

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



Date 29 November 2022

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

Report of: Cllr. Mick Brown and Cllr. Elaine Giles, Chairs of the Joint Health Overview and Scrutiny Committee Birmingham City Council and Sandwell Metropolitan Borough Council

Report author: Fiona Bottrill, Senior Overview and Scrutiny Manager, Birmingham City Council

1 Purpose

To update the Joint Health Overview and Scrutiny Committee Birmingham City Council and Sandwell 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 Sandwell 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 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.
- 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.
- 5.3 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.

6 Appendices

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

Joint Health Overview and Scrutiny Committee
Birmingham CC and Sandwell MBC
November 2022

Terms of Reference

1. General Terms of Reference

- 1.1 The Joint Health Scrutiny Committee has been convened to scrutinise:-
- (a) monitor and respond to substantial variations (changes and reconfigurations) in service delivery proposed by Sandwell and West Birmingham Hospitals NHS Trust, including proposed consultation frameworks;
 - (b) services delivered by Sandwell and West Birmingham Hospitals NHS Trust ;
 - (c) progress towards completion of work on the Midland Metropolitan Hospital;
 - (d) proposals coming forward from [the Black Country Integrated Care System and the Birmingham and Solihull Integrated Care System](#) affecting both areas;
 - (e) any other cross boundary health issues as agreed by the two chairs.
- 1.2 No matter to be discussed by the Committee shall be considered to be confidential unless exempt under Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006.

2. Key Considerations

- 2.1 In relation to 1.1(a), above, the Joint Health Scrutiny Committee will have regard to the four requirements for lawful consultation in reaching its conclusions in relation to:-
- 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.

- 2.2 The Joint Health Scrutiny Committee will consider the options presented as part of any proposed substantial service changes and implications they might have on the individual local authorities.
- 2.3 The Joint Health Scrutiny Committee will scrutinise and review any consultation framework to ensure that it is adequate and robust and that it captures the views of both service users and the public.

3. Timescales and Governance

- 3.1 The Joint Health Scrutiny Committee **was** reconstituted during October/November 2021 and will meet as and when required to ensure thorough scrutiny of the issues listed in paragraph 1.1, above and will continue whilst proposed service changes that affect both areas are contemplated.
- 3.2 Any issues listed under paragraph 1.1(a) above will only be scrutinised by the Joint Health Scrutiny Committee and not the constituent authorities.
- 3.3 Ideally, any other issues listed under paragraph 1.1 will only be scrutinised by the Joint Health Scrutiny Committee.
- 3.4 Any response or recommendations to services outlined in paragraph 3.1 and 3.2 above will only be agreed by the Joint Health Scrutiny Committee and signed by both Chairs. It will not need the endorsement or agreement of the individual constituent authorities. Should agreement not be reached over recommendations a minority report will be attached to the recommendations.
- 3.5 Meetings of the Joint Health Scrutiny Committee 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).
- 3.6 These terms of reference will be revisited and reconsidered by the Joint Health Scrutiny Committee at its first meeting of each municipal year.

4. Membership

- 4.1 Membership of the Joint Health Scrutiny Committee will be nominated by the Sandwell and Birmingham scrutiny committees

that have responsibility for discharging the statutory health scrutiny function.

- 4.2 Membership of the Joint Health Scrutiny Committee will reflect the political balance of each respective authority. For a committee of ten members the ratio for Sandwell is (3:1:1) and for Birmingham it is (3:1:1).
- 4.3 The responsibility for chairing meetings will alternate between Birmingham and Sandwell, with the Chair of the hosting authority chairing the meeting. The location of meetings is to be rotated between the two authorities. In the absence of a chair of a meeting, the other chair, if present, takes the chair. In the absence of both chairs, a chair will be elected from those members at the meeting.
- 4.4 The quorum for meetings will be four members, comprising two members from each authority.
- 4.5 There are to be no co-opted members.

5. Support Arrangements / Resources

- 5.1 The work of the Joint Health Scrutiny Committee will require support in terms of overall co-ordination, setting up and clerking of meetings and underpinning policy support and administrative arrangements.
- 5.2 Venues for meetings are to be rotated between Sandwell 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. The nature of the tasks involved in supporting the Committee is set out below.

Support	Nature of tasks
Overall Co-ordination of the Joint Health Scrutiny Committee's work, Policy Support and Administrative Support	<ul style="list-style-type: none"> • Manage the Committee's work programme. • Ensure key action points arising from Committee discussions are followed. • Maintain ongoing dialogue and communication with Healthcare Trusts, commissioners and providing health organisations.

	<ul style="list-style-type: none"> • Maintain ongoing dialogue and communication between the two Local Authorities. • Provide policy support as required by the Committee. • Produce briefing papers as required. • Undertake any other support tasks e.g. writing letters, inviting witnesses etc. • Drafting joint response.
Clerking of meetings	<ul style="list-style-type: none"> • Set up meetings and associated tasks. • Maintain schedule of meetings. • Publication of agenda and related documentation. • Take notes of meetings and distribute these. • Provide advice in relation to scrutiny procedures.

Approved by: Councillor Elaine Giles (Sandwell Chair)

Councillor Mick Brown (Birmingham Chair)

Members of the Joint Health Scrutiny Committee

Date approved: