

CHESHIRE EAST COUNCIL

REPORT TO: The Cheshire and Wirral Councils' Joint Scrutiny Committee

Date of Meeting:	26 January 2010
Report of:	Cheshire East Borough Solicitor
Subject/Title:	The Cheshire and Wirral Council's Joint Scrutiny Committee Protocol

1.0 Report Summary

- 1.1 The attached Protocol has been considered and approved by the mid point meeting and is now submitted for approval and adoption by the Joint Committee.

2.0 Recommendations

- 2.1 That the attached Protocol setting out the working relationships between the Joint Committee and the Cheshire and Wirral Partnership NHS Foundation Trust (CWP), particularly for identifying and responding to proposals for Substantial Developments or Variations in Services, be approved.

3.0 Reasons for Recommendations

- 3.1 A Protocol that has been agreed by all parties will provide clear guidance and facilitate and promote good working relationships and good scrutiny practice.

4.0 Wards Affected

- 4.1 All

5.0 Local Ward Members

- 5.1 All

6.0 Policy Implications including - Climate change - Health

- 6.1 None

7.0 Financial Implications for Transition Costs (Authorised by the Borough Treasurer)

- 7.1 None

8.0 Financial Implications 2009/10 and beyond (Authorised by the Borough Treasurer)

8.1 None

9.0 Legal Implications (Authorised by the Borough Solicitor)

9.1 None

10.0 Risk Management

10.1 None identified

11.0 Background and Options

11.1 Prior to April 2009, a Protocol had been agreed between Cheshire and Wirral Councils and CWP, governing the working arrangements between the Joint Committee and CWP. During the intervening period there have been a number of changes concerning the way in which Health Scrutiny and patient and public involvement operates, which together with the reorganisation of Local Government in Cheshire, mean that the Protocol needs to be updated.

11.2 In particular, the document sets out guidance for identifying and responding to Substantial Developments or Variations in Services (SDVs) proposed by the NHS. If a proposal is considered to be an SDV, statutory obligations on public consultation arise for the NHS and for the Joint Committee to consider and respond to the proposed changes. It is therefore an important aid towards ensuring that SDVs (and proposals of a lesser but still significant impact) are dealt with properly.

11.3 The Department of Health has promised to produce revised national Guidance for the conduct of NHS scrutiny, but this is still awaited. When the Guidance is available, the Protocol may need to be further reviewed, to ensure it continues to comply with the national Guidance document.

12.0 Overview of Year One and Term One Issues

12.1 An agreed Protocol will help and support the Committee particularly as it establishes its role.

13.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

Name: Mike Flynn
Designation: Cheshire East Scrutiny Team
Tel No: 01270 686464
Email: mike.flynn@cheshireeast.gov.uk

