

Scrutiny Board :	Health and Adult Social Care Scrutiny Board
Report Title	Joint Health Scrutiny Arrangements
Date of Meeting	Monday 14 th July 2025
Report Author	Rhys Attwell Interim Democratic Services Officer
Lead Officer	Mike Jones Service Director Governance, Monitoring Officer
Wards Affected	All Wards
Identify exempt information and exemption category	N/A
Appendices (if any)	<p>Draft Memorandum of Understanding for Black Country Joint Health Overview and Scrutiny Committee</p> <p>Appendix 1 - Draft Memorandum of Understanding for the Sandwell and West Birmingham Joint Health Overview and Scrutiny Committee</p> <p>Appendix 2 - Draft Memorandum of Understanding for joint scrutiny arrangements with neighbouring Black Country authorities</p>

1. Executive Summary

- 1.1 The report outlines proposed arrangements for the scrutiny of cross-boundary health matters affecting Sandwell.

2. Recommendations

- 2.1 That the Health and Adult Social Care Scrutiny Board re-establishes arrangements with Birmingham City Council for the joint scrutiny of health-related matters affecting the Sandwell and West Birmingham area.
- 2.2 That the Health and Adult Social Care Scrutiny Board appoints five named members (to be comprised of four Labour and one Opposition members) to the Joint Health Overview and Scrutiny Committee with Birmingham City Council.

- 2.3 That the Health and Adult Social Care Scrutiny Board establishes arrangements with neighbouring Black Country authorities (Dudley Council, Walsall Council and Wolverhampton City Council) for a formation of a Joint Health Scrutiny Committee (JHOSC).
- 2.4 That the Health and Adult Social Care Scrutiny Board appoints four named members (to be comprised of three Labour and one Opposition members), including the Chair, to participate in joint health scrutiny arrangements with neighbouring Black Country authorities.
- 2.5 That the Board considers and comments upon the draft memoranda of understanding attached at Appendix 1 and 2.

3. Background and Context

- 3.1 NHS bodies have responsibilities to consult overview and scrutiny committees on substantial reconfiguration proposals; this is in addition to the duty under S11 of the Health and Social Care Act 2001 to involve and consult patients and public. Experience has shown that there is a need for authorities to be ready to respond quickly to such consultations.
- 3.2 In accordance with the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 local authorities may appoint a discretionary joint health scrutiny committee to look at issues that cross local authority boundaries. The Regulations also mandate local authorities to appoint joint committees where a relevant NHS body or health service provider consults more than one local authority's health scrutiny function about substantial reconfiguration proposals.
- 3.3 Joint health scrutiny arrangements with Birmingham City Council have been established annually since 2004/05 and provide a mechanism for both informal and formal joint scrutiny of matters relating to the planning, provision and operation of health services in the area affecting both local authorities. In recent years the Committee has maintained important oversight of the development of the Midland Metropolitan University Hospital.
- 3.4 Discussions with neighbouring Black Country authorities have established that the creation of joint health scrutiny arrangements with Wolverhampton City Council, Walsall Council and Dudley Council are required to provide a valuable mechanism for both informal and joint scrutiny matters relating to planning, provision and operation of health services within the Black Country area, affecting at least two or more local authorities.
- 3.5 The re-establishment of the Joint Health Scrutiny arrangements with Birmingham City Council will ensure that scrutiny of important health matters affecting the population of Sandwell and West Birmingham can continue at both the information (discretionary) level and a formal (mandatory) level.

- 3.6 The establishment of the Joint Health Scrutiny arrangements with Wolverhampton City Council, Walsall Council and Dudley Council will ensure that scrutiny of important health matters affecting the population of Sandwell and one or more of the listed authorities can continue at both information (discretionary) level and a formal (mandatory level).
- 3.7 Details of how the joint committees and NHS counterparts will work together to reach a view as to whether or not a proposal constitutes a “substantial variation” will be set out in Memoranda of Understanding (MoU) to be agreed between the health scrutiny committees and their respective NHS counterparts.
- 3.8 Draft Memorandum of Understanding are attached at appendices 1 and 2. Consultation is underway with NHS counterparts and the final Memoranda of Understanding will be agreed by the respective joint scrutiny committees.

4. Consultation

- 4.1 In establishing a Joint Health Overview and Scrutiny Committee (JHOSC), the Council must ensure compliance with relevant statutory duties set out in the Health and Social Care Act 2012 and the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013. These legal frameworks require that appropriate consultation is undertaken with all relevant local authorities, health bodies, and stakeholders affected by the formation of the JHOSC.
- 4.2 Consultation is underway with NHS counterparts on the draft Memoranda of Understanding, which will be agreed by the respective joint scrutiny committees.

Financial Implications

- 5.1 The joint health scrutiny arrangements will be supported by existing officer resources.

6. Legal and Governance Implications

- 6.1 The establishment of a Joint Health Overview and Scrutiny Committee (JHOSC) is compliant with the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) regulations 2013, which provide the legal framework such committees. These Regulations have been issued further to the National Health Service Act 2006 and amended by the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny (Amendment and Saving Provision) Regulations 2024.
- 6.2 In accordance with the provisions of the Local Government Act 2000 and specific guidance from the Secretary of State, the political balance requirement must be applied in respect of each joint committee which may be established. However, it is possible for political proportionality to be waived subject to the agreement of all parties involved.

- 6.3 The Governance arrangements including membership, voting rights and terms of reference will be jointly agreed with participating authorities.
- 6.4 Ongoing governance support will be provided to ensure the committee operates with the appropriate legal and constitutional framework.

7. Risks

- 7.1 There is a reputational risk if there is not an appropriate Joint Health Overview and Scrutiny Committee, that considers major changes or concerns within the health systems that operate across different local authority boundaries.

8. Equality and Diversity Implications (including the public sector equality duty)

- 8.1 Joint health scrutiny committees serve as a vital mechanism for ensuring that health services are equitable, effective, and aligned with the priorities of the populations they serve.

9. Other Relevant Implications

- 9.1 Health and Wellbeing - The overall aim of the joint committee is to improve the health and wellbeing of the population of all authorities involved in the Joint Committees.
- 9.2 Corporate Parenting- The Implications will be considered by elected members on items considered as part of the joint health scrutiny arrangements.

10. Background Documents

Attached as appendices

11. How does this deliver the Outcomes in the Council Plan?

- 11.1 The establishment of a Joint Health Overview and Scrutiny Committee (JHOSC) contributes directly to the strategic theme of “Healthy in Sandwell” outcome in the Council Plan. By working collaboratively with neighbouring local authorities, Sandwell Council can ensure that significant changes to NHS and Health Services are subject to democratic oversight.
- 11.2 The establishment of Joint Health Overview and Scrutiny Committee (JHOSC) will help to protect access to high-quality, responsive health services for Sandwell residents and reduce health inequalities across the borough.
- 11.3 The establishment of a Joint Health Overview and Scrutiny Committee (JHOSC) would ensure that through effective scrutiny of service changes, public health decisions, and performance metrics that the Joint Health Overview and Scrutiny Committee would support improved health outcomes for the Borough.