

Birmingham City Council

Health and Adult Social Care Overview and Scrutiny Committee

Date: 19th December 2023



Subject: Health and Adult Social Care Overview and Scrutiny Committee's Work Programme

Report of: Christian Scade, Head of Scrutiny and Committee Services

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1 Purpose.

- 1.1 This report sets out the proposed work programme for the Health and Adult Social Care Overview and Scrutiny Committee for 2023-24, based on the Committee's meeting in October. Appendix 1 outlines the topics identified, aims and objectives and the preferred method of scrutiny to achieve these objectives. The report also refers to other topics, which the Committee has identified, for future consideration, and will be continuously updated during the year.
- 1.2 At Co-ordinating Committee Overview and Scrutiny Committee on 13 October 2023 it was acknowledged that Overview and Scrutiny work programmes will need to refocus, giving priority on issues responding to the Council's improvement journey. The Governance Review reported to Cabinet on 12 December also makes recommendations regarding the focus for future Scrutiny work.

2 Recommendations.

- 2.1 That the Committee:
 - Notes the information set out in Appendix 1 and reviews the Committee's work programme in view of Recommendation 5 of the Governance Review regarding Scrutiny's role in assurance and improvement as set out in Section 4 of the report below.
 - Agrees, subject to further input from the Chair and Deputy Chair, the issues that the Committee will consider during January 23– March 24, the proposed aims and objectives and the preferred method of scrutiny.

- Identifies, subject to further input from the Chair and Deputy Chair, the issues that the Committee will consider in April 2024, the proposed aims and objectives and the preferred method of scrutiny.
- Notes, subject to further input from the Chair and Deputy Chair outside of the meeting, its proposed work programme will be submitted to Co-ordinating O&S to enable work to be planned and co-ordinated throughout the year.

3 Background.

- 3.1 The [statutory guidance for local government overview and scrutiny](#) sets out the role it can play in holding an authority's decision makers to account. This makes it fundamentally important to the successful functioning of local democracy.
- 3.2 Effective Overview and Scrutiny should:
- Provide constructive 'critical friend' challenge.
 - Amplify the voices and concerns of the public.
 - Be led by independent people who take responsibility for their role.
 - Drive improvements in public services.
- 3.3 The role and functions of Overview and Scrutiny Committees are outlined in [The City Council's Constitution | Birmingham City Council](#) They will:
- Make reports and/or recommendations to the full Council, the Executive and/or other organisations in connection with the discharge of the functions specified in their terms of reference.
 - Consider any matter covered in their terms of reference that may affect or be likely to have an effect on the citizens of Birmingham; relevant to the Council's strategic objectives; relevant to major issues faced by officers in managing a function of the Council; and likely to make contribution to moving the Council forward and achieving key performance targets.
- 3.4 Effective scrutiny needs to add value. A well planned and timely work programme enables Overview and Scrutiny Committees to be involved at the right time and in the right way, and ensure their involvement is meaningful and can influence the outcome.
- 3.5 Members often have a number of topics suggested to them and are therefore required to **prioritise** matters for consideration. The Scrutiny Framework sets out the following factors to be considered:
- *Public interest*: concerns of local people should influence the issues chosen.
 - *Ability to change*: priority should be given to issues that the Committee can realistically influence.

- *Performance*: priority should be given to areas in which the Council and Partners are not performing well.
- *Extent*: priority should be given to issues that are relevant to all or a large part of the city.
- *Replication*: work programme must take account of what else is happening to avoid duplication.

Looking Ahead.

- 3.6 Overview and Scrutiny Committees will identify a ‘menu’ of issues (including policy development, policy review, issues of accountability and statutory functions) at the start of the year. Each Committee should then regularly review their ‘menu’ and decide which issues need to be examined further, and how that work would be undertaken. Scrutiny activities should be thorough and undertaken in a timely manner.

Scrutiny Methods.

- 3.7 There are a range of ways to undertake scrutiny. The approach for 2023-24 enables flexible scrutiny and outlines a shift from monthly formal meetings to a combination of approaches. The Committee will choose the most effective scrutiny method to achieve the desired aims and objectives for each topic.
- 3.8 Based on Statutory Guidance published in 2019, different scrutiny methods include (but are not limited to):
- A single item, or items, on a committee agenda – this method fits more closely with the “overview” aspect of the Scrutiny function and provides limited opportunity for effective scrutiny. It is most appropriate for specific issues where the committee wants to maintain a watching brief.
 - A single item meeting, either as the committee or a more limited number of Members. It has the capacity to enhance the previous option by taking evidence from a number of witnesses.
 - A task and finish day - provided that these are properly focused, they ensure Councillors can swiftly reach conclusions and make recommendations and are effective even for complex topics.
 - A task and finish review – this is an enhancement of the previous option being held over four or six meetings spread over a limited number of months.

Health and Adult Social Care Overview and Scrutiny Committee.

- 3.9 The Committee’s Terms of Reference is to fulfil its functions as they relate to any policies, services and activities concerning the development of Health and Wellbeing Board and relationship with NHS and private providers; social care services and safeguarding for adults; public health services; healthy living, and discharge of the

relevant overview and scrutiny role set out in the National Health Service Act (2006) as amended by the Health and Social Care Act (2012) including:

- The appointment of Joint Overview and Scrutiny Committees with neighbouring authorities
- The exercise of the power to make referrals of contested service reconfigurations to the Secretary of State as previously delegated to the Health and Social Care Overview and Scrutiny Committee by the Council.

3.10 The Committee is chaired by Councillor Mick Brown, and its membership comprises Councillors Shabina Bano, Kath Hartley, Amar Khan, Gareth Moore, Rob Pocock, Julien Pritchard and Paul Tilsey.

4 Work Programme 2023-24

4.1 Appendix 1 sets out the topics the Committee previously agreed to be included in the Committee's work programme for the year.

4.2 The Governance Review of Birmingham City Council by the Centre for Public Scrutiny will be considered by Cabinet at the meeting on 12 December. The full report is available from [CMIS > Meetings](#). Recommendation 5 of the report sets out the need to reframe the scrutiny work programme to focus on the Council's improvement and recovery priorities:

- Having an active part in the 2024/25 budget development process.
- The safe and effective delivery of key services supporting vulnerable people.
- Critical performance issues emerging "by exception".
- Equality and equity issues arising from the development of the 24/25 Budget, the Emergency Budget (to be identified by exception), and other priority scrutiny activity relating to the Budget.
- Culture, behaviour change and organisational development.

4.3 It will be important for the Committee to reflect on the findings and recommendations of the Governance Review and how the work programme aligns with the issues set out above.

4.4 The Committee may decide to add further items to the work programme during the year. When considering this, the Committee is advised to consider where it can best add value through scrutiny aligning to the Council's priorities and improvement journey, and how it can prioritise topics for consideration based on the Scrutiny Framework referred to in 3.5.

4.5 The Council's latest Forward Plan: [December 2023 Forward Plan \(cmis.uk.com\)](#) may assist Members in identifying future topics. The following reports are of particular relevance to this Overview and Scrutiny Committee:

ID Number	Title	Proposed Date of Decision
012130/2023	<u>Regulated Adult Social Care Commissioning Strategy – Home Support and Quick Discharge Services</u>	12/12/23
012029/2023	<u>Section 75 Agreement, Pooled/Aligned Budget Arrangements 2023/25 – Better Care Fund</u>	12/12/23

- 4.6 Overview and Scrutiny Chairs are advised to maintain regular engagement with Cabinet Members to enable flexibility to be built into the Overview and Scrutiny work programme, in order to respond to the Council's policy priorities in a timely way.
- 4.7 The work programme attached as Appendix 1 also cross references the work of the Scrutiny Committee with the Council's Corporate Priorities 2022-26. During the June 2023 – January 2024 the work of the Health and Adult Care Overview and Scrutiny Committee will contribute to 8 Corporate Priorities.
- 4.8 The work of the Children and Young People's Mental Health Task and Finish Group has progressed and will report to City Council on 9 January 2024.

5 Any Finance Implications

- 5.1 There are no financial implications arising from the recommendations set out in this report.

6 Any Legal Implications

- 6.1 There are no legal implications arising from the recommendations set out in this report.

7 Any Equalities Implications

- 7.1 The Council has a Public Sector Equality Duty under the Equality Act (2010) to have due regard to the need to:
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act.
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
 - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 7.2 The protected characteristics and groups outlined in the Equality Act are Age; Disability; Gender Reassignment; Marriage and Civil Partnership; Pregnancy and Maternity; Race; Religion and Belief; Sex, and Sexual Orientation.
- 7.3 The Committee should ensure that it addresses these duties by considering them during work programme development, the scoping of work, evidence gathering and

making recommendations. This should include considering how policy issues impact on different groups within the community, particularly those that share a relevant protected characteristic; whether the impact on particular groups is fair and proportionate; whether there is equality of access to services and fair representation of all groups within Birmingham; and whether any positive opportunities to advance equality of opportunity and/or good relations between people are being realised.

- 7.4 The Committee should ensure that equalities comments, and any recommendations, are based on evidence. This should include demographic and service level data and evidence of residents/service-users views gathered through consultation.

8 Appendices

- 8.1 Appendix 1: Health and Adult Social Care Overview and Scrutiny Committee Work Programme 2023-24 - December

9 Background Papers

- 9.1 [Birmingham City Council Constitution](#)
- 9.2 Birmingham City Council Overview and Scrutiny Framework April 2021
- 9.3 Cabinet Report 12 December: Governance Review of Birmingham City Council by Centre for Governance and Scrutiny [CMIS > Meetings](#)