Item 7: Assistive Reproductive Technologies (ART) Policy 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, 12 October 2018

Subject: Assistive Reproductive Technologies (ART) Policy Review

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

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

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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 18 January 2018 the Medway Health and Adult Social Care Overview and Scrutiny Committee considered the Assistive Reproductive Technologies (ART) Policy Review. The Committee agreed the following recommendation:

- *The Committee determined that the Policy Review of Assistive Reproductive Technologies was a substantial development of or variation in the provision of health services in Medway.*

(3) On 24 November 2017 and 26 January 2018, the Kent Health Overview and Scrutiny Committee considered the Assistive Reproductive Technologies (ART) Policy Review. The Committee agreed the following recommendation on 26 January 2018:

- *RESOLVED that:*

  (a) the Committee deems the proposed policy changes to be a substantial variation of service;

  (b) a joint HOSC be established with Medway Council.

(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 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) has therefore been convened for the purpose of the consultation on the Assistive Reproductive Technologies (ART) Policy Review.

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 JHOSC is invited to:

- CONSIDER and COMMENT on the report;
- REFER any relevant comments relating to the Assistive Reproductive Technologies (ART) Policy Review to NHS Medway CCG

Background Documents

Kent County Council (2017) *'Health Overview and Scrutiny Committee (24/11/2017)'*, https://democracy.kent.gov.uk/ieListDocuments.aspx?CId=112&MId=7533&Ver=4

Kent County Council (2018) *'Health Overview and Scrutiny Committee (26/01/2018)'*, https://democracy.kent.gov.uk/ieListDocuments.aspx?CId=112&MId=7639&Ver=4

Medway Council (2018) '*Health and Adult Social Care Overview and Scrutiny Committee (18/01/2018)*', https://democracy.medway.gov.uk/ieListDocuments.aspx?CId=131&MId=3727&Ver=4

Contact Details

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