

**AGENDA MANAGEMENT SHEET**

<b><i>Name of Committee</i></b>	<b>Health Overview And Scrutiny Committee</b>
<b><i>Date of Committee</i></b>	<b>24 January 2007</b>
<b><i>Report Title</i></b>	<b>Health Scrutiny Champions' Network</b>
<b><i>Summary</i></b>	A copy of the November/December 2006 Bulletin is attached.
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# health scrutiny

## champions' network

### November/December 2006

Welcome to this edition of our regular bulletin for health scrutiny champions with a focus on strategic health scrutiny issues, practice from around the country and news from the health scrutiny support programme. You can read previous editions of the bulletin on the CfPS website at [www.cfps.org.uk/health](http://www.cfps.org.uk/health). The bulletin is available as a web version and as a pdf version.

We value your comments about this bulletin. If you would like to comment, please contact Tim Gilling, Health Scrutiny Programme Manager at [tim.gilling@cfps.org.uk](mailto:tim.gilling@cfps.org.uk). Please continue to inform us of changes to local health scrutiny champions so that we can update our database. The contact for changes is [raj.chitnavis@cfps.org.uk](mailto:raj.chitnavis@cfps.org.uk)

We particularly welcome articles about your experiences and perceptions of health scrutiny and how health scrutiny is being taken forward around the country. If you would like to highlight the work of your OSC or would like to write about any aspect of patient and public involvement in health, please email your article to Tim Gilling at CfPS.

In this issue:

- Support Programme news - scrutiny of specialised services and regional support fund
- Local Government and Public Involvement in Health Bill
- House of Commons Health Select Committee inquiry into Patient and Public Involvement
- NHS Operating Framework for 2007/08
- DH consultations
- Dignity in Care events
- Review of the Fertilisation and Embryology Act
- Healthcare Commission - promotional leaflet, patient experiences and learning disability audit

## Support Programme News

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As announced in the last bulletin, £10,000 for health OSCs in Strategic Health Authority areas is available to **support regional health scrutiny networks**. So far strategies for regional networks have been received from OSCs in the following areas:

North West (lead OSC is Manchester)

West Midlands (lead OSC is Staffordshire)

East of England (lead OSC is Cambridgeshire)

South East Coast (lead OSC is Surrey)

South Central (lead OSC is Hampshire)

South West (lead OSC is Swindon)

All health OSCs should now be receiving copies of our latest publication about the Healthcare Commission's annual health check. If you haven't received your copy please contact Raj Chitnavis at CfPS.

Brenda Cook is currently undertaking **research on scrutiny of specialised services** to be included in a CfPS publication to support the effective engagement and consultation of OSCs by commissioners of specialised services. Brenda is keen to hear from any colleagues who have been involved in scrutinising such services, or who have considered scrutiny of specialised services but not taken the scrutiny forward. If you have any experience or information to share, please contact Brenda at [brenda.cook@tiscali.co.uk](mailto:brenda.cook@tiscali.co.uk) or tel: 07906 520860

## Local Government and Public Involvement in Health Bill

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All readers of this bulletin should be aware that on 11 December the Government published a new Bill which, among other local government issues, makes proposals for changes in the system of patient and public involvement in health. These are centred on proposals to abolish the Commission for Patient and Public Involvement in Health and the Patients' Forums and to place a new duty on local authorities to commission support arrangements for new Local Involvement Networks (LINKs). Some features of the proposals are particularly worth noting:

- LINKs can take the form of a body of individuals or organisations but the wording of the legislation leaves room for them to be “virtual” organisations or to be umbrella forums that bring together existing organisations, such as patients’ groups. They will be concerned with both health and social care.
- A new duty is placed on NHS bodies to report on how they have been influenced by consultations in making decisions
- Providers of NHS healthcare outside the public sector and GPs are not covered by the duties to consult or respond. This means that scrutiny of the commissioning function and related consultations will be the major means for OSCs to review the services provided to the NHS by the private and voluntary sectors and, since practice-based commissioning is expected to be the norm, even this type of scrutiny will have to be carried out at arms’ length through the PCTs’ responsibility for overseeing commissioning.
- Consultation will be required on: planning of provision of services; development and consideration of significant proposals for change in the way services are provided; and significant decisions affecting the operation of services. The term “significant” is defined in terms of “substantial” proposals and decisions, but the term “substantial” is still not defined!
- OSCs have a new duty to acknowledge and keep LINKs informed on any referrals made by LINKs about health and social care matters.
- There has been no announcement yet about how precisely local authorities will be expected to fund their work of commissioning the support for LINKs but it is understood that limited funding will be earmarked (although not ring-fenced) for this purpose.

## Commons Health Committee inquiry into Patient and Public Involvement

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On 2 November, the Health Committee announced that it would undertake an inquiry into Public and Patient Involvement in the NHS (PPIs). It has now agreed the following terms of reference:

What is the purpose of public and patient involvement?

What form of public and patient involvement is desirable, practical and offers good value for money?

Why are existing systems for patient and public involvement being reformed after only 3 years?

How should LINKs be designed?

How should LINKs relate to and avoid overlap with:

- Local Authority structures including Overview and Scrutiny Committees
- Foundation Trust boards and Members Councils
- inspectorates including the Healthcare Commission
- formal and informal complaints procedures

In what circumstances should wider public consultation (including under Section 11 of the Health and Social Care Act 2001) be carried out and what form should this take?

Organisations and individuals wishing to submit a short memorandum are invited to do so no later than Wednesday 10 January 2007 to [healthcommem@parliament.uk](mailto:healthcommem@parliament.uk). This is a tight timetable taking in the holiday period, but OSCs may already have reports and working papers on which they could base a response. The Committee would be glad to hear the views of OSCs on any of the issues listed above - it is not necessary to comment on all of them. Evidence sessions are expected to begin in February.

## NHS 2007–08 operating framework

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On 11 December, the NHS Chief Executive, David Nicholson, published the operating framework for 2007-08, setting out the “national rules” for the NHS. The framework details the key targets and priorities the NHS believes are necessary to improve patient experience, reduce health inequalities and achieve financial health. Although no new priorities are set out for the year, the framework sets out a number of significant changes in the way the NHS will conduct its business. It is intended to signal “a further shift towards building self-improving system driven by local priorities. The document will be of interest to OSCs because it sets out:

- the health and service priorities for the year ahead including action to improve mental health services

- what the Government considers to be the next steps in its NHS “reform” programme, including information on patient choice and voice, commissioning and payment by results, and
- the financial objectives for the year.

The document also stresses the need for PCTs to work with Local Authorities to improve health and well-being, reduce inequalities and achieve a shift towards prevention. The operating framework requires PCTs to agree local priorities with their local authorities.

The document can be downloaded from:

[http://www.dh.gov.uk/PublicationsAndStatistics/Publications/PublicationsPolicyAndGuidance/PublicationsPolicyAndGuidanceArticle/fs/en?CONTENT\\_ID=4141091&chk=JENnyc](http://www.dh.gov.uk/PublicationsAndStatistics/Publications/PublicationsPolicyAndGuidance/PublicationsPolicyAndGuidanceArticle/fs/en?CONTENT_ID=4141091&chk=JENnyc)

## DH consultations

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The DH is currently consulting on the topics summarised below which may be of particular interest to OSCs. These consultations provide an opportunity for health OSCs to give their views and also an impetus to seek the views of their local residents so that they can inform any response to the DH.

- **The future regulation of health and adult social care in England**

Closing date: 28 February 2007

Contact: Email: [nhs.reform@dh.gsi.gov.uk](mailto:nhs.reform@dh.gsi.gov.uk)

The document focuses on the proposed regulatory framework of health and social care. It confirms the DH’s commitment to merge the three organisations responsible for regulating healthcare, adult social care and the operation of the Mental Health Act. It outlines what the Department sees as the benefits for patients and service users and aims to give some clarity about how the new regulator’s roles will develop and how the transition will be managed until the new organisation is established.

This consultation will be of particular interest to OSCs because it deals with the regulation of social care as well as of health. One of the main issues on which it seeks views is what needs to be covered in the rules governing choice and competition in the NHS to “clarify expectations and prevent anti-competitive behaviours” by commissioners or providers. Local authority staff and Members will no doubt have strong views on this issue, based on their experience of the development of a private sector market in social care. They may also wish to give their views of how the tension between the prevention of anti-competitive behaviours and the need for collaboration between healthcare providers is to be managed.

Download from:

[http://www.dh.gov.uk/Consultations/LiveConsultations/LiveConsultationsArticle/fs/en?CONTENT\\_ID=4140711&chk=cJg8L/](http://www.dh.gov.uk/Consultations/LiveConsultations/LiveConsultationsArticle/fs/en?CONTENT_ID=4140711&chk=cJg8L/)

This consultation is linked to the next one outlined below.

- The code of practice for promotion of NHS services

Closing date: 28 February 2007

Contact: Email: [nhs.reform.promotion@dh.gsi.gov.uk](mailto:nhs.reform.promotion@dh.gsi.gov.uk)

This document sets out the context within which providers “may wish to consider promoting their services” (ie it is a framework for healthcare providers to advertise their services in competition with each other). It outlines proposals for a self-regulatory approach to promotion of NHS services, underpinned by a Code of Practice.

Download from:

[http://www.dh.gov.uk/Consultations/LiveConsultations/LiveConsultationsArticle/fs/en?CONTENT\\_ID=4140715&chk=VSu8Ni](http://www.dh.gov.uk/Consultations/LiveConsultations/LiveConsultationsArticle/fs/en?CONTENT_ID=4140715&chk=VSu8Ni)

- Reviewing the Care Programme Approach 2006

Closing date: 19 February 2007

Contact: Email: [cpareview@londondevelopmentcentre.org](mailto:cpareview@londondevelopmentcentre.org)

This consultation sets out a range of proposals and questions about the review of the Care Programme Approach to mental health. The consultation is seeking views on issues such as: values and principles that should underpin CPA, CPA processes, who should be covered by the CPA; user and carer involvement and how quality is monitored.

This issue is likely to be of particular concern to OSCs because it covers social services as well as the NHS.

Download from:

[http://www.dh.gov.uk/Consultations/LiveConsultations/LiveConsultationsArticle/fs/en?CONTENT\\_ID=4140544&chk=bPoOX6](http://www.dh.gov.uk/Consultations/LiveConsultations/LiveConsultationsArticle/fs/en?CONTENT_ID=4140544&chk=bPoOX6)

- Guidance on non-emergency patient transport services

Closing date: 16 February 2007

Contact: Ambulance Policy, 11<sup>th</sup> Floor, New Kings Beam House, 22 Upper Ground, London SE1 9BW. Email: [emergencycare@dh.gsi.gov.uk](mailto:emergencycare@dh.gsi.gov.uk).

Transport to and from healthcare facilities has been one of the issues most frequently considered by health OSCs. The White Paper, *Our Health, Our Care, Our Say*, made a commitment to extend eligibility for non-emergency patient transport services to procedures that were traditionally provided in hospital, but are now available in a community setting. This consultation seeks stakeholders' views on draft eligibility and finance guidance.

Download from:

[http://www.dh.gov.uk/Consultations/LiveConsultations/LiveConsultationsArticle/fs/en?CONTENT\\_ID=4140607&chk=ToqO69](http://www.dh.gov.uk/Consultations/LiveConsultations/LiveConsultationsArticle/fs/en?CONTENT_ID=4140607&chk=ToqO69)

## Dignity in Care events

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The Dignity in Care initiative has been set up to ensure all older people are treated with dignity when using health and social care services. The Dept of Health has asked CfPS to let health OSCs know about two Dignity in Care events that are happening at the National Exhibition Centre, Birmingham, on Tuesday 23 January, 2007 and at the Hilton Hotel, Leeds, on Tuesday 6 March 2007.

Further information may be obtained from the DH Dignity in Care web page at [http://www.dh.gov.uk/PublicationsAndStatistics/LettersAndCirculars/DearColleagueLetters/DearColleagueLettersArticle/fs/en?CONTENT\\_ID=4141134&chk=ABPMkM](http://www.dh.gov.uk/PublicationsAndStatistics/LettersAndCirculars/DearColleagueLetters/DearColleagueLettersArticle/fs/en?CONTENT_ID=4141134&chk=ABPMkM)

Bookings for the January event need to be made with DH by 20 December.

## Review of the Human Fertilisation and Embryology Act

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The Government has published a command paper detailing proposals for revision of the law on assisted reproduction and embryo research. These proposals will go on to form a bill to be published in draft for pre-legislative scrutiny in Parliament.

This review will cover a number of ethical issues of concern to the public. The fact that pre-legislative scrutiny will be carried out in Parliament means that OSCs will have an opportunity to stimulate and facilitate local debate on the issues and to feed back the results of such debates to the pre-legislative scrutiny committee in Parliament. It is a good opportunity for local authorities, through health OSCs, to be seen as opinion formers and community leaders, providing a forum for public discussion of ethical and social issues.



Download the command paper from  
<http://www.dh.gov.uk/assetRoot/04/14/13/15/04141315.pdf>

## Healthcare Commission news

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In November, the Commission published a leaflet explaining **what it is and what it does**, including a description of the annual healthcheck. The leaflet is written in relatively non-technical language and will be useful in training for new Members and staff of OSCs. It can be downloaded from:

[http://www.healthcarecommission.org.uk/\\_db/\\_documents/04021261.pdf](http://www.healthcarecommission.org.uk/_db/_documents/04021261.pdf)

The Healthcare Commission has published a report that states that **older people, those from an ethnic minority and disabled people** report different experiences of the NHS from the rest of the population. These findings resulted from analysis of surveys covering:

- service users using community mental health services
- patients using local health services (PCTs - Primary Care Trusts)
- patients using emergency departments
- patients using outpatient departments

The report should be very useful in framing lines of questioning for OSCs who are carrying out scrutiny reviews on the experiences of any of the groups listed or on any of the service areas covered by the surveys.

Download the full report from:

[http://www.healthcarecommission.org.uk/\\_db/\\_documents/Surveys\\_Variations\\_Report.pdf](http://www.healthcarecommission.org.uk/_db/_documents/Surveys_Variations_Report.pdf)

The Healthcare Commission will be carrying out a national **audit of learning disabilities services** in early 2007. The audit will be looking at all adult and specialist adolescent learning disability services provided by the NHS and independent healthcare providers. The audit will not cover any services already registered with the Commission for Social Care Inspection.

An update on the learning disabilities audit can be downloaded from:

[http://www.healthcarecommission.org.uk/\\_db/\\_documents/LD\\_update\\_November\\_2006\\_1-1.pdf](http://www.healthcarecommission.org.uk/_db/_documents/LD_update_November_2006_1-1.pdf)

## Review of healthcare in the community for young people who offend

This review was published jointly by the Healthcare Commission and Her Majesty's Inspectorate of Probation. The report looked at 50 out of 155 youth offending teams (YOTs) in England and Wales. This report should provide useful benchmarks and lines of questioning for any OSCs considering looking at the health of young offenders as part of their scrutiny programme.

Download the report from:

[http://www.healthcarecommission.org.uk/\\_db/\\_documents/YOTs\\_report.pdf](http://www.healthcarecommission.org.uk/_db/_documents/YOTs_report.pdf)

## Monitor

Monitor has published (on 12 December) its latest **six-month performance review** of foundation trusts. The Review and Consolidated Accounts of NHS Foundation Trusts 2005-06 were also published. Although the emphasis in the report is on the financial health of trusts, there is also information about how well foundation trusts are meeting targets and standards, which should be of use to OSCs. As in previous quarters, the two targets which are most commonly given as areas of concern remain the 62-day cancer target, and the year-on-year reduction in MRSA.

Download the report from: <http://www.monitor-nhsft.gov.uk/publications.php?id=958>

Monitor is consulting on changes to the **FT Compliance Framework**. OSCs may be particularly interested in Section 5 of the consultation that looks at Membership arrangements.

Download the consultation from: [http://www.monitor-nhsft.gov.uk/documents/Compliance\\_consultation\\_4Dec06.pdf](http://www.monitor-nhsft.gov.uk/documents/Compliance_consultation_4Dec06.pdf)