

HEALTH SCRUTINY AND THE NEW RECONFIGURATION ARRANGEMENTS

Committee name	Health and Social Care Select Committee
Officer reporting	Nikki O'Halloran, Democratic Services
Papers with report	None
Ward	N/A

HEADLINES

On 9 January 2024, the Government published statutory guidance in relation to health scrutiny and the new reconfiguration arrangements. This report sets out what this means for Health and Social Care Select Committee which holds the statutory health scrutiny responsibilities in Hillingdon.

RECOMMENDATION:

That the Health and Social Care Select Committee notes the new guidelines.

SUPPORTING INFORMATION

From 2003, the Health and Social Care Act 2001 gave local health overview and scrutiny committees (HOSCs) the power to scrutinise local health services (powers to oversee local health services had previously been held by Community Health Councils). These powers were subsequently split between Patient and Public Involvement Forums (PPI Forums) and HOSCs - the role originally performed by PPI Forums is now carried out by local Healthwatch.

The primary aim of health scrutiny is to act as a lever to improve the health of local people, ensuring their needs are considered as an integral part of the commissioning, delivery and development of health services, and that those services are effective and safe. It is a fundamental way by which democratically elected local councillors are able to voice the views of their constituents and hold relevant NHS bodies and relevant health service providers to account.

As outlined in the *Health overview and scrutiny committee principles*, HOSCs continue to play a vital role as the body responsible for scrutinising health services for their local area. They retain legal duties to review and scrutinise matters relating to the planning, provision and operation of the health service in their area.

From 31 January 2024, new rules are being put in place in respect of the aspect of health scrutiny that relates to reconfigurations of local health services. This means that from this date, local HOSCs will no longer be able to formally refer matters to the Secretary of State where they relate to these reconfigurations. Instead, the Secretary of State themselves will have a broad power to intervene in local services – HOSCs (alongside local Healthwatch) will have the right to be formally consulted on how the Secretary of State uses their powers to “call in” proposals to make reconfigurations to local health services.

The Secretary of State's powers to "call in" proposals will only be used as a last resort, and only when they consider that local methods for resolution have been exhausted. Where a proposal is "called in", the Secretary of State will consult stakeholders, including local authorities, in considering how the intervention power should be used. When a notice is issued by the Secretary of State using their power of intervention, the relevant body must comply with that notice.

Other aspects of health scrutiny remain unchanged: the power to require representatives of NHS bodies to attend formal meetings; the power to get information from NHS bodies; and the power to require NHS bodies to have regard to scrutiny's recommendations. HOSCs' status as statutory consultees on reconfigurations also remains in place, with health and care providers required to engage as they do currently.

BACKGROUND PAPERS

GOV.UK (2024) '*Guidance – Local authority health scrutiny*', Available at: <https://www.gov.uk/government/publications/advice-to-local-authorities-on-scrutinising-health-services/local-authority-health-scrutiny> (Accessed: 11 January 2024)

CfGS (2024) '*Health scrutiny and the new reconfiguration arrangements: a further guide for scrutiny practitioners*', Available at: <https://www.cfgs.org.uk/wp-content/uploads/2024-01-09-HEALTH-SCRUTINY-PRIMER.pdf> (Accessed: 11 January 2024)

GOV.UK (2022) '*Guidance – Health overview and scrutiny principles*', Available at: <https://www.gov.uk/government/publications/health-overview-and-scrutiny-committee-principles> (Accessed: 11 January 2024)