

## **HEALTH AND ADULT SOCIAL CARE OVERVIEW AND SCRUTINY COMMITTEE**

**17 JANUARY 2019**

### **WORK PROGRAMME**

Report from: Perry Holmes, Chief Legal Officer

Author: Jon Pitt, Democratic Services Officer

#### **Summary**

This report advises Members of the current work programme for discussion in the light of latest priorities, issues and circumstances, giving Members the opportunity to shape and direct the Committee's activities.

#### **1. Budget and Policy Framework**

1.1 Under Chapter 4 – Rules, Part 4 paragraph 21.1 (xv) General Terms of Reference, each overview and scrutiny committee has the responsibility for setting its own work programme.

#### **2. Background**

2.1 Appendix 1 to this report sets out the existing work programme for the Committee.

#### **3. Agenda planning meeting**

3.1 Members will be aware that Overview and Scrutiny Committees hold agenda planning meetings on a regular basis. An agenda planning meeting was held on 19 December 2018. It was agreed at this meeting to recommend that an update report from the Kent and Medway NHS and Social Care Partnership Trust (KMPT) be added to the Work Programme for the March 2019 meeting and for this to include details of progress since the last Care Quality Commission (CQC) inspection. It was further agreed to recommend that an update on the development of the Kent and Medway Strategic Commissioner be added to the Work Programme for the March meeting.

3.2 It was also requested at the agenda planning meeting that a written briefing on winter pressures facing acute health provision in Medway be provided to the Committee.

3.3 Since the agenda planning meeting, the NHS Long Term Plan has been published.

#### **4. Stroke Review Joint Health Overview and Scrutiny Committee (JHOSC)**

- 4.1 A meeting of the Stroke Review Joint Health Overview and Scrutiny Committee (JHOSC) took place on 14 December 2018. It had been expected that the JHOSC would be asked to comment on the final Decision Making Business Case (DMBC) of the Stroke Review and to submit comments on the NHS preferred option of developing Hyper Acute Stroke Units (HASUs) at Darent Valley, Maidstone and William Harvey hospitals. Implementation of the preferred option would result in there being no HASU in Medway.
- 4.2 The JHOSC was notified at the 14 December meeting that the version of the DMBC presented had not yet been finalised. It was, therefore, agreed that a further meeting of the JHOSC would take place in January to enable the JHOSC to comment on the final DMBC. The Kent and Medway Joint Committee of Clinical Commissioning Groups had been expected to make a final decision on whether to implement the preferred option on 10 January 2019. This decision has been postponed to enable the JHOSC to first comment on the final DMBC. It is expected that the JHOSC will meet again in late January.
- 4.3 Ahead of the 14 December JHOSC meeting, Medway Council had submitted an external expert opinion and supporting statement setting out serious concerns in relation to the decision making process and the preferred option identified. Medway requested that the JHOSC expert opinion and statement be referred to the Joint Committee of CCGs for consideration. Medway has also requested that the JCCG produce a Decision Making Business Case for an alternative option from the original review consultation, which would secure the provision of HASUs at Medway Maritime, Tunbridge Wells and William Harvey Hospitals. The JHOSC agreed to refer, to the JCCG, the expert opinion and statement, along with statements provided by other members of the JHOSC.
- 4.4 At its next meeting, the JHOSC will be asked to comment on the final Decision Making Business Case and to submit comments on the proposal to develop HASUs at Darent Valley, Maidstone and William Harvey hospitals. Where a single response cannot be reached between the Members representing the four Councils who are Members of the Stroke JHOSC (Medway, Kent, Bexley and East Sussex), there will be the option, as permitted under the Committee Terms of Reference, for submission of a minority response by the biggest minority, subject to this being agreed by at least two JHOSC Members.
- 4.5 If any of the four Councils represented on the JHOSC is not satisfied with the decision, they would have the option to refer the decision to the Secretary of State for Health, should they determine that the chosen option is not in the best interests of the health service in their area and/or that consultation with Overview and Scrutiny on the proposal has been inadequate in relation to content or time allowed. This right of referral sits with the health scrutiny committees of each of the four Councils rather than with the JHOSC, although the JHOSC may recommend this course of action.
- 4.6 Once a final decision is made by the JCCG, challenge is also possible by each Local Authority through the High Court. Any such challenge should be made within 12 weeks of the decision. The Court will exercise a review jurisdiction in circumstances where the decision has been made ultra vires (outside the powers of the decision maker), is "Wednesbury unreasonable"

(no reasonable decision maker could have made the decision) or results in a breach of natural justice.

- 4.7 Medway's Cabinet agreed, on 18 December 2018, to delegate authority to the Chief Legal Officer, in consultation with the Leader and the Portfolio Holder for Adults' Services, to apply for a Judicial Review of any decision by the Joint Committee of Clinical Commissioning Groups which excludes Medway Hospital as a site for a Kent and Medway Hyper Acute Stroke Unit.

## 5. Forward Plan

- 5.1 The latest Forward Plan of forthcoming Cabinet decisions was published on 7 January 2018.
- 5.2 The following items listed on the forward plan relate to the terms of reference of this Committee. The Committee is asked to identify any items it may wish to consider as pre-decision scrutiny (where dates permit).

Cabinet date	Title	Comment
5 February 2019	<b>Revenue and Capital Budgets 2019/2020</b> <i>This report will set out the proposals for the 2019/2020 capital and revenue budgets, including the comments of the Overview and Scrutiny Committees. The Cabinet will be asked to make recommendations to Council on 21 February 2019 for final consideration and approval.</i>	Considered at December 2018 meeting.
5 March 2019	<b>Council Plan Performance Monitoring Report - Quarter 3</b> <i>This report will set out performance monitoring for the third quarter of 2018/2019.</i>	On Work Programme for March 2019 meeting

## 6. Financial and Legal Implications

- 6.1 There are no specific financial or legal implications arising from this report.

## 7. Recommendations

- 7.1 Members are asked to:
- Consider whether any changes need to be made to the work programme attached at Appendix 1.
  - Agree the changes to the Committee's work programme, as set out in paragraph 3 above.

## Lead officer contact

Jon Pitt, Democratic Services Officer  
Telephone: 01634 332715 Email: [jon.pitt@medway.gov.uk](mailto:jon.pitt@medway.gov.uk)

## **Appendices**

Appendix 1 - The Committee's Work Programme

### **Background papers:**

None.