

Title of Meeting:	Governance and Audit and Standards Committee Full Council
Date of Meeting	27 June 2013, 9 July 2013
Subject:	Proposed revision to the terms of reference of the Health Overview and Scrutiny Panel
Report by:	Michael Lawther Strategic Director and City Solicitor
Wards affected:	N/A
Key decision (over £250k):	No
Full Council decision:	Yes

1. Purpose of report

The purpose of the report is to consider proposed revisions to the terms of reference of the Health Overview and Scrutiny Panel (HOSP) which need to be updated following recent changes.

2. Recommendations

- 2.1 **That the Committee recommends to full council that the proposed changes to the terms of reference of the Health Overview and Scrutiny Panel, as set out in attached appendix 2, are approved.**

3. Background

The terms of reference for the Health Overview and Scrutiny Panel were last updated in 2009. The legislation governing the HOSP has changed and is now the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013. These changes followed from changes made to local authority health scrutiny in the Health and Social Care Act 2012. Also the Portsmouth Local Involvement Network (LINK) no longer exists. Therefore the terms of reference for HOSP need to be revised.

4. Reasons for recommendations

- 4.1 Currently the terms of reference (attached as appendix 1 for comparison purposes) are incorrect as they refer to legislation, bodies and procedures that have been superseded. Adopting the recommendation will reflect the updated position.
- 4.2 The details of the prospective changes are set out in appendix 2 attached.

5. Equality impact assessment (EIA)

5.1 An equality impact assessment is not required as the recommendation does not have a negative impact on any of the protected characteristics as described in the Equality Act 2010.

6. **Legal Comments** – It is within the powers of the committee to make these recommendations to Council.

7. **Finance comments** – Not applicable

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Signed by:
Michael Lawther, Strategic Director and City Solicitor.

Appendices:

Appendix 1 - Existing Terms of Reference (for comparison purposes)

Appendix 2 - Proposed Terms of Reference

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location

Appendix 1 - Existing Terms of Reference

4. Updated (in 2009) Terms of Reference – Health Overview & Scrutiny Panel

4.1 The following are the suggested updated terms of reference, to encapsulate the role of the Panel as set out in the 2003 previous report agreed by the City Council, and the changes to the Panel and Council as set out in paragraph 3.6:

1. To scrutinise matters relating to the health of Portsmouth's residents and contribute to the development of policy to improve health and reduce health inequalities.
2. To undertake all the statutory functions in accordance with the NHS Act 2006 and the Local Government & Public Involvement in Health Act 2007 relating to reviewing, scrutinising and receiving referrals relating to health and social care service matters.
3. To acknowledge formally receipt of all referrals made by the Portsmouth Local Involvement Network (LINK), and to keep the LINK informed of all actions taken in relation to the referral.
4. To review and scrutinise the impact of the City Council's own services and of key partnerships on the health of its residents.
5. To ensure the City Council as a whole, the Cabinet and other scrutiny topic panels take into account the implications of their policies and activities on health, and health inequalities.
6. To report and make recommendations to the NHS, Adult Social Care, the Portsmouth LINK, the City Council, the Cabinet and other scrutiny topic panels, and to other relevant bodies and individuals.
7. To evaluate and review the effectiveness of its recommendations.
8. In undertaking its functions the Panel's role and purpose should be to:
 - Focus on opportunities for improvement;
 - Promote healthy lifestyles and reduce health inequalities;
 - Provide a process for partnership between the local authorities and the relevant health bodies;
 - Not duplicate the work of other health inspection bodies or scrutiny committees;
 - Not cover individual cases, clinical issues, children's social care or NHS staffing;
 - Seek and take account of the views of Portsmouth's residents.

Appendix 2 - Proposed Terms of Reference

TERMS OF REFERENCE

PORTSMOUTH HEALTH OVERVIEW AND SCRUTINY PANEL (HOSP)

1. To undertake all the statutory functions in accordance with 'The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013'. These regulations followed from changes made to local authority health scrutiny in the Health and Social Care Act 2012.
2. To produce an annual work programme which the HOSP believes will contribute to the development of policy to improve health and reduce health inequalities.
3. To review and scrutinise any matter relating to the planning, provision and operation of health services in Portsmouth and SE Hampshire¹, the health of the local residents and matters of general concern affecting the determinants of health for the community of the area.
4. To set up appropriate procedures, in accordance with the relevant statutory framework, to facilitate the conduct of health review and scrutiny in consultation with local NHS bodies², the Portsmouth Health and Wellbeing Board and local Healthwatch.
5. To produce reports and make recommendations to local NHS bodies, Portsmouth City Council or other organisations on any health matter reviewed or scrutinised by it.
6. To evaluate and review the effectiveness of the HOSP's recommendations on an annual basis.
7. In undertaking its functions, the HOSP's role and purpose should be to:
 - Focus on opportunities for improvement;
 - Promote healthy lifestyles and wellbeing and to reduce health inequalities;
 - Provide a protocol for partnership working between HOSP and key stakeholders (such as the Portsmouth Health & Wellbeing Board, Healthwatch Portsmouth and NHS bodies) including information sharing, communication, engagement reporting mechanisms and organisational liaison;
 - Not duplicate the work of other health inspection bodies (such as local Healthwatch, Care Quality Commission) or scrutiny committees;
 - Not cover individual cases, clinical issues, children's social care or NHS staffing;
 - Seek and take account of the views of local residents including through Healthwatch Portsmouth.

¹ Defined as people living in Portsmouth and SE Hampshire (the catchment for Queen Alexandra Hospital)

² A local NHS body is any organisation or body which provides, or arranges for the provision of, or performs any management function in relation to, NHS services to persons residing within Portsmouth and SE Hampshire.