

**Reconfiguration of Mental Health Services in Dudley and Walsall**

**Terms of Reference for a Joint Overview and Scrutiny Committee for Dudley and Walsall Councils.**

**Introduction and background**

1. It is proposed that a new NHS organisation to provide mental health services for the boroughs of Walsall and Dudley is created. Currently, mental health services are provided by Walsall teaching Primary Care Trust (tPCT) and Dudley Primary Care Trust (PCT), in partnership with the respective local authorities.
2. The new organisation would be a NHS Trust holding partnership agreements with Dudley and Walsall local authorities relating the provision and funding of services. It is proposed that the new organisation would provide all elements of mental health services currently delivered by the PCTs.

**Purpose and definition of joint arrangements**

3. The purpose of the joint arrangements is to consider and respond to proposals to create a new NHS organisation to provide mental health services for the boroughs of Walsall and Dudley. The creation of a new NHS organisation would cover more than one local authority area and consequently there would be the need for the scrutiny of this to be undertaken by a Joint Overview and Scrutiny Committee. The joint arrangements will be between the Health Scrutiny panels of Dudley Council and Walsall Council.

**Process for establishing a Joint Overview and Scrutiny Committee**

4. The establishment of a Joint Overview and Scrutiny Committee will need to be agreed by the Health and Adult Social Care Select Committee in Dudley and the Health, Social Care and Inclusion Scrutiny and Performance Panel in Walsall.

**Role and responsibilities of a Joint Overview and Scrutiny Committee – statutory requirements**

5. Section 7 of the Health and Social Care 2001 Act requires NHS bodies to consult relevant overview and scrutiny committees on any proposals for substantial variations or developments of Health services.
6. The Secretary of State issued a direction about joint health overview and scrutiny committees in July 2003 relating to consultations by NHS bodies under the Health and Social Care Act 2001, where people from

more than one local authority area may be affected by proposed variations or developments to NHS Services. In these circumstances, all health overview and scrutiny committees must decide whether they consider the proposals to be 'substantial'. Those Health Overview and Scrutiny Committees that do consider them to be substantial must form a joint overview and scrutiny committee to deal with the consultation and to respond on behalf of their communities.

7. NHS bodies have responsibilities to overview and scrutiny committees to consult on matters of substantial variation to services, this is in addition to the duty under Section 242 of the National Health Service Act 2006 to involve and consult patients and public.
8. Under Section 245 of the National Health Service Act 2006, two or more Councils may appoint a joint overview and scrutiny committee of those authorities.

### **Membership**

9. The local authority areas affected by the proposals are Dudley and Walsall.
10. Representation shall be determined once individual authorities have decided whether the variation or development of the service is considered substantial that local authority area.
11. Under Local Government Act 2000, Overview and Scrutiny Committees must generally reflect the political make up of full Council. However the Local Government and Housing Act 1989 enables local authorities to waive the political balance requirements if all elected Councillors within authorities agree that it need not apply.
12. Where a Joint Overview and Scrutiny Committee is established, the political balance requirements apply for each participating local authority. In this case, it is proposed that the joint committee will be made up of ten members, 5 from each local authority reflecting the political balance of Dudley and Walsall.
13. Executive/Cabinet members are excluded from serving on statutory or discretionary joint health committees.
14. The group may wish to co-opt the joint Chief Executive of Mental Health Services, and/or the Assistant Directors responsible for mental health services for each local authority. Other people can be co-opted as non-voting members.

### **Quorum**

15. To be one third of the membership, with at least one member from each authority.

## **Frequency of meetings**

16. The joint committee will meet to compliment the project timetable, and to respond to consultation by 19 December 2007.

## **Aims and objectives**

17. The aim of the Joint Overview and Scrutiny Committee between Dudley and Walsall is to consider proposals and respond to consultation on the mental health reconfiguration between Dudley and Walsall.

18. As per the direction made by the Secretary of State in July 2003, joint overview and scrutiny committees may;

- make comments on the proposal consulted on the local NHS body under regulation 4(4) of the Regulations
- require the local NHS body to provide information about the proposal under regulation 5 of the regulations; or
- require an officer of the local NHS body to attend before it under regulation 6 of the regulations to answer such questions as appear to it to be necessary for the discharge of its functions in connection with the consultation

## **Reporting**

19. Joint committees are able to exercise all the powers of a scrutiny panel, but may not refer back to scrutiny panels. Individual scrutiny panels in Dudley and Walsall lose the right to consider the proposal individually. At the end of the scrutiny process, the scrutiny panels can exercise the power of referral to the Secretary of State.

20. Department of Health guidance suggests that Joint Overview and Scrutiny committees must produce only one report reflecting the full range of views of its members.

## **Support and resources**

21. The Guidance on Overview and Scrutiny of Health issued by the Department of Health advocates that local authorities participating in joint committees should share the cost and resource implications of working together with the Primary Care Trust.