutiny recommendations, for example, service improvements, value for money savings and outcomes for residents.
19. If the relevant respective executive decisions and actions have been implemented, they will not be referred over to the scrutiny recommendation tracker report for the next municipal year, but that any that have not been implemented may be referred to the scrutiny recommendation tracker for the next committee cycle.

Procedure for Recommendations from Scrutiny Committees

20. Where scrutiny committees make reports or recommendations to the Cabinet, as soon as this has been confirmed, these will be referred to the Cabinet requesting an Executive Response and the issue will be published on the council's Forward Plan. This will instigate the preparation of a report to Cabinet and the necessary consideration of the response, the technical feasibility, financial implications, legal implications and equalities implications etc.
21. Where scrutiny committees make reports or recommendations to full Council (e.g. in the case of policy and budgetary decisions), the same process will be followed, with a report to Cabinet to agree its Executive Response, and thereafter, a report will be prepared for Council for consideration of the scrutiny report and recommendations along with the Cabinet's Response.
22. Where scrutiny committees have powers under their terms of reference to make reports or recommendations external decision makers (e.g. NHS bodies), where they do this, the relevant external decision maker shall be notified in writing, providing them with a copy of the committee's report and recommendations, and requesting a response.

23. Once the Executive Response has been agreed, the scrutiny committee shall receive a report to receive the response and the committee may review implementation of the executive's decisions after such a period as these may reasonably be implemented (review date).

Community Impact

24. In accordance with the adopted 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. Topics selected for scrutiny should have regard to what matters to residents.

Environmental Impact

25. Whilst this is an update on the work of the scrutiny committees and will in itself have minimal environmental impacts, consideration has been made in the consideration of Executive decisions and the Executive Responses provided by the Cabinet.

Equality Duty

26. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:
27. 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.
28. 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

29. The costs of the work of the committee will have to be met from existing resources. It should be noted the costs of running scrutiny can be subject to an assessment to support appropriate processes.
30. The councillors' allowance scheme contains provision for co-opted and other non-elected members to claim travel, subsistence and dependant carer's allowances on the same basis as members of the council. If the committee agrees that co-optees should be included in an inquiry they will be entitled to claim allowances.
31. It is suggested that a scrutiny committee should only have one in-depth scrutiny task group inquiry running at a time.

32. Whilst this is an update on the work of the scrutiny committees and will in itself have minimal resource implications, consideration has been made in the consideration of Executive decisions and the Executive Responses provided by the Cabinet.

Legal Implications

33. The council is required to deliver a scrutiny function. The development of a work programme which is focused and reflects those priorities facing Herefordshire will assist the committee and the council to deliver a scrutiny function.
34. The Scrutiny Rules in Part 4 Section 5 of the council's Constitution provide for the setting of a work programme, the reporting of recommendations to Cabinet and the establishment of task and finish groups within the committee's agreed work programme.
35. There are no specific legal implications arising from this report which provides a progress update on recommendations made to Cabinet and subsequent Cabinet decision. Any legal implications arising from Cabinet Decisions will be detailed in the relevant Cabinet report.

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 - Health, Care and Wellbeing Scrutiny Committee Scrutiny Recommendation Tracker 2022-23.

Background papers

None identified.