
Meeting: Social Care, Health and Housing Overview and Scrutiny Committee

Date: 30 July 2012

Subject: Substantial Variations and Development of Services

Report of: Cllr Drinkwater, Chairman of the Social Care, Health and Housing Overview and Scrutiny Committee

Summary: The report proposes the use of standard questions to help the Committee determine whether a variation or development of an NHS service is substantial and thus requires further consideration.

Advising Officer: Julie Ogley, Director of Social Care, Health and Housing

Contact Officer: Jonathon Partridge, Scrutiny Policy Adviser

Public/Exempt: Public

Wards Affected: All

Function of: Overview and Scrutiny Committee

CORPORATE IMPLICATIONS

Council Priorities:

1. The work programme of the Social Care, Health and Housing Overview and Scrutiny Committee supports the development of each of the Council's objectives but particularly supports the promotion of health and wellbeing and protecting the vulnerable.

Financial:

2. There are no financial implications directly arising from this report

Legal:

3. There are no legal implications directly arising from this report

Risk Management:

4. Not applicable

Staffing (including Trades Unions):

5. Not Applicable

Equalities/Human Rights:

6. All public bodies have a statutory duty to advance equality of opportunity, eliminate unlawful discrimination, harassment and victimisation and foster good relations in respect of nine protected characteristics; age disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Decisions should be made in a way which minimises unfairness and inequality.

7. Whilst there are no direct equalities or human rights implications arising from this report, it is important that Councillors are aware of this duty before decisions are made with regard to a variation or development of service and can ascertain that proposals have been subject to a rigorous equality impact assessment. This includes requirements to undertake appropriate consultation with all affected parties. The Public Sector Equality Duty is very exacting and must always be considered in addition to the Duty to Involve.
8. The requirement to undertake rigorous equality impact assessment and consultation is particularly onerous in relation to proposals to achieve efficiencies or to vary and redevelop services. Consideration should always be given to whether a proposal will have a substantial impact on a particular protected characteristic even if the numbers of people involved may be small.

Public Health

9. There are no public health implications directly arising from this report

Community Safety:

10. Not Applicable

Sustainability:

11. Not Applicable

Procurement:

12. Not applicable

RECOMMENDATION(s):

That the Social Care, Health and Housing Overview and Scrutiny Committee supports the use of the questions set out in the Appendix to assist in the determination of whether a variation or development of service is 'substantial'.

Duty to Involve in changes to health services

13. Legislation requires the NHS to involve and consult service users on proposals to change the way that services are delivered. Involving service users can help to determine whether services will be delivered appropriately following any changes. To fulfil the 'duty to involve' service providers will discuss proposals with clinicians, patients, carers and other partners.
14. As part of the duty to involve health commissioners and providers are required to inform the relevant local Overview and Scrutiny Committee of 'substantial' variations or developments of health services. In Central Bedfordshire the relevant Committee is the Social Care, Health and Housing Overview and Scrutiny Committee (SCHHOSC). At present service providers generally inform the Scrutiny Policy Adviser of any variations or developments in services. A briefing is circulated outside of the meeting to Members of the SCHHOSC so that Members can determine:-
 - 14.1 whether engagement with clinicians, patients, carers and other key partners has provided suitable information to inform the redesign; and or
 - 14.2 whether Members consider the variation or development to be substantial in nature.

What is a substantial variation or development of service?

15. Regulations do not define what constitutes a 'substantial' variation or development of service. It is suggested that health commissioners and the relevant Overview and Scrutiny Committee reach a mutual agreement of what they consider to be substantial.
16. To support Members determination of whether a proposal is substantial the appendix has been developed with health commissioners. The responses to these questions may identify aspects of the proposals that may lead to them being considered substantial, such as:-
 - the proposals affect a large number of service users;
 - the affected services are used regularly by patients; or
 - the proposals effect the location or accessibility of the service.
17. If approved these questions would be used by health commissioners and providers when developing proposals to redesign services. The questions would assist the development of both communication and engagement plans. The implementation of these questions will encourage commissioners to provide the SCHHOSC with the information that is necessary to support effective overview and scrutiny of any proposals in a timely manner.

What if proposals are substantial?

18. Following the receipt of a briefing if any Member feels that the proposals are substantial and require further consideration an item will be added to the agenda of the next available SCHHOSC.
19. At the SCHHOSC meeting Members of the Committee will be invited to discuss the proposals and following consideration will be asked to determine if the proposals are:-
 - 19.1 not substantial in nature in which case the Committee can determine whether or not they wish to be kept informed as appropriate; or
 - 19.2 substantial in nature, but the Committee is satisfied that adequate engagement with stakeholders is planned and therefore no additional formal consultation is required; or
 - 19.3 substantial in nature and the Committee feels that due to insufficient engagement a formal public consultation (12 weeks) is necessary to inform proposals. During the consultation the OSC would be consulted as a stakeholder.
20. The duty to involve requires health commissioners and providers to consult the relevant local Overview and Scrutiny Committee. Where proposals are substantial and they relate to more than one area the Committees are required to form a Joint Health Overview and Scrutiny Committee to be consulted on the proposals. Central Bedfordshire Council has formed various Joint Committees with other authorities such as Bedford Borough, Luton Borough, Milton Keynes and Northamptonshire.
21. Several proposals for variations or development of health services have been considered by the SCHHOSC. The following scenarios demonstrate how these approaches have been applied:-

Scenario 1: Developing 24/7 vascular services

22. A consultation was launched proposing a variation in the delivery of vascular services in the Bedfordshire and Milton Keynes region. A briefing was circulated to Members inviting comments and asking Members to notify the Scrutiny Policy Adviser if they would like an agenda item to be added to a future Committee meeting. Members did not consider the proposed variation to be substantial in nature and no further action was taken.

Scenario 2: Bedford Hospital Transforming for Excellence Programme

23. The Committee received a briefing relating to Bedford Hospital's Transforming for Excellence programme. The programme aimed to enhance efficiency and sustainability and support the delivery of £20m savings by 2014. The Committee considered the proposals at a Committee meeting and determined that although the proposals were substantial they did not feel that any further consultation was required. Updates continue to be received for information by Members of the Committee outside of the meetings on a monthly basis.

Scenario 3: South Midlands Healthier Together Review

24. The Committee received NHS proposals relating to the delivery of acute health services throughout the South East Midlands region and considered them to be substantial. As the proposals related to services both in and outside Central Bedfordshire a Joint Health Overview and Scrutiny Committee was established with representatives from five local authorities to operate throughout the process of redesigning the services.

Conclusion and Next Steps

25. The Committee is asked to consider the appendix for further use with health commissioners to assist in determining whether a variation or development of service is substantial. The appendix will be used to assist Members in determining whether an item should be added to the work programme of the Committee.

Appendices:

Appendix: Set of questions for determining substantial variation and or development of services.

Background papers and their location: (open to public inspection)

None