


# Agenda Item 8

		<b>THE HEALTH SCRUTINY COMMITTEE FOR LINCOLNSHIRE</b>	
Boston Borough Council	East Lindsey District Council	City of Lincoln Council	Lincolnshire County Council
North Kesteven District Council	South Holland District Council	South Kesteven District Council	West Lindsey District Council

Open Report on behalf of David Coleman, Chief Legal Officer

Report to	<b>Health Scrutiny Committee for Lincolnshire</b>
Date:	<b>20 February 2019</b>
Subject:	<b>Health Scrutiny Committee for Lincolnshire - Work Programme</b>

## **Summary:**

This item enables the Committee to consider and comment on the content of its work programme, which is reviewed at each meeting of the Committee so that its content is relevant and will add value to the work of the Council and its partners in the NHS. Members are encouraged to highlight items that could be included for consideration in the work programme.

## **Actions Required:**

- (1) To review, consider and comment on the work programme set out in the report and to highlight for discussion any additional scrutiny activity, which could be included for consideration in the work programme.
- (2) To note the information in section 2 of this report, relating to the guidance issued to NHS commissioners on how they should meet the public sector equality duty, and to consider whether to seek further information on how local NHS organisations in Lincolnshire plan to meet this duty, when the relevant items are brought forward for the Committee's consideration.

## 1. Work Programme

The items listed for today's meeting are set out below: -

<b>20 February 2019 – 10 am</b>	
<i>Item</i>	<i>Contributor</i>
Lincolnshire Sustainability and Transformation Partnership: Engagement and the NHS Long Term Plan	John Turner, Senior Responsible Officer, Lincolnshire Sustainability and Transformation Partnership
Non-Emergency Patient Transport	Mike Casey, Director of Operations, Thames Ambulance Service
Grantham Accident and Emergency Department – Referral to the Secretary of State for Health and Social Care	Simon Evans, Health Scrutiny Officer

Planned items for the Health Scrutiny Committee for Lincolnshire are set out below:

<b>20 March 2019 – 10 am</b>	
<i>Item</i>	<i>Contributor</i>
United Lincolnshire Hospitals NHS Trust – Update on Care Quality Commission Inspection	Senior Management Representatives, United Lincolnshire Hospitals NHS Trust
Children and Young Persons Services at United Lincolnshire Hospitals NHS Trust - Update	Senior Management Representatives, United Lincolnshire Hospitals NHS Trust
North West Anglia NHS Foundation Trust Update	Management representatives from North West Anglia NHS Foundation Trust Update
Dental Services in Lincolnshire	Carole Pitcher, Contracts Manager Dental and Optometry, NHS England – Midlands & East (Central Midlands)
Non-Emergency Patient Transport Service – Update	Sarah-Jane Mills, Chief Operating Officer, Lincolnshire West CCG Tim Fowler, Director of Commissioning and Contracting, Lincolnshire West CCG
Quality Accounts - Arrangements for 2019	Simon Evans, Health Scrutiny Officer

<b>17 April 2019 – 10 am</b>	
<i>Item</i>	<i>Contributor</i>
Older Adult Mental Health Services	Jane Marshall, Director of Strategy, and Chris Higgins, Deputy Director of Operations, Lincolnshire Partnership NHS Foundation Trust
East Midlands Ambulance Service Update	Sue Cousland, East Midlands Ambulance Service Divisional Manager, Lincolnshire
Non-Emergency Patient Transport	Mike Casey, Director of Operations, Thames Ambulance Service

<b>16 May 2019 – 10 am</b>	
<i>Item</i>	<i>Contributor</i>

### Items to be Programmed

- Adult Immunisations
- Developer and Planning Contributions for NHS Provision
- Joint Health and Wellbeing Strategy Update
- CCG Role in Prevention
- Cancer Strategy Update
- Lincolnshire Sustainability and Transformation Plan – Formal Consultation Elements:
  - Women's and Children's Services
  - Emergency and Urgent Care

Appendix A to the report contains the work programme in a table format.

## **2. Consultations by the NHS – Meeting the Public Sector Equality Duty**

At the last meeting of the Committee on 23 January 2019, it was agreed to give consideration on how the NHS meets its equalities duties in relation to consultations. Three NHS England documents are relevant to this consideration: -

- (1) Guidance for NHS Commissioners on Equality and Health Inequalities Legal Duties (*NHS England – 14 December 2015*)
- (2) Planning, Assuring and Delivering Service Change for Patients – (*NHS England - December 2013 [Revised October 2015 and Updated March 2018]*)
- (3) Patient and Public Participation in Commissioning Health and Care: Statutory Guidance for Clinical Commissioning Groups and NHS England (*NHS England Undated*)

These three documents detail how commissioners such as CCGs should meet their public sector equality duty. Section 1 of Document (1) above provides the most detail on the public sector equality duty. Some extracts are set out below:

*"Publishing guidance or policies, or making decisions without demonstrating how you have paid due regard to the PSED leaves the organisation open to legal challenge.*

*"This means CCGs and NHS England should understand the potential effect of policies and practices on people with characteristics that have been given protection under the Equality Act, especially in relation to their health outcomes and the experiences of patients, communities and the workforce. This will help the organisation to consider whether the policy or practice will be effective for all people."*

*"Having "due regard" to the public sector equality duty simply involves considering the aims of the Duty in a way that is proportionate to the issue at hand.*

*"Decision makers should ensure that they give real consideration to these aims and think about the impact of policies with rigour and with an open mind, in such a way that might influence the final decision. They should do this before and during policy formation and when a decision is taken. Addressing equality in this way should be considered business as usual, not an exceptional activity. Case law has established that what is important is not the preparation of a particular document, but that officials give proper, informed consideration to equality issues at the right time and that they keep a record of that consideration.*

*"Equality analyses / equality impact assessments are just one of many ways of demonstrating compliance with the PSED.*

*"It is important that any conclusions arising from your equality analyses are able to influence your policies and practices."*

The following extracts from document (2) above are also relevant:

*"A proposal for development should cover an assessment against legal duties and obligations including the public sector equality duty and the duty to have regard to the need to reduce inequalities.*

*The pre-consultation business case will vary, however they should outline how the proposed service changes will promote equality, tackle health inequalities and demonstrate how the commissioners have met public sector equality duty."*

Here are two extracts from document (3) above:

*"NHS England has developed 10 principles of participation based on a review of research, best practice reports and the views of stakeholders.*

1. *Reach out to people rather than expecting them to come to you and ask them how they want to be involved, avoiding assumptions.*
2. *Promote equality and diversity and encourage and respect different beliefs and opinions.*
3. *Proactively seek participation from people who experience health inequalities and poor health outcomes.*
4. *Value people's lived experience and use all the strengths and talents that people bring to the table, working towards shared goals and aiming for constructive and productive conversations.*
5. *Provide clear and easy to understand information and seek to facilitate involvement by all, recognising that everyone has different needs. This includes working with advocacy services and other partners where necessary.*
6. *Take time to plan and budget for participation and start involving people as early as possible.*
7. *Be open, honest and transparent in the way you work; tell people about the evidence base for decisions, and be clear about resource limitations and other relevant constraints. Where information has to be kept confidential, explain why.*
8. *Invest in partnerships, have an ongoing dialogue and avoid tokenism; provide information, support, training and the right kind of leadership so everyone can work, learn and improve together.*
9. *Review experience (positive and negative) and learn from it to continuously improve how people are involved.*
10. *Recognise, record and celebrate people's contributions and give feedback on the results of involvement; show people how they are valued."*

*"CCGs and NHS England should be able to demonstrate how they have tried to ensure:*

- *Participation activity reaches diverse communities and groups with distinct health needs and those who experience difficulties accessing health services, including inclusion health groups.*
- *People who have characteristics that are protected under the Equality Act 2010 are involved.*
- *People who lack capacity are protected and empowered and that the provisions of the Mental Capacity Act 2005 are met."*

## **Conclusion**

The Committee's work programme for the coming year is set out above. The Committee is invited to review, consider and comment on the work programme and highlight for discussion any additional scrutiny activity which could be included for consideration in the work programme.

**Background Papers** - No background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report.

This report was written by Simon Evans, Health Scrutiny Officer, who can be contacted on 01522 553607 or by e-mail at [Simon.Evans@lincolnshire.gov.uk](mailto:Simon.Evans@lincolnshire.gov.uk)

## APPENDIX A

### HEALTH SCRUTINY COMMITTEE FOR LINCOLNSHIRE AT-A-GLANCE WORK PROGRAMME

KEY	2017					2018								2019						
	14 June	19 July	13 Sept	11 Oct	8 Nov	13 Dec	17 Jan	21 Feb	21 Mar	18 Apr	16 May	13 June	11 July	12 Sept	17 Oct	14 Nov	12 Dec	23 Jan	20 Feb	20 Mar
<b>Meeting Length - Minutes</b>	170	225	185	170	205	230	276	280	270	230	244	233	188	280	160	275				
<b>Cancer Care</b>																				
General Provision																✓				
Head and Neck Cancers														ca						
<b>Clinical Commissioning Groups</b>																				
Annual Assessment														ca						
Lincolnshire East																✓				
Lincolnshire West															✓					
South Lincolnshire																		✓		
South West Lincolnshire																		✓		
<b>Community Maternity Hubs</b>								ca												
<b>Community Pain Management</b>												ca								
<b>Dental Services</b>							✓		ca									ca	ca	
<b>GPs and Primary Care:</b>																				
Extended GP Opening Hours								ca			ca					ca				
GP Recruitment			ca		ca															
Lincoln GP Surgeries		ca		ca																
Lincoln Walk-in Centre		✓	ca	✓		✓		✓			✓									
Louth GP Surgeries		ca	ca																	
Out of Hours Service														ca						
Sleaford Medical Group									ca											
Spalding GP Provision																	ca			
Grantham Minor Injuries Service												ca	✓	ca						
<b>Health and Wellbeing Board:</b>																				
Annual Report												ca								
Joint Health and Wellbeing Strategy		✓						✓												
Pharmaceutical Needs Assessment					✓		✓													
<b>Health Scrutiny Committee Role</b>	✓																			
<b>Healthwatch Lincolnshire</b>										ca		ca		ca						
<b>Lincolnshire Community Health Services NHS Trust</b>																				
Care Quality Commission														ca		ca				
<b>Learning Disability Specialist Care</b>				✓									✓							
<b>Lincolnshire Sustainability and Transformation Partnership</b>																				
General / Acute Services Review				✓			✓				ca	✓	ca	✓					✓	
GP Forward View										✓										
Integrated Community Care																✓				
Integrated Neighbourhood Working										✓										
Mental Health								✓						✓		ca				
NHS Long Term Plan																ca	✓	✓		
Operational Efficiency										✓										
Urgent and Emergency Care										✓						✓				
<b>Lincolnshire Partnership NHS Foundation Trust:</b>																				
General Update / CQC		✓																	ca	
Psychiatric Clinical Decisions Unit							ca													
<b>Lincolnshire Reablement &amp; Assessment Service</b>																		ca		
<b>Louth County Hospital</b>														ca	✓		ca			

KEY	2017					2018										2019				
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<p>✓ = Substantive Item Considered</p> <p>ca = Chairman's Announcement</p> <p>■ = Planned Substantive Item</p>			ca												ca			ca		
Northern Lincolnshire and Goole NHS Foundation Trust			ca												ca			ca		
North West Anglia NHS Foundation Trust						✓										ca				
<b>Organisational Developments:</b>																				
CCG Joint Working Arrangements												✓	ca						ca	
Integrated Care Provider Contract													ca	✓						
National Centre for Rural Care												ca							ca	
NHSE and NHSI Joint Working											ca							ca		
Lincoln Medical School			ca														ca			
<b>Patient Transport:</b>																				
Ambulance Commissioning			✓																	
East Midlands Ambulance Service			✓		ca					✓	ca	ca	ca	✓		ca	ca			
Non-Emergency Patient Transport						✓	ca	✓	✓	✓		✓	ca	✓	ca	ca	✓	✓		
Sleaford Joint Ambulance & Fire Station											ca		ca							
<b>Public Health:</b>																				
Child Obesity													ca							
Director of Public Health Report												✓								
Immunisation					✓															
Influenza Vaccination Programme																	ca			
Pharmacy			ca																	
Renal Dialysis Services														✓						
Quality Accounts	✓								✓											
<b>United Lincolnshire Hospitals NHS Trust:</b>																				
A&E Funding			ca																	
Introduction	✓																			
Care Quality Commission		✓										ca	ca	✓					✓	
Children/Young People Services											✓	✓	✓	✓		✓	ca	✓		
Financial Special Measures					ca	✓				✓										
Grantham A&E			✓				✓	ca						ca	ca	ca		✓		
Orthopaedics and Trauma												ca		ca						ca
Stroke Services																				ca
Winter Resilience					ca	✓	ca	ca			✓				✓					

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