Executive Summary

The Government’s White Paper, Equity and excellence: Liberating the NHS was published on 12th July 2010. This sets out plans to reform the NHS, with a major restructuring of health services and local authority responsibilities. Comments on the White Paper have been invited by 5th October 2010.

Five documents have been published to complement the White Paper, providing more detail on specific aspects of the proposals, four of which are subject to consultation. Given the range and scale of the proposals, HOSC is advised to focus on just one of these consultation documents: Local Democratic Legitimacy in Health. The closing date for this consultation is 11th October 2010. This report (and attached appendices) provides an overview of the White Paper for HOSC to consider. The Committee will also receive verbal updates from the Director of Public Health and Wellbeing and representatives of NHS West Sussex on the local implications of the White Paper at its meeting on 16th September.

Recommendations

The Health Overview and Scrutiny Committee (HOSC) is invited to:

1. Discuss the local implications of the Health White Paper;
2. Consider whether it wishes to make any formal response to the White Paper or the consultation on Local Democratic Legitimacy in Health (as set out at Appendix B);
3. Agree that any response from HOSC to the White Paper or related consultations should be based on comments made by HOSC members at the meeting on 16th September and then signed off by the HOSC Chairman and Vice Chairman, before being submitted to the Department of Health by the deadline of 11th October 2010; and
4. Agree that any response submitted to the Department of Health should also be forwarded to the Leader of West Sussex County Council to help inform any future discussions regarding the implications of the White Paper.

1. Background

The Health White Paper, ‘Equity and Excellence: Liberating the NHS’ was published on 12th July 2010, and sets out proposals for a radical restructuring of the NHS. It would transfer how health care is commissioned, with around £80 billion being transferred to new GP consortia. This is a far-reaching policy agenda, with a challenging timetable for implementation. Any comments on the White Paper should be submitted no later than 5th October
2010, with a particular focus on the implementation of proposals requiring primary legislation.

1.2 A summary of the White Paper produced by the Scrutiny Officer is attached at Appendix A, and full copies of the White Paper are available online at: http://www.dh.gov.uk/prod_consum_dh/groups/dh_digitalassets/@dh/@en/@ps/documents/digitalasset/dh_117794.pdf

1.3 HOSC Members should note that a separate report is due to go to Policy & Resources Select Committee (PRSC) on 15th September 2010 focusing on joint working between WSCC and NHS West Sussex, and specifically a decision due to be taken by the Leader of West Sussex County Council in October 2010 to conclude a formal partnership agreement with NHS West Sussex1. This decision would agree the arrangements for the transfer to the County Council from NHS West Sussex of commissioning functions and associated resources for the better planning, coordination and delivery of services and activities linked to adults and children’s social care services but currently managed within the NHS. HOSC and other appropriate select committee members will be sent a copy of this report and invited to attend PRSC to observe. HOSC members who have concerns or issues regarding this proposed decision will be able to raise these through the HOSC Chairman (Mrs Christine Field) who sits on PRSC.

2. Consultation on the Health White Paper

2.1 Following publication of the White Paper, a number of complementary consultation papers have been produced (as set out below), with a deadline for responses of 11th October 2010.

a) Increasing democratic legitimacy in health: A full copy is attached at Appendix B. This is a joint publication between the Department of Health and the Department for Communities and Local Government. It builds on the proposals in the White Paper to increase local democratic legitimacy in health, to be achieved through local authorities: i) being given a stronger role in supporting patient choice and ensuring effective local voice; ii) taking on local public health improvement functions; and iii) promoting more effective NHS, social care and public health commissioning arrangements. This links closely to the consultation on commissioning for patients, and taken together, these two documents set out the strategy for commissioning of health, care and wellbeing. They set out how the new system will work together to provide improved outcomes for patients, users and the public.

b) Commissioning for patients: This is a consultation document on how to implement the White Paper proposals to put local consortia of GP practices in charge of commissioning services, supported by an independent NHS Commissioning Board. It provides more detail on proposed arrangements and seeks views on a number of areas including:
   - How GP consortia and the NHS Commissioning Board can best involve patients in improving the quality of health services

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How GP consortia can work closely with secondary care, community partners and other health and care professionals to design joined-up services that are responsive to patients and the public

How the NHS Commissioning Board and GP consortia can best work together to make effective and efficient commissioning decisions

How the NHS Commissioning Board can best support consortia and ensure they achieve improvements in outcomes within NHS resources

c) **Transparency in outcomes – a framework for the NHS:** This consultation focuses on how the NHS Outcomes Framework should be developed. It seeks the help of those working in the NHS, patients and the public in developing the NHS Outcomes Framework, and explains and asks for views on:

- the principles that should underpin the NHS Outcomes Framework;
- a proposed structure and approach that could be used to develop the framework;
- the potential outcome indicators (existing and future) that could be presented in the framework, including the proposed rationales for selection;
- how the proposed NHS Outcomes Framework can support equality across all groups and can help reduce health inequalities; and
- how the framework can support the necessary partnership working between public health and social care services needed to deliver the best possible outcomes for patients.

d) **Regulating healthcare providers:** This consultation document further outlines proposals on foundation trusts and the establishment of Monitor as an independent economic regulator for health and adult social care.

3. **Issues for HOSC to Consider**

3.1 The Director of Public Health and Wellbeing and representatives of NHS West Sussex have been invited to provide a verbal update to the Committee on 16th September on the local implications of the White Paper, and the work being carried out to plan for its implementation.

3.2 HOSC is invited to consider the implications White Paper and consider whether it wishes to make any comments on this, and whether it wishes to make a response to the consultation on Local Democratic Legitimacy in Health, as set out at Appendix B.

3.3 The Centre for Public Scrutiny has produced a briefing note\(^2\) on the Health White Paper, which includes ten questions that councillors might want to ask. HOSC Members may wish to take these into account when considering the local implications of the White Paper (see overleaf):

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How will councillors influence:

- the local transition to the new arrangements?
- appropriate outcome measures for commissioners and providers?
- how well GP Commissioners evaluate whether the services they commission meet local needs and change services that don’t meet needs?
- the effectiveness of Health and Wellbeing Boards as co-ordinators of healthcare, social care and health improvement?
- the NHS Commissioning Board, especially around regional and specialist services?
- the development and support of an effective local Healthwatch?
- the relationship between councils and the Care Quality Commission and between local Healthwatch and national Healthwatch?
- the experience of patients and carers and the quality and safety of services?
- the influence local people have to develop options for changes to services?
- the process for assessing service reconfigurations?

4. **Resource Implications and Value for Money**

There are likely to be significant resource implications for local authorities if the proposals set out in the Health White Paper are enacted. These include the transfer of the public health budget from primary care trusts to local authorities and the establishment of health and wellbeing boards.

5. **Implications for Risk Management, Crime and Disorder Act, Human Rights Act**

Not applicable

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**Appendices**

- **Appendix A**: The Health White Paper: Equity and Excellence – Liberating the NHS – Summary produced by the Scrutiny Officer
- **Appendix B**: Liberating the NHS: Local Democratic Legitimacy in Health, Department of Health, July 2010

**Background Papers**

- Equity and Excellence: Liberating the NHS, July 2010
- Liberating the NHS: Commissioning for patients, July 2010
- Liberating the NHS: Regulating healthcare providers, July 2010
- Liberating the NHS: Transparency in outcomes – a framework for the NHS, July 2010

*N.B. All these documents are available at:  
http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_117353*