



Appendix 1

*Stockton-on-Tees*

Stockton-on-Tees Health Select Committee and  
NHS Stockton-on-Tees  
**Draft Working Agreement**

### Endorsement

We, the undersigned, by becoming signatories on this document endorse this recognition and pledge ourselves to this protocol and its associated aims.

NHS Stockton-on-Tees

Date: ..... Name (Print): .....

Signature: .....

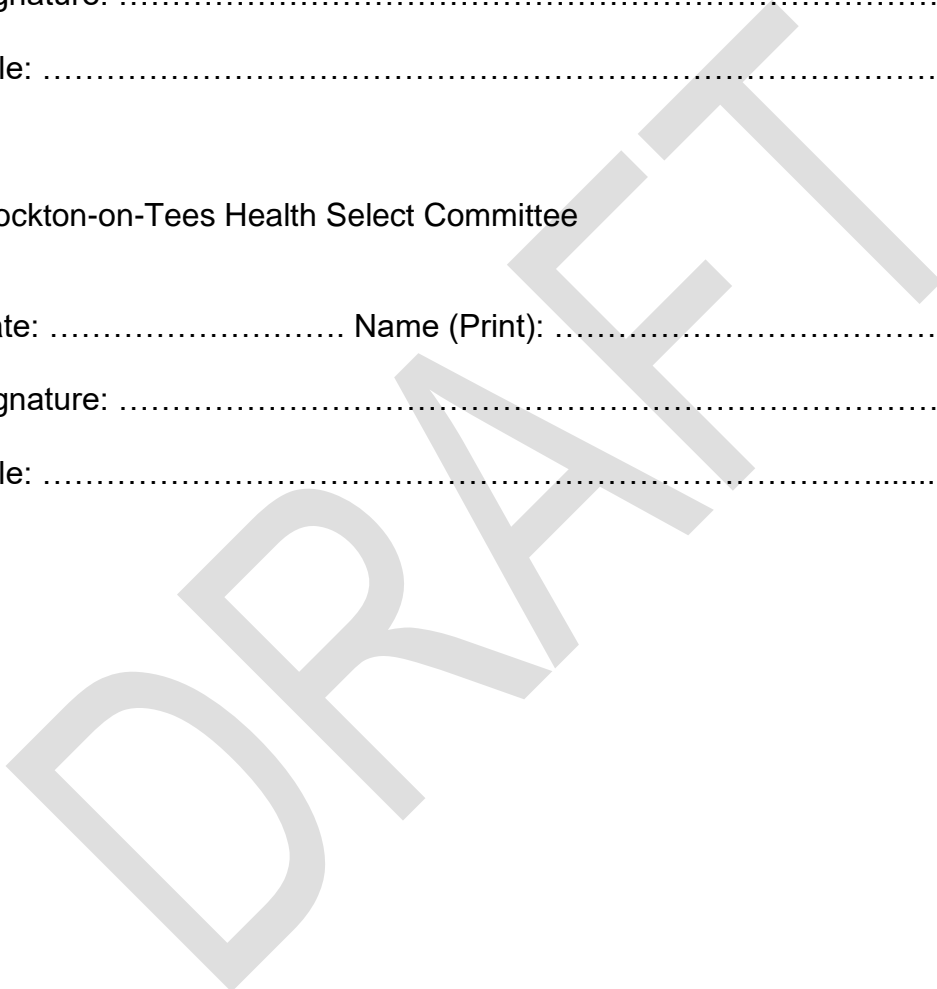
Title: .....

Stockton-on-Tees Health Select Committee

Date: ..... Name (Print): .....

Signature: .....

Title: .....



1	The Purpose of the Working Agreement	4
2	Overview and Scrutiny	5
3	Legislation	6
4	Duties and Responsibilities	7
5	Communication	9
6	Correspondence	10
7	Submitting Health Scrutiny Reports	11
8	Patient and Public Communication and Engagement Committee	12
9	Appendix 1: Guidance on Section 242 and 244 of the NHS act 2006	13
10	Appendix 2: Briefings from NHS Stockton-on-Tees to Stockton-on- Tees Health Select Committee	14
11	Appendix 3: Correspondence	15
14	Appendix 4: Health Select Committee Terms of Reference	16
15	Appendix 5: Monitoring the outcomes of scrutiny recommendations	18

## **1 The Purpose of the Working Agreement**

The development and maintenance of a positive working relationship between NHS Stockton-on-Tees and Stockton-on-Tees Health Select Committee is recognised as a vital element in ensuring effective Patient, Carer and Public Engagement (PCPE).

- 1.1 This document will ensure that there is a consistent working agreement and communication process between Stockton-on-Tees Health Select Committee and NHS Stockton-on-Tees ensuring that correspondence and / or documents reach the relevant department or individual to process.
- 1.2 This Agreement will add value by helping to identify evidence on progress against national priorities and document valuable information to examine how well Stockton-on-Tees Health Select Committee and NHS Stockton-on-Tees work together to meet the needs of the people they serve.
- 1.3 This document will ensure that NHS Stockton-on-Tees is able to meet their statutory duties in informing, involving and consulting Stockton-on-Tees Health Select Committee and that Stockton-on-Tees Health Select Committee are able to effectively perform their formal role in monitoring and scrutinising health and health care.
- 1.4 The working agreement will be reviewed yearly unless there are significant changes that need to be made i.e. changes in legislation.

## 2 Overview and Scrutiny

Overview and Scrutiny is a function that reviews the effectiveness of decisions, policies and services for a particular subject within their local authority area. Each local authority has established Scrutiny Panels, Committees or Forums with different areas of interest; one of which has the job of monitoring and scrutinising health.

2.1 The primary aim of Health Overview and Scrutiny is to act as a lever to improve the health of local people, ensuring that their needs are considered as an integral part of the delivery and development of health services.

2.2 There are four Health Scrutiny Committees in the Tees area (listed below), each of which come under the remit of their respective local authority, working for the local community.

Hartlepool Health Scrutiny Forum, Middlesbrough Health Scrutiny Panel, Redcar and Cleveland Health Scrutiny Committee and Stockton-on-Tees Health Select Committee

2.3 Local Authorities have their own agreed framework in place for when a decision, policy or service covers more than one area; this is called a time limited 'joint committee'.

2.4 The following Local Authorities have established a standing committee that considers health matters, policies and decisions that affect the Tees Valley area as a whole:

Darlington, Hartlepool, Middlesbrough, Redcar and Cleveland and Stockton-on-Tees, and it is known as;

Tees Valley Health Scrutiny Joint Committee

2.5 These Local Authorities also form part of a regional OSC that scrutinises issues around the planning, provision and operation of health services in and across the North-East region. All 12 north east councils are represented on this Committee and it is known as:

The North East Regional Joint Health Overview and Scrutiny Committee

2.6 There is a separate protocol in place that governs the operation of these Committees, and it also aims to ensure positive working relationships between health and local authority partners.

It is also recognised that time-limited joint committees may be established specifically to consider NHS consultations in relation to

proposed substantial variations or developments of the local health service (see para 3.2), and that such a committee would consist of representatives of those authorities who consider themselves affected by the proposed service change.

### **3 Legislation**

Stockton-on-Tees Health Select Committee is a democratically elected body of Councillors with a statutory duty to comment on NHS Stockton-on-Tees developments affecting local residents. NHS Stockton-on-Tees acknowledges compliance of the duties detailed in section 242 and 244 of the consolidated NHS Act 2006 (See Appendix 1). NHS Stockton-on-Tees will engage with Stockton-on-Tees Health Select Committee throughout the scrutiny process.

The terms of reference for the Health Select Committee are included at Appendix 4.

- 3.1 The NHS Act 2006 requires NHS bodies to provide information to Overview and Scrutiny and for NHS officers to attend meetings of Overview and Scrutiny to answer questions. NHS bodies are also required to respond to recommendations made by Overview and Scrutiny and must consult with relevant Overview and Scrutiny Committees about proposals for substantial service changes. (See Appendix 1: Section 8b)
- 3.2 Section 244 of the NHS Act 2006 requires NHS organisations to consult relevant Overview and Scrutiny Committees on any proposals for a substantial development of the health service in the area of the local authority, or a substantial variation in the provision of services. (See Appendix 1: Section 8b)
- 3.3 The Local Government and Public Involvement in Health Act (2007) reinforced powers for Overview and Scrutiny to review and scrutinise the actions of key local public service providers and empowered Councillors to raise issues with Overview and Scrutiny through a “councillor call for action.” This Act also established Local Involvement Networks (LINKs), who work closely with Overview and Scrutiny and are able to refer matters of concern with regards to health and social care to Overview and Scrutiny for consideration.
- 3.4 A number of circumstances are exempt from the requirement for NHS organisations to consult Overview and Scrutiny including proposals to establish or dissolve an NHS trust or PCT, Pilot Schemes and decisions that have to be taken immediately due to a risk to the safety or welfare of patients or staff. (See Appendix 1: Section 8b)

## 4 Duties and Responsibilities

In order for both Stockton-on-Tees Health Select Committee and NHS Stockton-on-Tees to effectively carry out their roles, it is important to adhere to the responsibilities that aid the working agreement to maintain an ongoing dialogue regarding current and future plans, priorities and activity.

- 4.1 NHS Stockton-on-Tees acknowledges Stockton-on-Tees Health Select Committee to be a 'critical friend' in the scrutiny process.
- 4.2 Stockton-on-Tees Health Select Committee and NHS Stockton-on-Tees will attempt to ensure that the community's aspirations with regard to improvement in health are pursued, maximising public accessibility to the scrutiny process and its outputs.
- 4.3 NHS Stockton-on-Tees will involve Stockton-on-Tees Health Select Committee in wider activity to engage with patients, carers and members of the public. Comments on proposals and suggestions regarding engagement with groups, individuals and organisations will be actively sought.
- 4.4 NHS Stockton-on-Tees will provide reports where appropriate to show how information is being used following on from engagement with the Stockton-on-Tees Health Select Committee and the public.
- 4.5 NHS Stockton-on-Tees acknowledges that directors may also meet informally with the chairs of the local OSC. When items are discussed that require attention they will be recorded by the director and fed back into NHS Stockton-on-Tees to be dealt with in line with the working agreement.
- 4.6 NHS Stockton-on-Tees acknowledges the statutory duty to respond to requests and recommendations from Stockton-on-Tees Health Select Committee as part of a formal scrutiny process or consultation, and in a more informal role as consultees.
- 4.7 Stockton-on-Tees Health Select Committee will invite NHS Stockton on-Tees to contribute suggestions for policy development reviews and advice in relation to the setting of the scrutiny work programme on an annual basis.
- 4.8 NHS Stockton-on-Tees will respond openly to questioning from Stockton-on-Tees Health Select Committee and will comply with paper submission schedules for Stockton-on-Tees Health Select Committee meetings.
- 4.9 NHS Stockton-on-Tees will update Stockton-on-Tees Health Select Committee at key points in the commissioning process, and will inform

Stockton-on-Tees Health Select Committee of any developments, proposals and significant strategies.

4.10 NHS Stockton-on-Tees acknowledge that Overview and Scrutiny operate within the framework of Local Government and, as such, may decide not to consider any items or undertake any activity when local elections are being held (purdah period). Where possible, this will be taken into account by NHS Stockton-on-Tees in planning developments and involvement activity, where Stockton-on-Tees Health Select Committee may be involved.

4.11 NHS Stockton-on-Tees will provide clear evidence-based explanations in any circumstance whereby they do not take up scrutiny recommendations.

DRAFT



## 5 Communication

- 5.1 To enable effective communication and coordination it would be helpful if Stockton-on-Tees Health Select Committee could provide NHS Stockton-on-Tees with the following:
1. Meeting dates including paper submission schedules
  2. Work plans
  3. Up-to-date contact details.
- 5.2 NHS Stockton-on-Tees will ensure that they respond appropriately to all communication from Stockton-on-Tees Health Select Committee within 28 days of the request. Reports will be presented as appropriate.
- 5.3 Stockton Council's designated 'Scrutiny Officer' to fulfil the purposes of the Local Democracy, Economic Development and Construction Act 2009 is the Head of Democratic Services. However, all contact with Stockton-on-Tees Health Select Committee will be made via the relevant Scrutiny Support Officer. Wherever practical, communication will be via email with paper copies forwarded in addition and where appropriate.
- 5.4 When proposals for activity or investment are Tees-wide in their nature or impact, NHS Stockton-on-Tees will brief the Tees Valley Joint Health Scrutiny Committee for their consideration. In these instances, all communication will also be copied to the Chairs of the four local Committees. *(A diagram detailing the process of issuing a brief can be found at appendix 2)*. It is the responsibility of each local authority to provide feedback to its health scrutiny committee on issues considered at the Tees Valley Joint Committee.
- 5.5 Representatives of NHS Stockton-on-Tees will meet regularly with the Chair or Vice Chair of the Health Select Committee and the Scrutiny Officer. This will provide a forum for updates on future developments and a general exchange of views.

## 6 Correspondence

- 6.1 To ensure a coordinated and consistent approach to information and response management, all correspondence to NHS Stockton-on-Tees should be addressed via the Communication and Engagement Team:

Email: [peter.moody@middlesbroughpct.nhs.uk](mailto:peter.moody@middlesbroughpct.nhs.uk)

Tel: 01642 352804

Post: Engagement Team  
Riverside House  
High Force Road  
Riverside Park  
Middlesbrough  
TS2 1RH

- 6.2 The Communication and Engagement Team will liaise with the appropriate individual(s) for response, and will act as a point of liaison with Stockton-on-Tees Health Select Committee to feedback on the progress of correspondence. *(A diagram detailing the process for sending correspondence can be found at appendix 3)*

If the Select Committee wishes that contact be made direct to a named person at NHS Stockton-on-Tees, the Communication and Engagement Team shall be copied into the request.

## 7 Submitting Health Scrutiny Reports

- 7.1 Reports submitted by the Health Scrutiny Committee will be logged and forwarded for discussion at the appropriate Committee or Board meeting.
- 7.2 Stockton-on-Tees Health Select Committee will be represented in person by the Chair or Vice Chair of the Health Select Committee at the appropriate Committee or Board meeting, in order to present the report and any recommendations.
- 7.3 The Health Scrutiny Committee will be updated via Jackie White throughout the process.
- 7.4 Reports should be submitted to:

Email: [jackie.white@northteespct.nhs.uk](mailto:jackie.white@northteespct.nhs.uk)

Tel: 01642 666775

Post: Jackie White  
Teesdale House  
Westpoint Road  
Thornaby  
Stockton-on-Tees  
TS17 6BL

*(A diagram detailing the process for sending correspondence can be found at appendix 3, A summary that details how the outcomes of scrutiny recommendations are monitored is shown in Appendix 5)*

## **8 Patient and Public Communication and Engagement Committee**

- 8.1 The Patient and Public Communication and Engagement committee's (PPCEC) role is to ensure that the views of patients, carers and members of the public are taken into consideration when making commissioning decisions. The PPCEC is a sub committee of the Tees Strategy and Procurement Board (TSPB) that has responsibility for ensuring the delivery of the Tees strategy and the development of World Class Commissioning.
- 8.2 The Committee includes representation from each of the LINKs within Teesside all of whom who have full membership rights. (The terms of reference for the PPCEC are available via the NHS Tees website [www.tees.nhs.uk](http://www.tees.nhs.uk))
- 8.3 The Tees Strategy and Procurement Board (TSPB) has responsibility for ensuring the delivery of the Tees strategy and the development of World Class Commissioning.
- 8.4 Papers from the Patient and Public Communication and Engagement Committee will be sent to Stockton-on-Tees Health Select Committee for information. Where a common priority or piece of work is identified, Stockton-on-Tees Health Select Committee and the PPCEC will seek to take a coordinated approach.

The Patient and Public Communication and Engagement Committee can be contacted via:

[communications@middlesbroughpct.nhs.uk](mailto:communications@middlesbroughpct.nhs.uk)

## **9 Appendix 1: Guidance on Section 242 and 244 of the NHS act 2006**

### **9a. Introduction**

Section 242 of the consolidated NHS Act 2006 came into force on 1 March 2006 and replaces Section 11 of the Health and Social Care Act 2001. It applies in England to:

Strategic Health Authorities (SHA), Primary Care Trusts (PCT), NHS trusts and NHS foundation trusts.

Section 242 sets out the requirement for NHS organisations to involve and consult patients and public in:

- The planning and provision of services
- Development and consideration of proposals for changes in the way services are provided
- Decisions to be made by NHS organisations that affect the operation of services.

### **9b. Section 244 of the NHS Act 2006**

Section 244 of the NHS Act 2006 replaces Section 7 of the Health and Social Care Act 2001. Section 244 requires NHS organisations to consult relevant overview and scrutiny committees on any proposals for substantial variations or developments of health services. This is in addition to the duty of involvement and consultation as outlined in section 242.

A substantial variation is not defined in Regulations. Section 244 applies to any proposal where there is a major change to services experienced by patients. Proposals may range from changes that affect a small group of people within a small geographical area, to major reconfigurations of specialist services affecting large numbers of patients across a wide area.

Proposals for changes to services or new developments should be considered at an early stage, to identify whether proposals are substantial and to gain agreement on consultation.

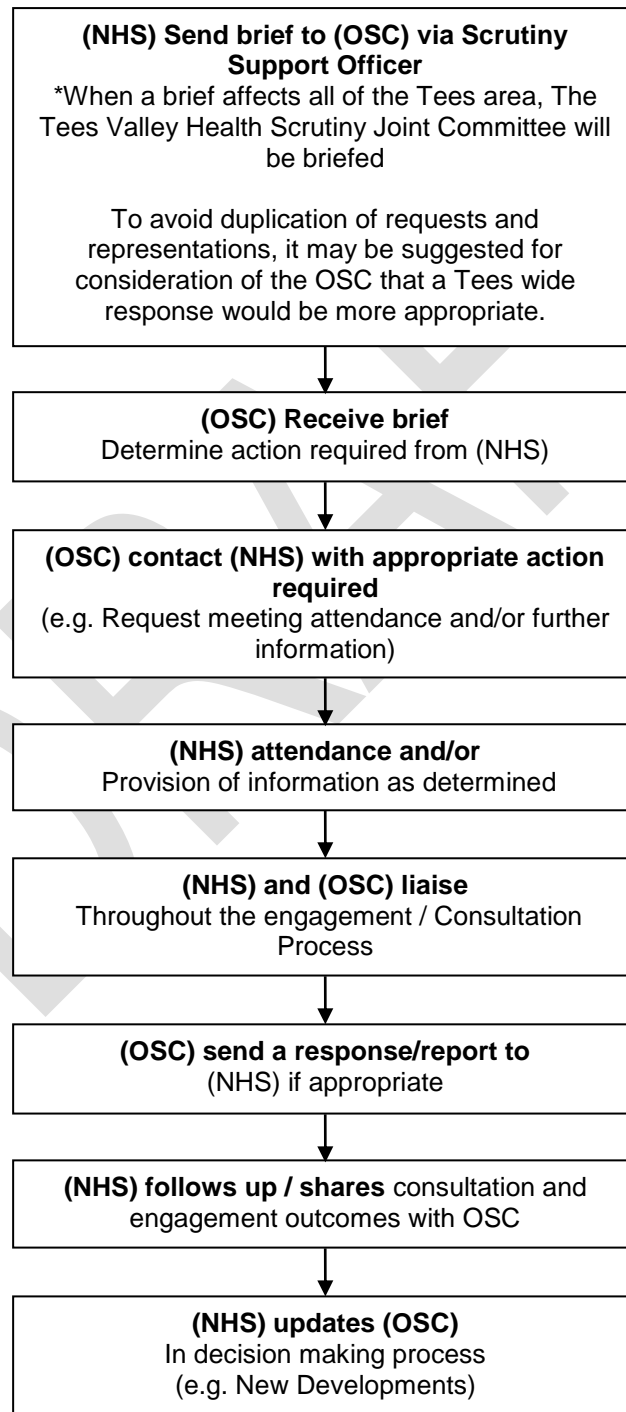
A number of circumstances are exempt from the requirement for NHS organisations to consult overview and scrutiny:

- Any proposal to establish or dissolve an NHS trust or PCT unless dissolution represents a substantial variation or development to the services that will be delivered in the future.
- Pilot schemes within the meaning of the National Health Service (Primary Care) Act 1997

- When an NHS body believes a decision has been taken on an issue immediately due to a risk to the safety or welfare of patients or staff.

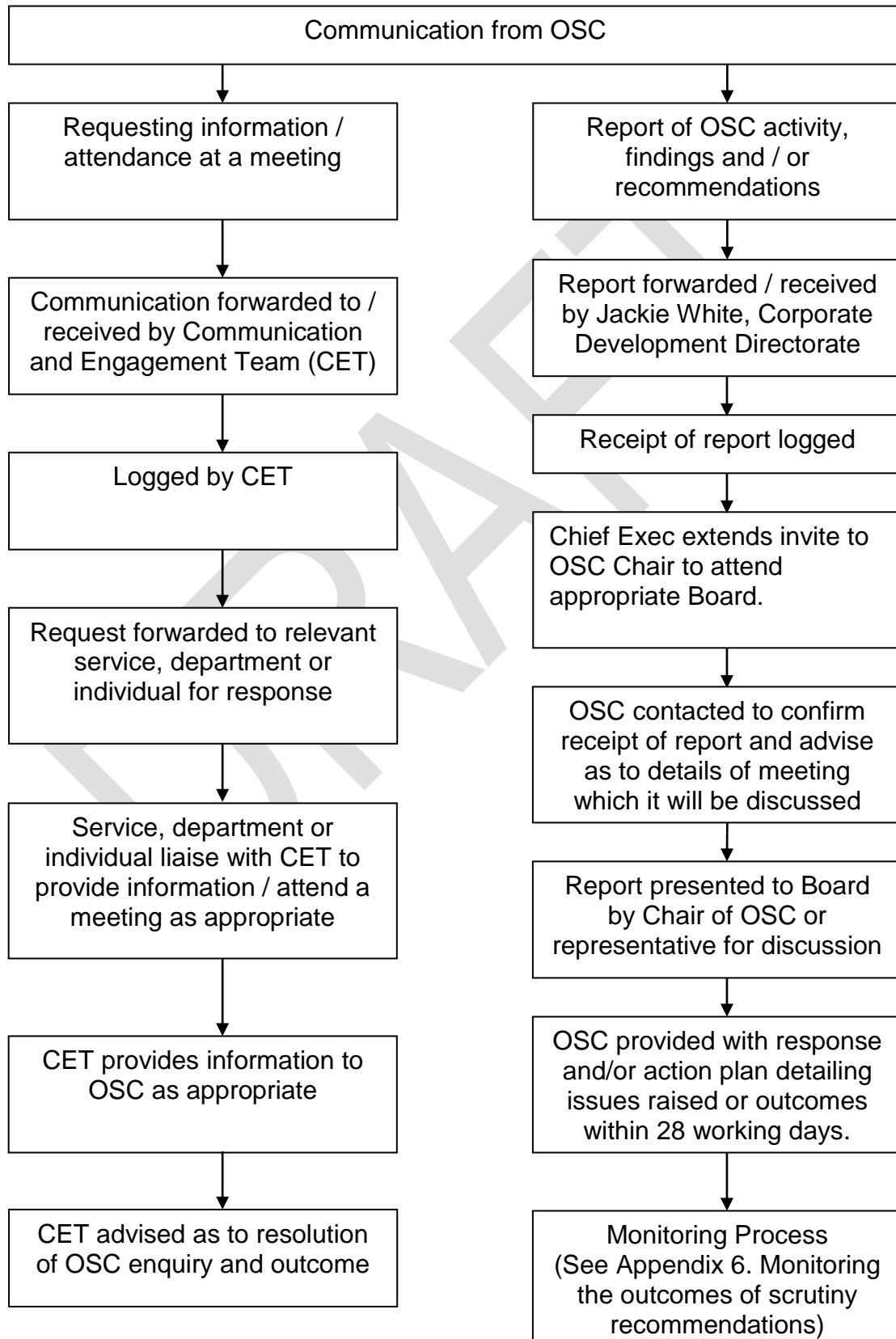
## 10 Appendix 2: Briefings from NHS Stockton-on-Tees to Stockton-on-Tees Health Select Committee

This Diagram shows the briefing process between NHS Stockton-on-Tees (NHS) and Stockton-on-Tees Health Select Committee (OSC)



## 11 Appendix 3: Correspondence

This Diagram shows the correspondence process between NHS Stockton-on-Tees Communication and Engagement Team (CET) and Stockton-on-Tees Health Select Committee (OSC)



## 12 Appendix 4: Health Select Committee Terms of Reference

1. To provide the Executive Scrutiny Committee with views on the Select Committee's priority areas for policy development and review insofar as health is concerned.
2. Following liaison with the Executive Scrutiny Committee, to adopt a programme of time-limited scrutiny reviews in relation to work in partnership with other organisations on reviewing local health issues and the health service, and in particular to review and scrutinise matters relating to the health service in the Authority's area in accordance with regulations under Sections 75 and 244 of the National Health Service Act 2006
3. To monitor and review performance information relating to its thematic area.
4. To respond to health consultations with the exception of responses to "significant variations" (as defined by in the NHS Act 2006) which will require Council approval prior to submission to the relevant health body.

### General Role

Within their terms of reference, Select Committees will:

- (i) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- (ii) in accordance with the terms of the Constitution, make reports and/or recommendations to Cabinet or full Council in connection with the discharge of any functions;
- (iii) consider any matter affecting the area or its inhabitants.

### Specific Functions

#### (a) Policy development and review

Within their terms of reference, Select Committees may:

- (i) assist the Council and the Cabinet in the development of its budget and policy framework by in-depth analysis of policy issues;
- (ii) conduct research, undertake community and other consultation in connection with the analysis of policy issues and possible options;



- (iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- (iv) question members of the Cabinet and Senior Officers about their views on issues and proposals affecting the area; and
- (v) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

DRAFT

### 13 **Appendix 5: Monitoring the outcomes of scrutiny recommendations**

As with all of Stockton Council's scrutiny committees, the Health Select Committee undertakes a process to monitor the implementation and outcomes from recommendations that it has made and that have been accepted by the relevant body. NHS Stockton-on-Tees will complete all reports associated with this process, and will attend associated meetings of the Health Select Committee.

A summary of the process is as follows:

- 1 Following approval of the recommendations, an action plan will be completed by the lead officer from the PCT;
- 2 The action plan is submitted to the Committee at the next available opportunity, with the lead officer in attendance;
- 3 Should the Committee approve the action plan, a date will be agreed to receive an initial progress report (this is normally 6 months but will depend on the target dates included in the action plan);
- 4 The Lead officer prepares the progress report and attends Committee on the agreed date;
- 5 All recommendations that are not 'signed off' as complete at this stage are then subject to quarterly progress reports to the Committee. Unless there are special considerations the lead officer would not be expected to attend these meetings;
- 6 Stockton-on-Tees Borough Council's Scrutiny Team will liaise with NHS Stockton-on-Tees with regard to the completion of the progress reports via Jackie White.