



**EAST STAFFORDSHIRE BOROUGH COUNCIL**

**REPORT COVER SHEET**

<b>Title of Report:</b>	Health and Care Overview and Scrutiny Committee: Code of Joint Working	To be marked with an 'X' by Democratic Services after report has been presented
<b>Meeting of:</b>	Corporate Management Team: <b>20<sup>th</sup> April 2023</b>	X
	Pre-Cabinet: <b>17<sup>th</sup> August 2023</b>	X
	Leader's / Leader of the Opposition's Advisory Group	X
	Council: <b>25<sup>th</sup> September 2023</b>	
	Audit Committee [DATE] / Scrutiny Community Regeneration Committee [DATE] / Scrutiny Environment and Health and Well Being Committee [DATE] / Scrutiny Value for Money Council Services Committee [DATE]	



<b>Is this an Executive Decision:</b>	NO	<b>Is this a Key Decision:</b>	NO
<b>Is this in the Forward Plan:</b>	YES	<b>Is the Report Confidential:</b>  <b>If so, please state relevant paragraph from Schedule 12A LGA 1972:</b>	NO  N/A

**Essential Signatories:**

**ALL REPORTS MUST BE IN THE NAME OF A HEAD OF SERVICE**

Monitoring Officer: **John Teasdale**

Date ..... Signature .....

Chief Finance Officer: **Sal Khan**

Date ..... Signature .....

**EAST STAFFORDSHIRE BOROUGH COUNCIL**

**Report to Council**

**Date: 25<sup>th</sup> September 2023**

**REPORT TITLE: Health and Care Overview and Scrutiny Committee:  
Code of Joint Working**

**PORTFOLIO: Leader of the Council**

**CHIEF OFFICER: Mark Rizk**

**CONTACT OFFICER: James Abbott Ext. No. x1244**

**WARD(S) AFFECTED: All**

**1. Purpose of the Report**

- 1.1. The purpose of this report is to provide an overview of a proposed code of health scrutiny joint working arrangements between Staffordshire County Council and Staffordshire district and borough Councils, for approval by the Council.

**2. Background**

- 2.1. The Code of Joint Working arrangements with district and borough councils for health scrutiny has been reviewed and refreshed by Staffordshire County Council. Its intention is to develop the health scrutiny function across Staffordshire and to foster good relationships with district and borough council scrutiny committees and health partners.
- 2.2. District and borough councils are requested to seek approval from their respective councils to formally agree, sign and adopt the document.
- 2.3. At East Staffordshire Borough Council, health related scrutiny is undertaken by the Scrutiny (Health & Wellbeing) Committee. The Committee's functions and procedures are set out in Part 3lc of the Council's Constitution.

### **3. Contribution to Corporate Priorities**

3.1. This contributes directly to Health & Wellbeing objectives.

### **4. Health and Care Overview and Scrutiny Committee: Code of Joint Working**

#### **4.1. Context**

4.1.1. Their Code of Joint Working arrangements with district and borough councils for health scrutiny has been reviewed and refreshed by Staffordshire County Council, and District and borough councils are requested to seek approval from their respective councils to formally agree, sign and adopt the Code (as provided in **Appendix 1**).

4.1.2. At East Staffordshire Borough Council, health related scrutiny is undertaken by the Scrutiny (Health & Wellbeing) Committee. This Committee discharges the overview and scrutiny function under Section 9F of the Local Government Act 2000 including any statutory functions of a Health Scrutiny Committee and any statutory functions of a Crime and Disorder Committee. It also can exercise any powers conferred by Staffordshire County Council and any powers conferred by legislation relating to health scrutiny.

#### **4.2. Summary of the Joint Code and its Principles**

4.2.1. Staffordshire County Council's Health and Care Overview & Scrutiny Committee (HCOSC) carries out Health Scrutiny activity in Staffordshire, and will lead on matters that can best be dealt with at a county-wide level. The Committee's remit can be found in the County Council's [Constitution](#).

4.2.2. District and borough Councils may ask the County Council to carry out scrutiny of an issue that is of a strategic nature or is county-wide.

4.2.3. The County Council may ask a lead district / borough council to carry out scrutiny of an issue, which the County Council believes can be best dealt with at a district level which is specific to their geographical area. This may be singly or jointly with other district / borough councils. The HCOSC may ask a district / borough to consider:

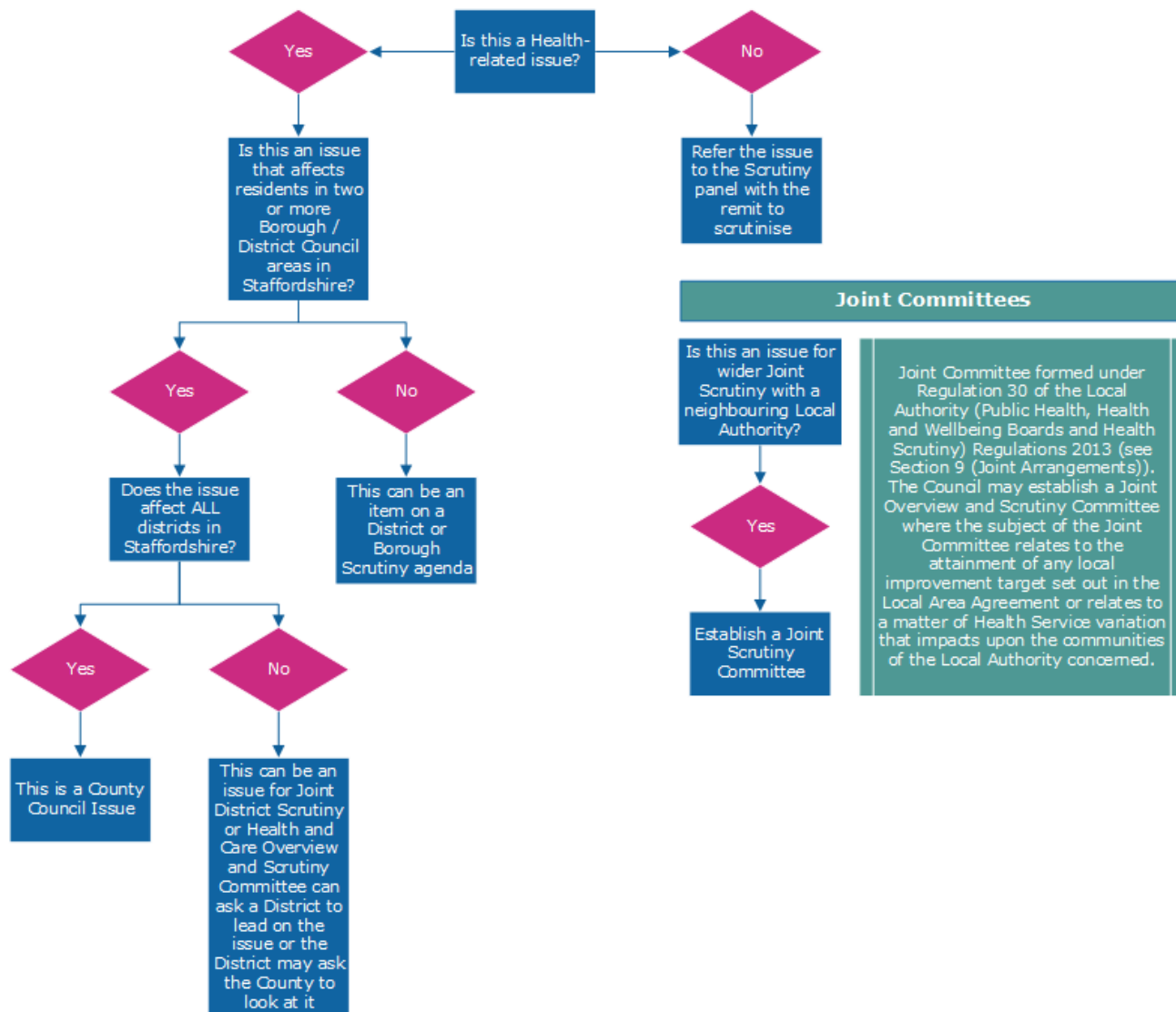
4.2.3.1. Locality specific commissioning proposals that solely affect health and wellbeing activities within that district / borough, whoever they are provided for;

4.2.3.2. Matters which have been agreed with the HCOSC;

4.2.3.3. District / borough services that interface with planning for and providing health services (for example, but not exclusively, housing, leisure and environmental health service; and relevant locality specific partnerships).

4.2.4. The appropriate lead organisation(s) for a scrutiny issue will be determined as summarised in the process detailed in **Figure 1** below:

**Figure 1: Joint Code**



4.2.5. The County's HCOSC has 21 Members appointed annually, consisting of 13 County Councillors and a Councillor from each of the 8 district and borough councils.

4.2.6. A representative of the Borough Council's Scrutiny (Health & Wellbeing) Committee would be appointed to the HCOSC and have full voting rights. Their role will be to:

- 4.2.6.1. Provide updates from their relevant Committee to the HCOSC.
- 4.2.6.2. Report back on any issue which the HCOSC has requested the relevant Committee to scrutinise.

4.2.7. The HCOSC will carry out activity in Staffordshire on the basis of the following working principles (and meeting statutory requirements where applicable):

4.2.7.1. **Scope of health scrutiny:** The intended outcome of health scrutiny activity is the improvement of the health and wellbeing of the people of Staffordshire. The HCOSC may review and scrutinise any matter relating to the planning, provision, and operation of health services in its area.

4.2.7.2. **Co-operation:** The authorities involved must be willing to share knowledge, respond to requests for information, initiatives and reports as appropriate. The County and District Councils will work together and mutually agree who will scrutinise each topic to ensure that nothing is overlooked and to avoid duplication of effort (as per Figure 1).

4.2.7.3. **Accountability:** The process of health scrutiny will be open and transparent.

4.2.7.4. **Code ownership:** The document will be owned by the County Council and will be reviewed annually in partnership with districts and boroughs.

### 4.3. Constitution

4.3.1. Each district and borough scrutiny committee will operate in line with their terms of reference in their own constitutions.

4.3.2. To ensure consistency each district and borough council would be required to include the extract below within their respective constitutions. Should the Council approve the adoption of the Code, the following text would be added to Part 31c of the Council's Constitution:

*a. The Council has agreed a Code of Joint Working between the Borough Council and Staffordshire County Council in relation to Overview and Scrutiny of health matters.*

*b. In accordance with the agreed code:*

*i. The County Council shall discharge the overview and scrutiny function under the Health and Social Care Act 2001 and subsequent guidance including the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.*

*ii. A representative of the Scrutiny (Health & Wellbeing) Committee will be appointed to Staffordshire County Council's Health and Care Overview & Scrutiny Committee.*

- iii. *The County Council is entitled to appoint one of its members to the Scrutiny (Health & Wellbeing) Committee in relation to health matters.*

#### 4.4. Officer Support to Health Scrutiny

4.4.1. The Health Scrutiny Officers Group (HSOG) has been formed to support the County HCOSC and district / borough scrutiny arrangements, made up of officer representatives of the County Council and at least one officer representative from each district / borough.

4.4.2. Administered and chaired by the County Council, meeting twice annually as a minimum, the HSOG will:

4.4.2.1. Put forward items of business to the HCOSC;

4.4.2.2. Inform the process of work programme planning and delivery;

4.4.2.3. Discuss and report on matters of note on health and care across Staffordshire;

4.4.2.4. Establish an appropriate mechanism to carry out the scrutiny function and consider the scrutiny arrangements at districts and boroughs.

#### 4.5. Summary

4.6. Full detail on the Code is set out in Appendix 1, including the relevant background, general principles and governance.

4.7. The Code also provides a series of Frequently Asked Questions (FAQs) providing further context to how the Code will work in practice.

### 5. Financial Considerations

*This section has been approved by the following member of the Financial Management Unit: **Lisa Turner***

5.1. There are no financial issues arising from this Report.

### 6. Risk Assessment and Management

6.1. The main risks to this Report and the Council achieving its objectives are as follows:

6.2. **Positive** (Opportunities/Benefits):

6.2.1. Develops the health scrutiny function across Staffordshire and fosters good relationships with district and borough council scrutiny committees and health partners.

6.2.2. The County and district / borough councils can work together and mutually agree who will scrutinise each topic to ensure that nothing is overlooked and to avoid duplication of effort.

6.3. **Negative (Threats):**

6.3.1. A perception that the approach could potentially reduce the number of scrutiny topics available to local committees and / or that the approach may dilute locally based questioning.

6.4. The risks do not need to be entered in the Risk Register. Any financial implications to mitigate against these risks are considered above.

7. **Legal Considerations**

*This section has been approved by the following member of the Legal Team:*  
**John Teasdale**

7.1. The main legal issues arising from this Report are as follows:

7.1.1. The Monitoring Officer will be required to update the Constitution to allow the proper implementation of the Code, including adding the text detailed at Paragraph 4.3.2 of this report to Part 3lc (Scrutiny (Health and Wellbeing) Committee), and any other minor amendments that may be necessary that may arise from making this amendment (for example to ensure consistency with other Parts).

8. **Equalities and Health**

8.1. **Equality impacts:** The subject of this Report is not a policy, strategy, function or service that is new or being revised. An equality and health impact assessment is not required.

9. **Data Protection Implications – Data Protection Impact Assessment (DPIA)**

10.1. A DPIA must be completed where there are plans to:

- use systematic and extensive profiling with significant effects;
- process special category or criminal offence data on a large scale; or
- systematically monitor publicly accessible places on a large scale
- use new technologies;
- use profiling or special category data to decide on access to services;
- profile individuals on a large scale;
- process biometric data;
- process genetic data;
- match data or combine datasets from different sources;



- collect personal data from a source other than the individual without providing them with a privacy notice ('invisible processing');
- track individuals' location or behaviour;
- profile children or target marketing or online services at them; or
- process data that might endanger the individual's physical health or safety in the event of a security breach

10.2 Following consideration of the above, there are no Data Protection implications arising from this report which would require a DPIA.

**10. Human Rights**

10.1. There are no Human Rights issues arising from this Report.

**11. Sustainability (including climate change and change adaptation measures)**

11.1. Does the proposal result in an overall positive effect in terms of sustainability (including climate change and change adaptation measures)? **N/A**

**12. Recommendation(s)**

12.1. To adopt the Code of Joint Working as provided in Appendix 1.

12.2. Subject to Recommendation 12.1, that the Monitoring Officer makes the necessary amendments to the Constitution as referred to in Paragraph 4.3.

**13. Background Papers**

13.1. None

**14. Appendices**

14.1. Appendix 1: Health and Care Overview and Scrutiny Committee Code of Joint Working