Report title and challenge question(s):

_Waltham Forest Health Scrutiny Committee:_

_Substantial Variation Protocol_

_How can the Health and Wellbeing Board support its respective member organisations to understand their responsibilities in respect to health scrutiny?_

_Priority report relates to (where applicable): N/A_

_Report to: Health and Wellbeing Board_

_Report author(s):_

_Wherever possible reports should be co-authored, especially when considering issues that affect more than one organisation_

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1.1 What is the ‘wicked issue’?
The sovereign organisations that comprise the Health and Wellbeing Board have a number of powers and duties in respect to health scrutiny. The Council, through its Health Scrutiny Committee, has the power to scrutinise and review the planning and provision of local health services. These powers are mirrored in duties placed on health service commissioners and providers, as set out in the legislation listed in the attached protocol (appendix 1).

The Health Scrutiny Committee has the power to consider any proposed substantial variation to health services, and make recommendations as it deems necessary. What qualifies as a substantial variation is not defined in legislation and is agreed at a local level by the committee and relevant health organisations. These responsibilities are not always consistently understood, and this can leave changes to services vulnerable to challenge.

1.2 What are the existing mechanisms/projects to address this issue?
The current local arrangements around health scrutiny are functioning well, with an active dialogue between the committee, Commissioners and providers having been developed in the previous year. The current mechanism for considering whether a change qualifies as a substantial variation is an informal discussion with the officer support, followed by a decision taken in consultation with the Health Scrutiny Committee Chair and Vice Chair.

1.3 What more can the partnership do? / What is your ask of the board today?
The attached local protocol will enable a more consistent approach for the discussion between the Committee, commissioners and providers. It sets out the responsibilities and requirements in respect to health scrutiny and planning changes to services. The pro forma will ensure that the information provided is sufficient in detail, and will also prompt commissioners and providers to think about the factors that could inform a decision. While not every change to services will require formal consideration by the committee, it is important to demonstrate that an active discussion about any proposals has taken place, in order to minimise any future challenge.

This report recommends:

- That the Health and Wellbeing Board endorse the protocol (appendix 1), and invites its members to act as advocates for it in their respective organisations.

This will enable the new process to be embedded and shared across the relevant partners.