

Item 4: Kent and Medway Hyper Acute and Acute Stroke Services Review

By: Lizzy Adam, Scrutiny Research Officer to the Kent Health Overview and Scrutiny Committee

To: Kent and Medway NHS Joint Overview and Scrutiny Committee,
22 January 2018

Subject: Kent and Medway Hyper Acute and Acute Stroke Services Review

Summary: This report invites the Kent and Medway NHS Joint Overview and Scrutiny Committee to consider the information provided by the Kent and Medway Clinical Commissioning Groups (CCGs).

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

1. Introduction

- (1) 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 (“responsible persons”) to consult a local authority about any proposal which they have under consideration for a substantial development of 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.
- (2) On 11 August 2015 the Medway Health and Adult Social Care Overview and Scrutiny Committee considered the Kent and Medway Hyper Acute and Acute Stroke Services Review. The Committee’s deliberations resulted in agreeing the following recommendation:
 - *The Committee agreed that the reconfiguration of hyper acute/acute stroke services constituted a substantial variation and noted the arrangements in place for Kent Health Scrutiny Committee to be consulted which may necessitate the need for a Joint Health Scrutiny Committee to be established.*
- (3) On 17 July and 4 September 2015 the Kent Health Overview and Scrutiny Committee considered the Kent and Medway Hyper Acute and Acute Stroke Services Review. The Committee’s deliberations on 4 September 2015 resulted in agreeing the following recommendation:
 - *RESOLVED that:*
 - (a) *the Committee deems the stroke proposals to be a substantial variation of service.*
 - (b) *a Joint HOSC be established with Medway Council, with the Kent HOSC receiving updates on the work of the Joint Committee.*

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- (4) Regulation 30 of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 states that where relevant NHS bodies and health service providers consults more than one local authority on any 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 and only 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.
- (5) The legislation makes provision for local authorities to report a contested substantial health service development or variation to the Secretary of State in certain circumstances, after reasonable steps have been taken locally to resolve any disagreement between the local authority and the relevant responsible person on any recommendations made by the local authority in relation to the proposal. A decision on whether to make a report to the Secretary of State would be a matter for the Kent County Council Health Overview and Scrutiny Committee and/or the Medway Council Health and Adult Social Care Overview and Scrutiny Committee to make rather than the JHOSC.
- (6) The Kent and Medway NHS Joint Overview and Scrutiny Committee (JHOSC) was therefore convened and has met on 8 January, 29 April, 4 August, 28 November 2016 and 12 December 2017 for the purpose of the consultation on the Kent and Medway Hyper Acute and Acute Stroke Services Review. On 12 December 2017 the Committee's deliberations resulted in the following agreement:
- *RESOLVED that the Joint CCG Committee be requested:*
 - (a) *to note comments about length of the process to date and the importance of moving to the consultation phase;*
 - (b) *to present the final options and consultation plan to the Committee prior to the start of public consultation.*
- (7) On 29 November and 30 November 2017 Bexley Council's People Overview and Scrutiny Committee and East Sussex County Council's Health Overview and Scrutiny Committee considered the Kent and Medway Hyper Acute and Acute Stroke Services Review as a number of their residents access stroke services in Kent and Medway. Both Committees determined that the proposals were likely to be a substantial variation for their areas and requested that arrangements were made to establish a new JHOSC comprising of members from Kent County Council, Medway Council, East Sussex County Council and Bexley Council. The Terms of Reference and membership of the

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new JHOSC will be subject to agreement by the full councils of Kent County Council and Medway Council.

- (8) Prior to the establishment of the new JHOSC and to enable the public consultation to proceed as planned, representatives of Bexley Council's People Overview and Scrutiny Committee and East Sussex County Council's Health Overview and Scrutiny Committee have been invited to attend and speak at the Committee on 22 January as non-voting guests.
- (9) The NHS paper was not available at the time of publication and will be circulated as a supplement in advance of the meeting; the paper is not expected until 19 January.

2. Legal Implications

- (1) 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.

3. Financial Implications

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

4. Recommendation

The Joint Committee is invited to:

- i. Consider and comment on the proposed options and consultation plan (to be set out in NHS paper to follow)
- ii. Refer any relevant comments to the Joint CCG Committee and request that they be taken into account prior to the start of public consultation

Background Documents

Kent County Council (2015) '*Health Overview and Scrutiny Committee (17/07/2015)*',

<https://democracy.kent.gov.uk/ieListDocuments.aspx?CId=112&MId=5841&Ver=4>

Kent County Council (2015) '*Health Overview and Scrutiny Committee (04/09/2015)*', <https://democracy.kent.gov.uk/mgAi.aspx?ID=32939>

Medway Council (2015) '*Health and Adult Social Care Overview and Scrutiny Committee (11/08/2015)*',

<http://democracy.medway.gov.uk/ieListDocuments.aspx?CId=131&MId=3255&Ver=4>

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Kent County Council (2016) '*Kent and Medway NHS Joint Overview and Scrutiny Committee (08/01/2016)*',
<https://democracy.kent.gov.uk/ieListDocuments.aspx?CId=757&MId=6314&Ver=4>

Kent County Council (2016) '*Kent and Medway NHS Joint Overview and Scrutiny Committee (29/04/2016)*',
<https://democracy.kent.gov.uk/ieListDocuments.aspx?CId=757&MId=6357&Ver=4>

Kent County Council (2016) '*Kent and Medway NHS Joint Overview and Scrutiny Committee (04/08/2016)*',
<https://democracy.kent.gov.uk/ieListDocuments.aspx?CId=757&MId=7405&Ver=4>

Kent County Council (2016) '*Kent and Medway NHS Joint Overview and Scrutiny Committee (28/11/2016)*',
<https://democracy.kent.gov.uk/mgAi.aspx?ID=42592>

Kent County Council (2017) '*Kent and Medway NHS Joint Overview and Scrutiny Committee (12/12/2017)*',
<https://democracy.kent.gov.uk/mgAi.aspx?ID=46699>

Contact Details

Lizzy Adam
Scrutiny Research Officer
lizzy.adam@kent.gov.uk
03000 412775