

Brief outline of the essentials of health scrutiny

Briefing note by Mike Cooper, Tamarind Chambers, Dec 2009

Role of health scrutiny:

The roles of scrutiny:

- Constructive challenge, critical friend to decision-makers and providers;
- Collaboration with decision-makers and providers on policy development;
- Acting on behalf of public to provide quality assurance;
- Engaging with users and public, enabling their voice to be heard;
- Working with others, developing networks, sharing knowledge.

Health scrutiny:

- does not take decisions over services, it relies on being able to exert influence over those who do take the decisions. It depends upon effective relationships and establishing credibility with its partners and stakeholders;
- should bring its own distinct perspective to the decision-making process – a non-expert view, and reality check. It should be outward-focused and informed by public opinion.

Scope of health scrutiny (government guidance):

Health scrutiny is defined in government legislation in very broad terms as:

- concerned with any matter relating to the planning, provision and operation of health services in its area;
- a lever to improve the health of local people ... and services that impact on health.

And that is:

- not only NHS services, but the whole health economy; and not just services designed to improve health and provide care, but also the broader determinants of health and the services which impact on the health of local people.

Powers of health scrutiny:

The HOSC may make reports and recommendations on any matter it has scrutinised to:

- its own authority's executive (like any other OSC);
- to local NHS bodies: PCT, NHS Trusts, Strategic Health Authority (SHA);
- and for a 'substantial variation' it can refer to the Secretary of State (or to Monitor, the Independent Regulator of Foundation Trusts, for Foundation Trusts).

The HOSC can require an officer of a local NHS body to attend before it to answer questions, provided that reasonable notice is given.

Criteria for effective health scrutiny (Centre for Public Scrutiny):

Health scrutiny should:

- Add value: develop a distinctive role; do things that others are not doing; complement and fill gaps; avoid duplication.
- Make a difference: cause an improvement in service delivery and/or health outcomes; focus effort; do less, but do it better.
- Engage the community; represent the perspective of patients and the public.
- Measure and demonstrate its success: review and evaluate activity; communicate with stakeholders and the wider public; build credibility, learn and develop scrutiny.