

# Joint Adult Social Care and Health and Wellbeing Scrutiny Commission

Tuesday 27th January 2015

POSITION STATEMENT from former Chair and members of the Healthwatch Leicester Board

Healthwatch was established under the Health & Social Care Act 2012 as the consumer champion for patients and the public in health and social care replacing the former LINks organisations. Local authorities were charged with bringing Healthwatches into being and in Leicester City following an open, public procurement process Voluntary Action LeicesterShire (VAL) were awarded the contract for three years from 1st April 2013 until 31st March 2016, with the option of a further one or two year extension. At the same time, Leicestershire County Council also awarded the County Healthwatch contract to VAL. (Furthermore, Rutland County Council followed by giving VAL a one year contract to establish Healthwatch Rutland. HW Rutland became independent of VAL on 1st April 2014.)

In March 2013, Philip Parkinson (PP) was asked if he would be prepared to help establish Healthwatch in the City of Leicester and to Chair an interim Leadership Group; he agreed to do so but was immediately confronted with very different views as to the form that Healthwatch should take. There had been a Transition Group led by the City Council during 2012 but it seemed to have petered out between December 2012 and March 2013.

It was quite clear that at least two views emerged, one that VAL could not run Healthwatch in effect as a Sub-committee of its Board and the other that in the spirit of the legislation, Healthwatch should be an independent organisation.

By late summer 2013 however, a point was reached where the position of the City Council was that Healthwatch should become an independent organisation to which end considerable work was undertaken to establish Healthwatch Leicester as a Company limited by guarantee - achieved in November 2012. Full reports were taken to the meetings of the City's Health & Wellbeing Board and to the Leicester Clinical Commissioning Group (CCG) in October 2013 and the membership was kept fully informed through e-bulletins and Newsletters, including personal up-dates from PP as interim Chair.

The intention was to work towards achieving independence by 1st April 2014. Kevan Liles, the CEO of VAL, intimated on several occasions that VAL would not stand in the way of this happening and would in effect work with us to achieve this end. An open, public and transparent recruitment process for a Chair and Directors of Healthwatch was undertaken between October and December 2013;

the panel included Linda Jones, VAL's Chair.

Karen Chouhan (KC) was appointed Chair and succeeded PP.

The Interim Board and the staff team lead by Vandna Gohil succeeded in fulfilling all the expectations of the contract including the KPIs for 2013/14. Throughout the period April 2014 - November 2014, the Healthwatch Chair and Board members were able to make a valuable contribution to the City's Health & Wellbeing Board, it's Health & Adult Social Care Scrutiny Commissions and to various health bodies eg the CCG, NHS England's Quality Surveillance Group. Bringing considerable experience and knowledge they were able to be at the heart of the Better Care Together Programme. One Board member was particularly well informed locally, regionally and nationally with learning disabilities.

A programme of induction was provided for the six newly appointed Directors; unfortunately due to changed personal circumstances two of these had to resign but the three founding Directors - Gill Brigden, Surinder Sharma and PP agreed to stay on to support KC and the new Board. There was some slippage as Directors came to terms with their roles but much productive time was spent in discussing and agreeing a Business Plan for 2014/15.

By June 2014, it was agreed that we needed to hasten the move towards achieving independence; a series of meetings involving the City Council, VAL and the Healthwatch Board were held - monthly in July, August and September. A detailed schedule of everything that would need to be in place to satisfy the City Council of our competency was drawn up. We decided that we needed some assistance to help us and asked David Henson (DH) to do so - he had done a similar job to help establish Healthwatch Rutland. Between July and early September we put together all that was required of us.

DH began to hold regular meetings with staff who appeared to be supportive of our aspirations.

All of this was reported to the three-way meetings. At the July meeting the City Council proposed a Novation Agreement - both VAL and Healthwatch were asked to consider the document BUT at no time was the principle called into question.

In anticipation of achieving a signed Novation in September huge efforts were put in by KC and DH on behalf of, but in conjunction with Board colleagues, to address all the practical tasks necessary for independence - alternative accommodation, a host organization (Age UK), plans for transferring the database and website, opening a bank account etc. These were satisfactorily concluded. Progress was reported to the three-way meetings including the need to carry out certain preparatory work at some initial cost. At no stage was

Healthwatch or the City Council made aware of any misgivings from VAL.

A formal set of recommendations were taken to the public Healthwatch Board meeting on 24th September 2014.

A week later, on 2nd October, KC was advised by the City Council that a letter had been received from VAL saying that they did not feel that the Healthwatch Board had the competences necessary to take on the Healthwatch contract. There was a further letter from the VAL Union representative questioning the lack of consultations with staff about TUPE arrangements. (There were two members of HW staff in the union).

We were advised we would get a copy of the VAL letter but when none had been received KC asked to meet with Kevan Liles; this took place on Monday 13th October with Linda Jones present too. KC was informed that VAL would not agree to a novation of the Healthwatch contract. This was formally confirmed at a further three-way meeting on 3rd November 2014. At this meeting Linda Jones confirmed that VAL would pick up the set up costs that had been incurred in good faith.

The Board of Healthwatch at its meeting on 26th November, then had to make arrangements to overturn the resolutions made on 24th September, apply to Companies House to rescind its Company status and to advise Barclays Bank that it was no longer possible to open an account.

Only one Board member (Sue Mason) felt able to carry on; two resigned immediately upon hearing of the VAL Board's decision (Steph Chapman and Ballu Patel), KC, PP and Surinder Sharma resigned with effect from the 31st December 2014. Helen Child, Vice-Chair, and Gill Brigden offered to remain for a short while to help with whatever transitional arrangements VAL decided to put in place.

KC, PP and SS  
January 2015