



HEALTH OVERVIEW AND SCRUTINY COMMITTEE: 13 NOVEMBER 2024

REPORT OF THE CHIEF EXECUTIVE

PROTOCOL BETWEEN THE HEALTH AND WELLBEING BOARD, THE HEALTH OVERVIEW AND SCRUTINY COMMITTEE AND HEALTHWATCH LEICESTERSHIRE

Purpose of report

1. The purpose of this report is to enable the Committee to consider and approve proposed changes to the Protocol Between the Health and Wellbeing Board, the Health Overview and Scrutiny Committee and Healthwatch Leicestershire.
2. The Protocol is required to be updated mainly as a result of recent changes to NHS bodies and the change to the Secretary of State power to intervene in NHS reconfiguration proposals.

Policy Framework and Previous Decisions

3. At the Health Overview and Scrutiny Committee meeting on 6 September 2017 the Committee approved a Protocol Between the Health and Wellbeing Board, the Health Overview and Scrutiny Committee and Healthwatch Leicestershire subject to any comments made by the Health and Wellbeing Board. The Protocol set out the roles of the bodies involved and the relationship between them. It included a number of working principles and two practical examples of how the three bodies would work together to improve outcomes for the people of Leicestershire.
4. The original Protocol was approved by the Health and Wellbeing Board at its meeting on 16 November 2017.

Background

5. Since the Protocol was approved in 2017 there have been some significant changes to the landscape of Health Governance and decision making processes and therefore the Protocol needs updating to reflect those. These changes include the following:
 - In July 2022 Clinical Commissioning Group functions were subsumed into Integrated Care Systems, with Clinical Commissioning Groups ceasing to exist as statutory organisations.
 - On 1st April 2023 Voluntary Action Leicestershire took over the contract for delivery of the Healthwatch Leicester and Leicestershire (HWLL) service from Engaging Communities Solutions CIC.

- On 31 January 2024 The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) (Amendment and Saving Provision) Regulations 2024 came into force which removed local authorities' powers of referral to the Secretary of State regarding NHS reconfiguration proposals. Instead of the referral power, Health Overview and Scrutiny Committees and other interested parties can write to request (via a call-in request form) that the Secretary of State consider calling in a proposal.
- At meetings on 31 October 2023 and 24 February 2022 the Health and Wellbeing Board's Terms of Reference were updated including changes to the sub-Boards.

6. The Protocol requires updating to reflect all the above changes.
7. The revised protocol was considered and approved at the Healthwatch Advisory Board meeting on 28 September 2024.
8. It is intended that the protocol is taken to the Health and Wellbeing Board on 5 December 2024.

Proposals/Options

9. It is proposed that the draft Protocol attached at Appendix A be approved by the Health Overview and Scrutiny Committee.

Background papers

Report to Health Overview and Scrutiny Committee 6 September 2027

<https://democracy.leics.gov.uk/documents/s131289/Three%20way%20Protocol%20Cover%20Report%203.pdf>

Report to Health and Wellbeing Board 16 November 2017:

<https://democracy.leics.gov.uk/documents/s133200/Three%20way%20Protocol%20Cover%20Report.pdf>

Report to Health and Wellbeing Board 24 February 2022:

<https://democracy.leics.gov.uk/documents/s166712/HWB%2024th%20February%20HWB%20Governance%20paper.pdf>

Report to Leicester, Leicestershire and Rutland Joint Health Scrutiny Committee:

<https://democracy.leics.gov.uk/documents/s182080/Amendments%20to%20Terms%20of%20Reference.pdf>

Circulation under the Local Issues Alert Procedure

10. None.

Equality Implications

11. The Health and Wellbeing Board, Health Overview and Scrutiny Committee and Healthwatch Leicestershire all share an interest in ensuring that there are effective

arrangements in place so that the services provided meet the identified needs of local people.

12. The Healthwatch Leicestershire contract states the need for it to meet its obligations under the equalities act 2010 and stresses the importance of equalities representation in all aspects of its work as well as a strong focus on supporting hard to reach groups and communities. The protocol will enable the views of these communities to be fed into consideration of issues at both the Health Overview and Scrutiny Committee and the Health and Wellbeing Board.

Human Rights Implications

13. There are no human rights implications arising from the recommendations in this report.

Appendices

Appendix A - Protocol Between the Health and Wellbeing Board, the Health Overview and Scrutiny Committee and Healthwatch Leicestershire.

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