What is Health Scrutiny?

This guide focuses on Health Scrutiny, which has distinct power under the NHS Act 2006 compared to other types of overview and scrutiny. It is also the area of Overview and Scrutiny which deals most frequently with external partners, namely NHS providers. Each Council that has social services responsibilities also has health scrutiny powers.

There are two core elements to health scrutiny.

**Cross-cutting reviews**
First, health OSCs can carry out reviews into local health issues and health inequalities. For example, a review can look at how the local authority and its partners can tackle particular health problems like smoking, diabetes, obesity or reducing health inequalities between different areas.

**Substantial Variation and Development**
Second, health scrutiny has unique powers and responsibilities in relation to NHS reconfiguration of health services. Where the NHS is planning a “substantial variation or development” of health services, whether at local, regional or national level, it must carry out a public consultation. Overview and Scrutiny has an important role, in that it can decide if it considers that an issue is “substantial”, and therefore requires a full consultation. Often NHS providers will talk to the relevant OSCs at an early stage to see if a proposed change may be seen as “substantial” or not. OSCs have the power to require the NHS to provide information and that NHS officers attend committee meetings in relation to “substantial” proposals.

If the proposal is substantial, then OSCs have two tasks. The first is to consider whether the consultation plan (who should be consulted, how, and when) is adequate for the nature of the proposal. OSCs can make comments and recommendations to NHS providers about ways in which a consultation can be improved. In addition, the OSC can comment on the proposal itself, and whether it thinks it is in the interests of local people.

If the OSC has evidence that either the consultation was inadequate or that the proposals are not in the interests of local people, then it has the power to refer the matter to the Secretary of State for Health.

Where a proposal affects more than one local authority area, and the relevant health OSCs want to be involved in the consultation, legislation requires that a joint HOSC must be formed and will have all the powers relating to referral.

**Best Practice**

In line with the four principles of good scrutiny, health scrutiny should:

- Represent the views of local people;
- Lead and own the process of health scrutiny;
• Aim to improve services for local people, and
• Hold services to account

As well as this, health scrutiny should aim to be able to:
• Review any changes to services;
• Raise issues of local concern with health providers;
• Promote health improvement;
• Assess the success of partnership and multi-agency working;
• Check if there is equal access to services across all communities;
• Check if there is an equal chance that everyone will have a successful outcome.

Developing a Health Scrutiny work programme

There is a wide variety of information available to help OSC members choose some key topics to focus on for the work programme in any year. Here are some examples:
• Joint Strategic Needs Assessment – this highlights the health issues in the local authority area;
• Issues raised by local health providers – what does the NHS think is going to come up this year? This can be especially useful when thinking about any topics which might qualify as “substantial”;
• Ideas from the public and the voluntary and community sector;
• Quality Accounts – what priorities the NHS set and whether progress is being made;
• Follow-up on previous work;

It’s useful to make sure that the work programme has space for additional items through the year, and that it is reviewed regularly.

Health and Social Care

Bedford Borough Council’s health scrutiny function is combined with scrutiny of Adult Services. In planning the work programme, members will need to make sure there is an appropriate balance between the different types of work. The Scrutiny Support team will be able to advise on ways in which the Committee can look at the issues it wants to include on the work programme.

Combining these areas also gives the Committee the opportunity to look at services across both areas, as often people in receipt of health services may also get support from Adult Services. It also allows the Committee to look at public health in the broadest sense, for example, how leisure services can support people in improving their health and well-being.
Useful Publications

Centre for Public Scrutiny

- 10 questions to ask if you’re assessing evidence
- 10 Questions: Child and Adolescent Mental Health Services
- 10 questions to ask if you are scrutinising NHS service redesign or reconfiguration
- 10 Questions to ask if you are scrutinising the effectiveness of your local hospital
- 10 questions to ask if you are scrutinising mainstream health services for people with learning disabilities
- Acute Health Services: OSC Review Toolkit
- Alcohol scrutiny toolkit (flyer)
- The Anatomy of Accountability
- The Annual Health Check
- Consultations by Specialised Services Commissioners
- Effective Questioning in Health Scrutiny
- Guide to substantial variations and developments of health services
- Health on the Frontline – District Councils and Health Scrutiny
- Health scrutiny toolkit
- Joint Health Scrutiny Committees
- Learning Together
- Library Monitor: Health Service Reconfiguration
- NHS Finance: balancing the books
- NHS Reform: practice based commissioning
- OSCs and Patient Forums - working effectively together
- Research executive summary
- Review of Commissioning Arrangements for specialised services
- Scrutinising for Health – Health Scrutiny Evaluative Research Project
- Scrutiny Frontiers: experiences from the scrutiny frontline
- Sharing the Learning
- Smokefree scrutiny toolkit
- A Stronger Local Voice
- Tackling the Democratic Deficit in Health
- Why health scrutiny matters

Department of Health

- Health and Social Care Act 2001 Directions to local authorities (overview and scrutiny committees, health scrutiny functions)
- Overview and Scrutiny of Health – a guide
- A guide to the NHS for Members and Officers of Health Scrutiny Committees
- Getting Ready for LINks
- Health Scrutiny – a National Library of Health guide - pdf
• The Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) regulations 2003
• Local Authority Health Overview and Scrutiny

Other organizations

• Local government scrutiny of health: Using the new power to tackle health inequalities: (Health Development Agency) Report providing eighteen case studies of local authorities’ emerging approaches to health overview and scrutiny.
• Local government scrutiny and health (Health Development Agency) Briefing report on health scrutiny including examples of scrutiny topics.
• Local Authority Health Overview and Scrutiny: Comments from the Health Development Agency: (Health Development Agency) Information on health scrutiny and what the process involves.
• Local Authority Scrutiny of Primary Care Organisations: (National Primary Care and Research Centre) Study looking at the implementation of the local authority scrutiny function, implications of the scrutiny process for democratic accountability and local governance of primary health care, and implications of the scrutiny process for local authority/PCT partnerships. Site also contains links to useful publications.

Contacts

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