

PROTOCOL BETWEEN THE LEICESTER CITY COUNCIL HEALTH AND WELLBEING SCRUTINY COMMISSION AND HEALTHWATCH LEICESTER

This protocol concerns the relationship between the Leicester City Council Health and Wellbeing Scrutiny Commission and Healthwatch Leicester. Its purpose is to ensure that:

- (i) Mechanisms are put in place for exchanging information and work programmes so that issues of mutual concern/ interest are recognised at an early stage and are dealt with in a spirit of co-operation and in a way that ensures the complementary responsibilities of Healthwatch Leicester and the Scrutiny Commission are managed to avoid the risk of duplication of effort;
- (ii) There is a shared understanding of the process of referrals and arrangements for dealing with such referrals.
- (iii) There is a clear understanding of accountability between Local Healthwatch and the Scrutiny Commission.

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Chairperson of the Health
Scrutiny Commission

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Chairperson of Healthwatch
Leicester

ROLE AND RESPONSIBILITY OF THE HEALTH AND WELLBEING SCRUTINY COMMISSION IN LEICESTER CITY

The Health and Wellbeing Scrutiny Commission is made up of elected Councillors and is established to review and scrutinise both matters relating to health and wellbeing of the population and the services that exist to improve health and wellbeing in Leicester. This includes NHS services and services commissioned or provided by Leicester City Council itself.

The Health and Wellbeing Scrutiny Commission may:

- Make reports and recommendations to local NHS bodies, the Secretary of State or the regulator;
- Make recommendations to the City Council elected City Mayor, the Health and Wellbeing Board and local decision makers on how to improve services and policies impacting on the everyday lives of people living, working and visiting Leicester.
- Require any officer of an NHS body to attend before the committee to answer questions.
- Be consulted by local NHS bodies on matters laid out in the regulations.
- Undertake specific reviews of services.

The Health and Wellbeing Scrutiny Commission's role is complementary to that of the Leicester Health and Wellbeing Board, which is a partnership body set up as a result of the Health and Social Care Act (2012), the role of which is to:

- Provide strong local leadership to improve health and wellbeing in Leicester and to reduce health inequalities;
- Lead on improving the strategic coordination of commissioning;
- Maximise opportunities for joint working and integration of services

- Provide a key forum for public accountability of NHS, public health, social care for adults and children and other commissioned services

The full terms of reference of the Health and Wellbeing Board are available at <http://www.leicester.gov.uk/your-council-services/health-and-wellbeing/health-and-wellbeing-board/>

ROLE OF HEALTWATCH LEICESTER

Healthwatch is the consumer champion for both health and social care, gathering knowledge, information and opinion, influencing policy and commissioning decisions, monitoring quality, and reporting concerns to inspectors and regulators.

Healthwatch aims to give Leicester citizens and communities a stronger voice to influence and challenge how health and social care services are provided within the locality. Its creation reflects patients and the public at the heart of health and social care services.

The Health and Social Care Act 2012 sets out the powers and duties of Healthwatch. It has a national body - Healthwatch England established in 2012 under the Care Quality Commission. At the local level, Healthwatch Leicester was established and took on its full powers in April 2013.

The Department of Health funds Leicester City Council to commission Healthwatch Leicester and the Local Authority is responsible for monitoring the effectiveness of the service and ensuring value for money.

Local Healthwatch must carry out the following activities:

- Promote and support the involvement of local people in the commissioning, the provision and scrutiny of local care services, including asking providers for information which they must make available to you;
- Enable local people to monitor the standard of provision of local care

services and whether and how local care services could and ought to be improved;

- Obtain the views of local people regarding their needs for, and experiences of, local care services and importantly to make these views known;
- Provide advice and information about access to local care services so choices can be made about local care services;
- Formulate views on the standard of provision and whether and how the local care services could and ought to be improved; and
- Provide Healthwatch England with the intelligence and insight it needs to enable it to perform effectively.

To support Healthwatch in the execution of its duties it is granted statutory powers through the Health and Social Care Act (2012):

- Through “Authorised Representatives” Healthwatch is able to visit any suitable* location where publicly funded health or social care services are provided, for the purpose of gathering information.
- The Health and Wellbeing board **must** include - At least one representative of the local Healthwatch. To ensure engagement with patient, user and public representation on an equal footing.

* As established in the Local Government and Public Involvement in Health Act 2007

WORKING PRINCIPLES

Given the common aims of both the Scrutiny Commission and Healthwatch to improve health outcomes and social care services for the people of Leicester City, it is vital that they: -

- (i) Work in a climate of mutual respect and courtesy;
- (ii) Have a shared understanding of their respective roles, responsibilities and priorities;
- (iii) Promote and foster open relationships where issues of common interest and concern are shared in a constructive and mutually supportive way;
- (iv) Where possible share information or data they have obtained to avoid the unnecessary duplication of effort.

Whilst recognising the common aims and the need for closer working, it is important to remember that the Scrutiny Commission and Healthwatch are independent bodies and have autonomy over their work programmes, methods of working and any views or conclusions they may reach. This protocol will not preclude either body from working with any other local, regional or national organisation to deliver their aims.

The application of the principles and commitments in this protocol will depend on both Healthwatch officers and the City Council's officers (principally, but not exclusively, Democratic Support) maintaining effective communication at an early stage. To this end, regular meetings will be arranged and every effort made to ensure good communication.

COMMITMENTS BY THE HEALTH SCRUTINY COMMISSION

The Commission recognises that the scrutiny of health and social care services cannot be undertaken in isolation and that Healthwatch is a key source of local information on the health and social care needs of the local population.

The Chair of the Health and Wellbeing Scrutiny Commission will invite Healthwatch Leicester to participate and contribute to meetings in its role of a voice for patients and the public in Leicester. It is important that the Healthwatch representative provides the Commission with the view of Healthwatch as a whole, not individual or personal opinion.

The Commission:

- (i) Will seek the views of the Healthwatch, when considering its focus and work programme and inform it of the outcome so as to avoid duplication of effort and resources;
- (ii) Will provide Healthwatch with a copy of all reports considered at meetings of the Commission;
- (iii) Will provide Healthwatch with a copy of the minutes of the Commission meetings;
- (iv) May invite Healthwatch to contribute to an ongoing item of scrutiny by providing information and data or identifying useful contacts from within their network;
- (v) May in rare instances, as it does not have automatic rights to enter health and social care premises, request Healthwatch to consider using the power of 'enter and view' in order to contribute to a scrutiny review. It is noted that where such a request is made the Commission, will give as much notice as possible. It will also inform the relevant health or social care organisation of the request. Healthwatch will normally only exercise its powers if to do so would assist in the delivery of its work programme, and will have the right to decline the request.
- (vi) Will acknowledge and consider any referral made by Healthwatch provided that any such referral sets out:

- Evidence that the issue has been raised with the relevant health or social care organisation and their response thereto;
- Reasons for the referral and specifically the outstanding concerns;
- What is expected of the Scrutiny Commission.

The Commission will seek a response from the relevant health or social care organisation if Healthwatch has not provided this. It is noted that whilst such references will often provide useful information to the Scrutiny Commission or give rise to an issue for further consideration by the Commission, there may be instances where the Commission may decide not to act on the referral; if it does so it will advise Healthwatch and provide reasons for not taking the issue further.

COMMITMENTS BY THE HEALTHWATCH LEICESTER

Healthwatch Leicester will seek to develop a constructive, non-adversarial and independent relationship with the Health and Wellbeing Scrutiny Commission. Therefore, Healthwatch:

- (i) Will keep the Scrutiny Commission informed of its work programme, so as to avoid duplication of effort and resources;
- (ii) Will provide the Scrutiny Commission with a copy of any report that responds to a consultation exercise undertaken by a local health or social care organisation;
- (iii) Will escalate matters to the Scrutiny Commission with any information that indicates serious and widespread patient and public concerns when necessary;
- (iv) Will provide the Scrutiny Commission with a copy of the annual report and reports arising from any completed reviews;

- (v) May assist, where possible, the Scrutiny Commission in its scrutiny of local health and social care issues;
- (vi) Give careful consideration before making a referral to the Scrutiny Commission.

ACCOUNTABILITY

Whilst it is important for the Health and Wellbeing Scrutiny Commission and Healthwatch have a close working relationship, it is also important for clear lines of accountability.

Both Healthwatch Leicester and the Health Scrutiny Commission are accountable to the public they serve.

Healthwatch Leicester will be bound by contractual obligations with the local authority commissioning team to ensure Healthwatch Leicester operates effectively and is value for money.