

REPORT TO: Health Policy & Performance Board

DATE: 28 June 2022

REPORTING OFFICER: Operational Director – Legal & Democratic Services

PORTFOLIO: Health & Wellbeing

SUBJECT: Arrangements for Cheshire & Merseyside Integrated Care System Joint Scrutiny Committee

WARDS: Borough-wide

1.0 PURPOSE OF REPORT

- 1.1 To seek the Board's recommendation for Council approval for the establishment of a Cheshire and Merseyside Integrated Care System Joint Health Scrutiny Committee and to consider for adoption the amended "Protocol for the Establishment of Joint Health Scrutiny Arrangements in Cheshire and Merseyside".
- 1.2 In response to the proposed establishment of Integrated Care Systems in England under the Health and Care Act 2022, actions are required to ensure that joint health scrutiny arrangements in Cheshire and Merseyside are fit to meet the challenge of the new statutory Integrated Care System (ICS) arrangements
- 1.3 The "Protocol for Establishment of Joint Health Scrutiny Arrangements for Cheshire and Merseyside" was approved by the Council in 2014. The amended version now requires Council approval.

2.0 RECOMMENDATION:

That the Board recommend Council to approve

- (1) the establishment of a Cheshire and Merseyside Integrated Care System Joint Health Scrutiny Committee ; and**
- (2) the amended "Protocol for the establishment of Joint Health Scrutiny Arrangements in Cheshire and Merseyside" be adopted.**
- (3) that the Board nominates two Labour Councillors to sit on the new Committee for 2022/23 and recommends them to Council**

3.0 BACKGROUND

- 3.1 In response to the proposed establishment of Integrated Care Systems in England under the Health and Care Act 2022, the Chief Executives of the nine Merseyside and Cheshire local authorities agreed a number of actions to ensure that joint health scrutiny arrangements in Cheshire and Merseyside are fit to meet the challenge of the new statutory Integrated Care System (ICS) arrangements. It has been deemed appropriate to establish a standing joint health scrutiny committee which will have the opportunity to take on the Authorities' collective statutory responsibility to oversee and scrutinise the operation of the ICS at Cheshire and Merseyside Level.
- 3.2 Originally, it was anticipated that actions would need to be taken prior to April 2022 to meet the government's anticipated timescale for transition to Integrated Care Systems. However, it has been confirmed that the transition to ICS arrangements will now take place on 1 July 2022.
- 3.3 A Joint Health Scrutiny Working Group, comprised of Health Scrutiny Officers was established in January 2022 and has met on a fortnightly basis to agree the arrangements for the establishment of the Joint Health Scrutiny Committee. The Working Group has drafted a Cheshire and Merseyside Integrated Care System Joint Health Scrutiny Committee – Joint Committee Arrangements Document (attached as Appendix A) to outline how the standing joint committee will operate. The main features of the document are as follows:
- Funding – consensus was that a flat rate of £10,000 should be paid by each authority for an initial period of 18 months.
 - Membership – each authority should nominate two representatives to serve on Committee.
 - Political balance – recognition of the need to ensure that membership had to reflect the aggregate political balance across the nine authorities. This would be subject to annual calculation and would require compromise between the authorities to secure balance on each occasion. For 2022/23, Halton would be asked to appoint two Labour Councillors
 - Joint Committee remit – this would cover the ICS responsibilities exercised at Cheshire and Merseyside level, plus any proposals for changes in health services that not only impact all nine local authority areas but was also considered to be a substantial change by each of the nine.

4.0 LEGAL IMPLICATIONS

- 4.1 The functions of the Joint Committee, to be known as the "Cheshire and Merseyside Integrated Care System Joint Health Scrutiny Committee" are to be exercised with a view to supporting the effective planning, provision, and operation of health services at Cheshire and Merseyside level. This will include promoting transparency in how the ICS fulfils its

responsibilities within Cheshire and Merseyside. The overarching role of the Joint Committee is to scrutinise the work of the ICS in the discharge of its statutory responsibilities and functions at Cheshire and Merseyside level in order to support their effective exercise and, where appropriate, to make reports or recommendations to the ICS.

- 4.2 Post-July 2022 and the establishment of the ICS, local authorities will still have a statutory obligation to undertake health scrutiny at a “place” level. Individual local authority Health Scrutiny Committees will need to continue to meet to consider matters directly relating to their areas and also to consider any potential substantial variations in health service provision that only impact on their respective local authority area. Each local authority will be responsible for determining these work plans and managing their relationships with NHS colleagues to ensure Health Scrutiny at this level (i.e. place) meets its obligations and provides the necessary political oversight, transparency and challenge.

5.0 PROTOCOL FOR THE ESTABLISHMENT OF JOINT HEALTH SCRUTINY ARRANGEMENTS IN CHESHIRE AND MERSEYSIDE

- 5.1 In 2014, all nine Cheshire and Merseyside Authorities gave their approval to a “Protocol for Establishment of Joint Health Scrutiny Arrangements for Cheshire and Merseyside”. Substantively, the existing protocol provides a framework for the mandatory establishment of ad-hoc joint committees where two or more of the authorities deem a service change proposal to be a substantial variation in those services. The protocol was approved in 2014.
- 5.2 In summary, the statutory framework set out in legislation authorises local authorities to review and scrutinise any matter relating to the planning, provision and operation of the health service; and consider consultations by a relevant NHS body or provider of NHS-funded services on any proposal for a Substantial Development or Variation (SDV) to the health service in the local authority’s area.
- 5.3 Where such proposals impact on more than one local authority area, each authority’s health scrutiny arrangements must consider whether the proposals constitute a substantial development or variation or not. The regulations place a requirement on those local authorities that agree that a proposal is an SDV to establish, in each instance, a joint overview and scrutiny committee for the purposes of considering it. The existing protocol deals with the operation of such arrangements for the local authorities of Cheshire and Merseyside. The criteria set out within the protocol assists in ensuring that there is a consistent approach applied by each authority in making their respective decisions on whether a proposal is “substantial” or not.
- 5.4 Given the incoming changes and the establishment of Integrated Care Systems in England under the Health and Care Act 2022, the opportunity has been taken to review and update the existing Joint Health Scrutiny

Protocol (agreed in 2014) to ensure that the framework for the operation of joint health scrutiny committees regarding substantial developments and variations of the health service across Cheshire and Merseyside was consistent with the arrangements for the new standing committee. The proposed revisions relate to quorum and political balance and is attached at **Appendix B**.

6.0 POLICY IMPLICATIONS

6.1 The proposals are consistent with legislation and local policy.

7.0 FINANCIAL IMPLICATIONS

7.1 Temporary funding (£90k across all nine Local Authorities affected) to support the Joint Health Scrutiny Committee for an initial period of 18 months will be required. Each authority will be requested to contribute a total of £10,000 over the initial 18 months. This will be met from existing service budgetary provision.

Discretion is permitted at individual local authority level for remuneration to be paid to Joint Health Scrutiny Committee representatives.

8.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

8.1 The contents and proposals within this report are in line with the Council priorities of the promotion of good health, independence, and care across our communities.

The establishment of a standing Joint Health Scrutiny Committee will hold to account the Cheshire and Merseyside Integrated Care System in relation to the exercise of their responsibilities at local level.

9.0 RISK ANALYSIS

9.1 There are no specific risks.

10.0 EQUALITY AND DIVERSITY ISSUES

10.1 There are no direct implications from this report.

11.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

11.1 There are no background papers within the meaning of the Act.