

## Item 7: East Kent Transformation Programme

By: Kay Goldsmith, Scrutiny Research Officer to the Kent Health Overview and Scrutiny Committee

To: Kent and Medway NHS Joint Overview and Scrutiny Committee,  
6 February 2020

Subject: East Kent Transformation Programme

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Summary: This report invites the Kent and Medway NHS Joint Overview and Scrutiny Committee to consider the information provided by the East Kent CCGs.

It provides additional background information which may prove useful to Members.

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### 1. Introduction

- (a) The programme of work under consideration for this item has been in development for a number of years. In November 2017 the NHS announced a 'medium list' of two potential options and has been working since then on developing these options.<sup>1</sup> The shortlist of options was announced on 16 January 2020.<sup>2</sup>

### 2. Joint Scrutiny

- (a) Regulation 23 of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 requires relevant NHS bodies and health service providers to consult a local authority about any proposal which they have under consideration for a substantial development or variation in the provision of health services in the local authority's area. This obligation requires notification and publication of the date on which it is proposed to make a decision as to whether to proceed with the proposal and the date by which Overview and Scrutiny may comment.
- (b) The Medway Health and Adult Social Care Overview and Scrutiny Committee (HASC) considered the proposals relating to Transforming Health and Care in East Kent on 16 October 2018. They determined that the reconfiguration constituted a substantial variation in the provision of health services in Medway.

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<sup>1</sup> <https://www.ekhuft.nhs.uk/patients-and-visitors/about-us/delivering-our-future/>

<sup>2</sup> <https://kentandmedway.nhs.uk/latest-news/nhs-leaders-in-east-kent-confirm-shortlist-for-hospital-improvements/>

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- (c) The Kent Health Overview and Scrutiny Committee (HOSC) most recently considered the item on 21 September 2018. The Committee has also deemed the changes to be a substantial variation in the provision of health services in Kent.
- (d) In line with Regulation 30 of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013<sup>3</sup> the Kent and Medway NHS Joint Overview and Scrutiny Committee (JHOSC) is meeting for the first time of this issue. The JHOSC may:
- make comments on the proposal;
  - require the provision of information about the proposal;
  - require the relevant NHS bodies and health service providers to attend before it to answer questions in connection with the consultation.
- (e) The legislation makes provision for local authorities to report a contested substantial health service development or variation to the Secretary of State. This only applies in certain circumstances and the local authority and relevant health body must take reasonable steps to resolve any disagreement in relation to the proposals.
- (f) The JHOSC may consider whether the reconfiguration should be referred to the Secretary of State under regulation 23(9) of the 2013 Regulations. The Committee must recommend a course of action to the relevant Overview and Scrutiny Committees.
- (g) The JHOSC cannot itself refer a decision to the Secretary of State. This responsibility lies with the Kent County Council HOSC and/or the Medway Council HASC.

### **3. Legal Implications**

- (a) The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 govern the local authority health scrutiny function. The provisions in the regulations relating to proposals for substantial health service developments or variations are set out in the body of this report.

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<sup>3</sup> When NHS bodies and health services consult more than one local authority on a proposal which they have under consideration for a substantial development of or variation in the provision of health services in the local authorities' areas, those local authorities must appoint a Joint Overview and Scrutiny Committee (JHOSC) for the purposes of the consultation.

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### 4. Financial Implications

- (a) There are no direct financial implications arising from this report.

### 5. Recommendation

The JHOSC is invited to:

- CONSIDER and NOTE the report.

### Background Documents

Kent County Council (2018) '*Health Overview and Scrutiny Committee (27/04/2018)*',

<https://democracy.kent.gov.uk/ieListDocuments.aspx?CId=112&MId=7846&Ver=4>

Kent County Council (2018) '*Health Overview and Scrutiny Committee (08/06/2018)*',

<https://democracy.kent.gov.uk/ieListDocuments.aspx?CId=112&MId=7918&Ver=4>

Kent County Council (2018) '*Health Overview and Scrutiny Committee (20/07/2018)*',

<https://democracy.kent.gov.uk/ieListDocuments.aspx?CId=112&MId=7919&Ver=4>

Kent County Council (2018) '*Health Overview and Scrutiny Committee (21/09/2018)*',

<https://democracy.kent.gov.uk/ieListDocuments.aspx?CId=112&MId=7921&Ver=4>

Medway Council (2018) '*Health and Adult Social Care Overview and Scrutiny Committee (16/10/2018)*,

<https://democracy.medway.gov.uk/mgAi.aspx?ID=19800>

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