

Health in Hackney Scrutiny Commission

Hackney Council
Room 118
Town Hall
Mare St, E8 1EA

Reply to: jarlath.oconnell@hackney.gov.uk

19 June 2017

Dr Clare Highton
Chair
City and Hackney Clinical Commissioning Group Governing Body

By email

Dear Clare

Creation of single Accountable Officer for East London Health and Care Partnership

We are writing in relation to the decision which we understand has been made to create a single Accountable Officer for the 7 CCGs in the NEL STP area and to express our concern about the wider reorganisation of the NHS in East London which is taking place at pace without any significant formal public consultation.

We understand the City and Hackney CCG has not yet agreed to create a single Accountable Officer and the matter is due to go to its June Board meeting.

As the local Health Scrutiny Committee we have serious concerns that this reorganisation represents a weakening of local accountability structures. In London 32 CCGs with accountability links to local councils will be replaced with just 4 CCG clusters.

We commend the successes that you have made of local NHS services and your commitment to work with the Council on establishing integrated commissioning. We acknowledge that City and Hackney CCG is one of the highest performing in the country. We believe that local control of decision making has greatly contributed to this success and we also believe that effective health services are only possible with effective scrutiny.

The Department of Health's own key messages on health scrutiny include¹:

¹ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/324965/Local_authority_health_scrutiny.pdf

- (i) *The primary aim of health scrutiny is to strengthen the voice of local people, ensuring that their needs are considered as an integral part of the commissioning and delivery of health services and that those are effective and safe.*
- (ii) *Health scrutiny also has a strategic role in taking an overview of how well integration of health, public health and social care is working.*

Your Chief Officer attends all our meetings to answer questions in public on behalf of the NHS. One of our concerns is that a single Accountable Officer covering 8 local authorities will not be able to replicate this level of local engagement. Some scrutiny can and does happen at a wider level than the local authority, however this scrutiny struggles to be truly effective given differing local knowledge and needs, and crucially it cannot take account of the whole local health economy; public health and social care being provided at local authority level.

We are concerned that this change reflects a wider drive to take major decisions affecting local health services at such a high level that any meaningful holding to account will become impossible.

We are very concerned that money allocated to City and Hackney CCG will continue to go out of the City and Hackney CCG area, whether presented as efficiency savings or otherwise. The CCG has a statutory duty to deliver health services for the residents of City and Hackney and it will be impeded in doing so if significant amounts of its funding continue to be diverted from it to provide fiscal balance across the NEL patch.

We are also of the view that the proposed ELHCP Community Group which will encompass a wide range of stakeholders across 8 local authorities will be so large as to be totally unwieldy and is no replacement for the existing holding to account by Elected Members which takes place in each borough.

The existing structures were created by primary legislation. There has been no democratic mandate for this transformation of the local NHS and it appears as if it is being done without the necessary changes to primary legislation that you would expect. Such primary legislation would of course mean that the proposals would have to stand up to intense public scrutiny.

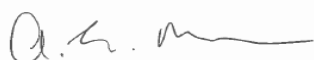
STPs have no status in law. We requested and have been provided with a summary of the legal advice the CCG has received which makes clear that decisions made by way of 'collaboration' cannot be binding on the partners nor can decisions be made by majority vote. This is a voluntary 'agreement' and is no basis for providing important NHS services.

The purpose of this letter is to ask:

1. To provide us with details on what the proposal to create a single Accountable Officer will mean in practice, specifically -
 - i. What powers would they have?
 - ii. What impact will this proposal have on how City & Hackney's budget allocation is spent?
 - iii. What impact will this proposal have on the commissioning of services for the residents of City and Hackney, both now and in the future?
 - iv. If the CCG is to remain sovereign (as per your legal advice) what is the point of one Accountable Officer? Does a sovereign body not need to retain leadership and an Accountable Officer?
 - v. How does the one Accountable Officer intend to work with the respective 'sovereign' CCGs and how will decisions be made?
2. In the absence of primary legislation, we ask that the CCG Governing Body does not agree to the proposal to create a single Accountable Officer across the NEL patch and that the existing structures be retained.
3. In light of the significant cumulative impact of the gradual, 'step by step' changes being brought about by the ELHCP which undermine structures put in place by Primary Legislation, why you and/or the ELHCP have not undertaken a formal public consultation as per the *The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013* and whether you or the ELHCP have formal legal advice that you do not need to consult? If so, please can we be provided with the same?

We look forward to hearing from you.

Yours sincerely



Councillor Ann Munn
Chair of Health in Hackney Scrutiny Commission

cc Jane Milligan, ELHCP Executive Lead
Diane Abbott MP
Meg Hillier MP
Paul Haigh, Chief Officer, City and Hackney CCG
Cllr Jonathan McShane, Cabinet Member for Health, Social Care and Devolution
Tim Shields, Chief Executive, Hackney Council
Cllr Clare Harrisson, Chair of INEL JHOSC
Jon Williams, Director, Healthwatch Hackney
Members of Health in Hackney Scrutiny Commission