

Birmingham City Council
Joint Health Overview and Scrutiny Committee
Birmingham City Council and Solihull
Metropolitan Borough Council

Date 19 January 2023



Subject: Terms of Reference for the Joint Health Overview and Scrutiny Committee Birmingham City Council and Solihull Metropolitan Borough Council

Report of: Cllr. Mick Brown and Cllr. Martin McCarthy, Chairs of the Joint Health Overview and Scrutiny Committee
Birmingham City Council and Solihull Metropolitan Borough Council

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1 Purpose

To update the Joint Health Overview and Scrutiny Committee Birmingham City Council and Solihull Metropolitan Borough Council Terms of Reference to reflect the changes in NHS organisations following the establishment of Integrated Care Systems.

2 Recommendations

- 2.1 The Committee agrees the amendments to the terms of reference attached as Appendix 1.

3 Any Finance Implications

- 3.1 There are no new financial implications resulting from this report. The Joint Health Overview and Scrutiny Committee Birmingham City Council and Solihull Metropolitan Borough Council will be supported from within existing resources by both authorities as set out in Section 5 of the Terms of Reference attached of Appendix 1.

4 Any Legal Implications

- 4.1 The amendments to the terms of reference follow the establishment of Integrated Care Systems under the Health and Care Act 2022. A further review of the terms

of reference will be undertaken when the Statutory Guidance on Health Scrutiny has been published.

5 Any Equalities Implications

- 5.1 Birmingham City Council and Solihull Metropolitan Council have 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.
- 5.2 The Committee should ensure that it addresses these duties. 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 the Joint HOSC area; Whether any positive opportunities to advance equality of opportunity and/or good relations between people are being realised.

6 Appendices

- 6.1 Appendix 1: Joint Health Overview and Scrutiny Committee Birmingham City Council and Solihull Metropolitan Borough Council Terms of Reference.

7 Background Papers

- 7.1 None

Joint Health Overview and Scrutiny Committee (Solihull and Birmingham)

Terms of Reference

19 January 2023

1 Rationale

1.1 Following its inception to examine proposed variations of maternity services at Solihull Hospital, which had implications for patients across Birmingham and Solihull, the scope of the Joint Committee was extended through updates to its Terms of Reference in 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2019, 2023 to include: -

- The monitoring of related issues, such as quality of care across the former Heart of England NHS Foundation Trust, Birmingham and Solihull Mental Health Trust sites, as necessary.
- The scrutiny of activity particularly with regards to any change to clinical pathways.
- To consider proposals coming forward from the Birmingham and Solihull Integrated Care System (ICS) that affect Birmingham and Solihull.

1.2 Following the establishment of Birmingham and Solihull ICS in July 2022; merger of University Hospital Birmingham with the former Heart of England Foundation Trust in 2018 to form a greater University Hospitals Birmingham (UHB) (including the Queen Elizabeth Hospital, Heartlands Hospital, Good Hope Hospital and Solihull Hospital); a Joint Health Scrutiny Committee needs to continue to exist. It should consider the above, scrutinise and maintain an oversight of health service developments and substantial variations taking place in across Birmingham and Solihull and maintain an overview of key issues such as: -

- Finances and performance (provider / commissioner)
- Quality of care
- Consultation and engagement activity

2 General Terms of Reference

2.1 The primary role and purpose of the Joint HOSC is to consider:

- Whether as a statutory body, the Joint HOSC has been properly consulted within the consultation process;
- Whether in developing the proposals for service changes, the health body concerned has taken into account the public interest through appropriate patient and public involvement and consultation;
- Whether a proposal for changes is in the interest of the local health service.

Appendix 1

- 2.2 The primary role will be in respect of proposed service changes and quality of care issues affecting the provider bodies such as UHB and Birmingham and Solihull Mental Health Foundation Trust and the BSol ICS over proposed changes to care pathways.
- 2.3 The JHOSC would also scrutinise and have oversight of joint issues / plans emerging from the and Health and Wellbeing Boards across Birmingham and Solihull.
- 2.4 The Joint HOSC will have regard to the four requirements for lawful consultation in reaching its conclusions on service changes.
- At the formative stage, the consulting body must have an open mind on the outcome;
 - There must be sufficient reasons for the proposals, and requests for further information should be supported;
 - Adequate time should be allowed for consultation with all stakeholders;
 - There should be evidence of conscientious consideration of responses by the consulting body.
- 2.5 The joint response to the consulting Healthcare Body will be agreed by the Joint Health Overview and Scrutiny Committee and signed by both Chairmen.
- 2.6 No matter to be discussed by the Group shall be considered to be confidential or exempt without the agreement of both Councils and subject to the requirements of Schedule 12A of the Local Government Act 1972.

3 Timescales & Governance

- 3.1 The Joint Health Overview and Scrutiny Committee will continue whilst proposed services changes that affect both areas are contemplated.
- 3.2 The responsibility for chairing meetings will alternate between Birmingham and Solihull, the Health Scrutiny Chair of the hosting authority to chair the meeting. The location of meetings is to rotate between the two authorities. In the absence of a meeting Chairman, the Chairman of the other Authority, if present, takes the chair, and in the absence of both Chairmen, a Chairman will be elected from those members present at the meeting.
- 3.3 Meetings of the Joint HOSC will be conducted under the Standing Orders of the host Local Authority (i.e. the Local Authority chairing the meeting and providing democratic services support)

4 Communication with Media

- 4.1 Should a press statement or press release need to be made by the Joint Health Overview and Scrutiny Committee, this will be drafted by the host Local Authority on behalf of the Committee and will be agreed by both Chairmen.

5 Membership

- 5.1 Membership of the Joint HOSC will be nominated by the Birmingham City Council and Solihull Metropolitan Borough Council.
- 5.2 Membership of the Joint Scrutiny Committee will reflect the political balance of each local authority. For a committee of ten members the ratio for Solihull is (3:2) and for Birmingham it is (3:1:1).
- 5.3 The quorum for meetings will be four members, comprising two members from each authority.
- 5.4 Healthwatch Birmingham and Solihull should be given an opportunity to contribute to the meetings as and when necessary to do so.

6 Support Arrangements / Resources

- 6.1 The work of the Joint HOSC will require support in terms of overall co-ordination, setting up and clerking of meetings and underpinning policy support and administrative arrangements.
- 6.2 Venues for meetings are to be rotated between Solihull MBC and Birmingham City Council with associated administrative costs to be borne by the respective Authority. Responsibility for administrative/ policy support and clerking arrangements is also to be alternated between the two Authorities.
- 6.3 The support officers for the JHOSC will need to work together to support the development and co-ordination of a JHOSC work programme.
- 6.4 These terms of reference would have regard to the following statutory guidance: -

Health Scrutiny Guidance (2014)

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/324965/Local_authority_health_scrutiny.pdf

Statutory Overview and Scrutiny Guidance (2019)

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/324965/Local_authority_health_scrutiny.pdf

Approved by:

Councillor
Solihull HOSC Chairman

Councillor
Birmingham HOSC Chairman

On behalf of the Joint Health Overview and Scrutiny Committee

Date approved.