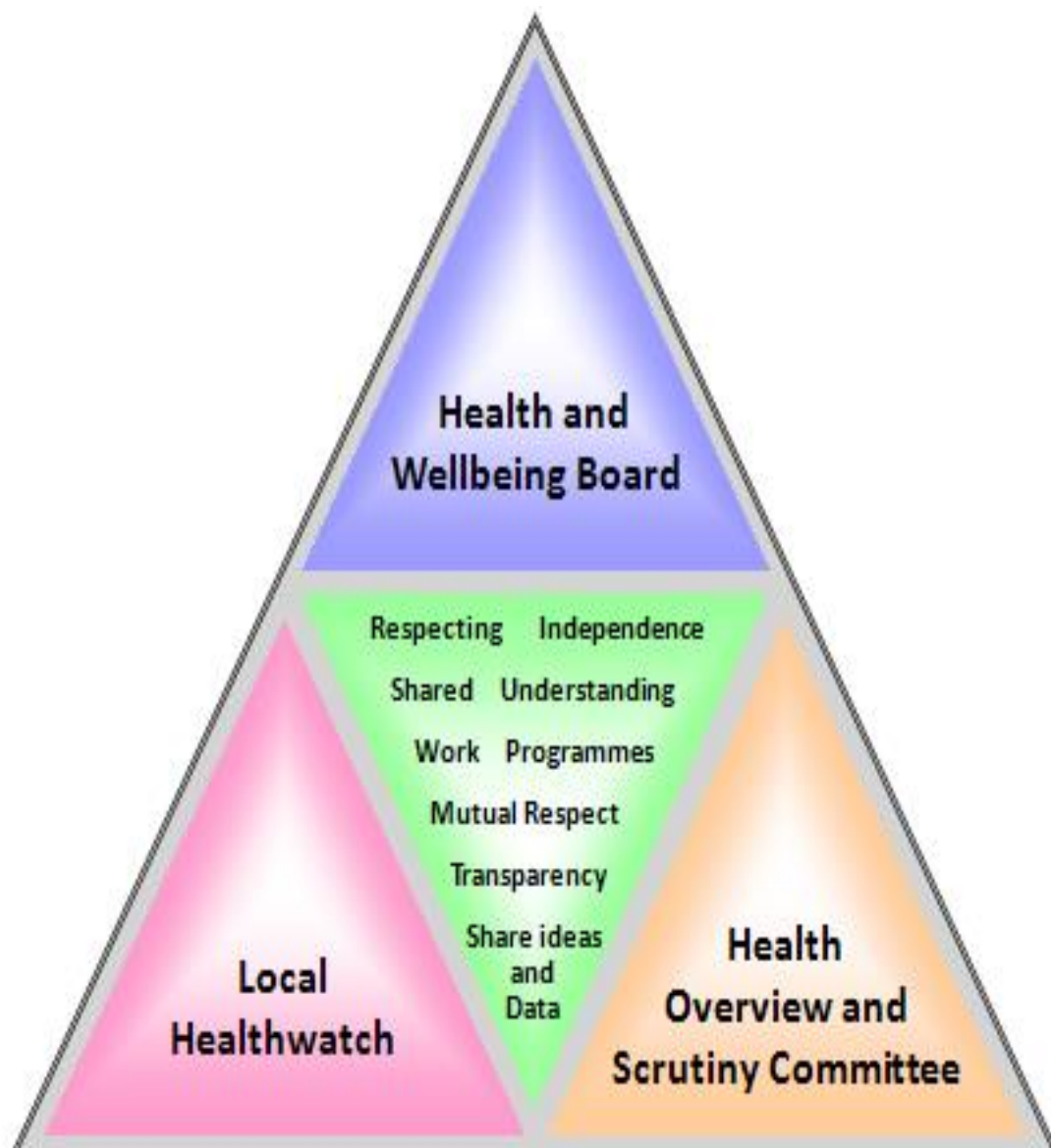




WORKING TOGETHER TO IMPROVE OUTCOMES FOR THE PEOPLE OF LEICESTERSHIRE



PROTOCOL BETWEEN THE LEICESTERSHIRE HEALTH AND WELLBEING BOARD, THE LEICESTERSHIRE COUNTY COUNCIL HEALTH OVERVIEW AND SCRUTINY COMMITTEE AND THE LOCAL HEALTHWATCH PROVIDER

DATE ???? 2024

This protocol concerns the relationship between the Leicestershire Health and Wellbeing Board, the County Council Health Overview and Scrutiny Committee and the local Healthwatch provider. Its purpose is to ensure that:-

- (i) Mechanisms are in place for exchanging information and work programmes so that issues of mutual concern/ interest are recognised at an early stage and dealt with in a spirit of co-operation and in a way that ensures the individual responsibilities of the Health and Wellbeing Board, the Health Overview and Scrutiny Committee and the local Healthwatch provider are managed;
- (ii) There is a shared understanding of the process of referrals and exchange of information and that arrangements are in place for dealing with these;
- (iii) There is a shared understanding of the roles and responsibilities of the three bodies when considering items of strategic significance.

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**Chair of the
Health and Wellbeing
Board**

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**Chair of the
Health Overview
and Scrutiny
Committee**

.....

**Chair of
the
Healthwatch Advisory
Board**

DATE/...../2024

ROLE OF THE HEALTH AND WELLBEING BOARD

The membership of the Health and Wellbeing Board (the Board) is set out in the Health and Social Care Act 2012 and comprises elected members, County Council officers and representatives of partner organisations.

The Board has been appointed by the County Council as a subcommittee of the Executive to:-

- (i) Discharge directly the functions conferred on the County Council by Sections 195 and 196 of the Health and Social Care Act 2012 or such other legislation as may be in force for the time being;
- (ii) Carry out such other functions as the County Council's Executive may permit.

[Note: the County Council's Executive function of approving the Better Care Fund and Plans arising from its use has been delegated to the Health and Wellbeing Board.]

The main role and functions of the Board are:-

To lead and direct work to improve the health and wellbeing of the population of Leicestershire through the development of improved and integrated health and social care services through:-

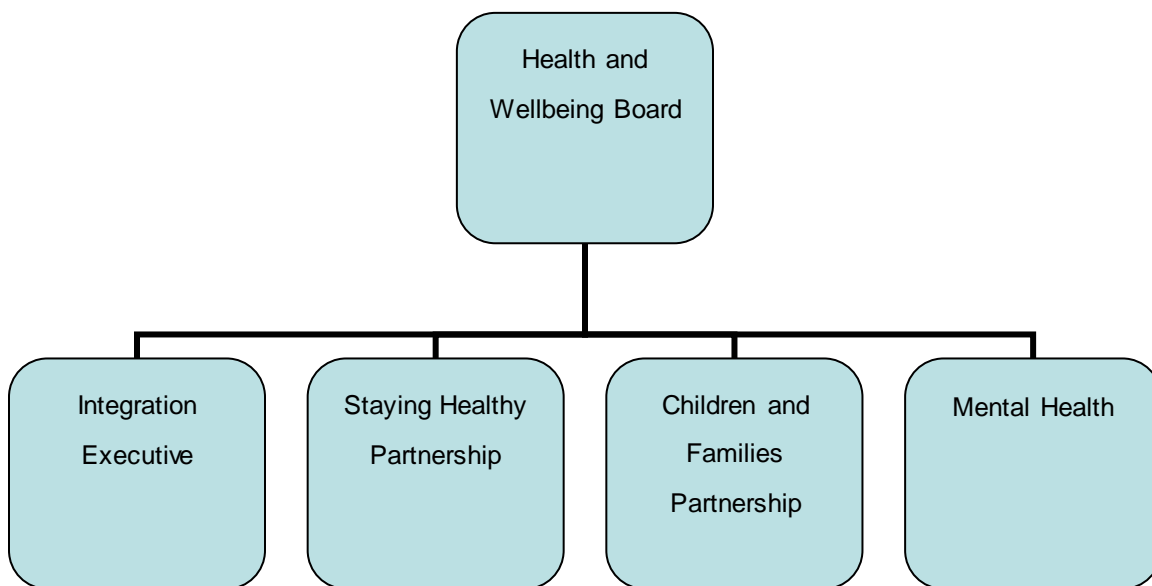
- (a) Identifying needs and priorities across Leicestershire, and publishing and refreshing the Leicestershire Joint Strategic Needs Assessment (JSNA) so that future commissioning/policy decisions and priorities are based on evidence.
- (b) Preparing and publishing a Joint Health and Wellbeing Strategy and Plan on behalf of the County Council and its partners so that work is done to meet the needs identified in the JSNA in a co-ordinated, planned and measurable way.
- (c) Communicating and engaging with local people in how they can achieve the best possible quality of life and be supported to exercise choice and control

over their personal health and wellbeing.

- (d) Approving the Better Care Fund Plan including a pooled budget used to transform local services so people are provided with better integrated care and support together with proposals for its implementation.
- (e) Having oversight of the use of relevant public sector resources to identify opportunities for the further integration of health and social care services.

For more information regarding the working arrangements of the Board please visit [Leicestershire Health and Wellbeing Board | Leicestershire County Council](#)

The Health and Wellbeing Board substructure is set out below:-



ROLE OF THE HEALTH OVERVIEW AND SCRUTINY COMMITTEE

The Health Overview and Scrutiny Committee (the Committee) is a County Council Committee comprising democratically elected members. A representative from Healthwatch Leicester and Healthwatch Leicestershire is invited to attend meetings and participate, at the discretion of the Chair, but the representative is not entitled to vote. The Committee acts as a lever to improve the health of local people and ensure that the needs of local people are considered as an integral part of the delivery and development of health services. It is also responsible for reviewing and scrutinising any matter relating to the planning, provision and operation of health services within the geographical area administered by the County Council.

The role of the Committee is:-

1. To scrutinise the executive functions of the County Council in relation to public health.
2. To monitor the performance of the Health and Wellbeing Board in respect of the executive functions outlined in 1. above and any other partnerships as appropriate that are associated with those functions.
3. To scrutinise the exercise by health bodies of functions, which affect the area of the County Council.
4. To make arrangements for responding to consultation by local health bodies for substantial development of the health service or substantial variation in the provision of such services save where these are dealt with through a joint committee with other Social Services authorities.

To do this the Committee will:-

- Identify gaps in patient pathways;
- Focus on patient experience;
- Consider the impact of major service changes;

- Ensure value for money;
- Question Senior Managers of relevant NHS bodies and relevant health service providers.

In undertaking the above, the Committee will work with the relevant regulatory bodies and with the local Healthwatch provider which also has a monitoring role.

The Committee recognises the strategic role of the Health and Wellbeing Board and the importance of its own role in scrutinising and supporting the work of that Board; to this end, it strongly recognises the importance of the scrutiny of outcomes and the impact on patient experiences, which in turn will help inform commissioning decisions.

For more information regarding the operation of the County Council's Overview and Scrutiny bodies please visit <https://www.leicestershire.gov.uk/about-the-council/how-the-council-works/overview-and-scrutiny/scrutiny-commission-and-committees>

ROLE OF HEALTHWATCH

Each top tier Local Authority has the statutory responsibility for ensuring a Local Healthwatch service is available in their area. Leicestershire County Council has commissioned Voluntary Action LeicesterShire (VAL) as the local Healthwatch Leicester and Healthwatch Leicestershire provider, which will not only work in the County, but also with neighbouring Local Healthwatches where it is necessary in relation to services covering a wider area.

Whilst recognising its independent role, the local Healthwatch, by virtue of the fact that it has representation on the Health and Wellbeing Board and is a participating observer of the Leicester, Leicestershire and Rutland Integrated Care Board, will need to engage in a constructive way with key commissioning bodies.

The Key Roles of the local Healthwatch will be to:

- Be a consumer champion for Health and Social Care;
- Engage with local communities, including those who are vulnerable or often unheard;
- Engage with the voluntary and community sector and patient led groups;
- Monitor, review and challenge the commissioning and provision of health and social care services;
- Provide a signposting service to give information and help the public to find out about the care choices available to them;
- Provide information to service providers on public and patient experiences and hold service providers to account;
- Represent the views of people who use services, carers and the public on the Health and Wellbeing Board;
- Report concerns about the quality of health care to Healthwatch England who can then recommend that the Care Quality Commission take action.

To carry out these roles, the local Healthwatch will:-

- Collect and share relevant public opinions/experiences in an evidence based approach;
- Have oversight of trends and local issues;
- Access the Healthwatch England repository of information;
- Consider service changes;
- Exercise its statutory Enter and View power;
- Hold regular discussions with commissioners and providers;
- Send a representative to attend meetings of the County Council Health Overview and Scrutiny Committee in a participating observer capacity.

For more information about the role and function of the local Healthwatch provider please visit www.healthwatchll.com

WORKING PRINCIPLES

Given the common aims of the Health and Wellbeing Board, the Health Overview and Scrutiny Committee and the local Healthwatch are to improve health outcomes and ensure the commissioning and delivery of high quality, appropriate and efficient services, it is vital that they:-

- (i) Work in a climate of mutual respect, courtesy and transparency in partnership;
- (ii) Have a shared understanding of their respective roles, responsibilities, priorities and different perspectives;
- (iii) Promote and foster an open relationship where issues of common interest and concern are shared and challenged in a constructive and mutually supportive way;
- (iv) Share work programmes and information or data they have obtained to avoid the unnecessary duplication of effort;
- (v) Work with other parts of the health and care economy where needed for regional and sub-regional matters.

Whilst recognising the common aims and the need for closer working, it is important to remember that the Health and Wellbeing Board, the Health Overview and Scrutiny Committee and the local 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 any individual body from working with any other local, regional or national organisation to deliver their aims. There may be occasions when any of the three bodies has a different perspective on an issue arrived at due to the different roles. A mutual respect for the different opinions will be held by all.

SECRETARY OF STATE POWER TO CALL IN A PROPOSAL

The Secretary of State for Health has the power to intervene in NHS service

reconfigurations at any stage where a proposal exists, and take or re-take any decision that previously could have been taken by the NHS commissioning body. The Secretary of State's powers to "call in" proposals will only be used as a last resort, and only when they consider that local methods for resolution have been exhausted.

Interested parties can write to request (via a call-in request form) that the Secretary of State consider calling in a proposal. Interested parties could include the Health Overview and Scrutiny Committee, the Health and Wellbeing Board or the local Healthwatch. It is expected that if any of these three bodies intend to make their own request to the Secretary of State for a proposal to be called in they ensure that all options for resolving the matter locally have been exhausted, and that they have informed and consulted with the other two bodies first before completing the call-in request form.

WHAT THIS MEANS IN PRACTICE?

The three bodies have different roles and remit and so the majority of the time their work should not overlap and duplication of work should not take place. The three bodies should compliment each other. However, on rare occasions there is a risk of overlap and the following examples give an idea of how roles and responsibilities should be divided.

Example 1 – The Leicester, Leicestershire and Rutland ICB 5 Year Plan 2023/24-2027/28

The Leicester, Leicestershire and Rutland (LLR) ICB 5 Year Plan is a document which sets out how the Integrated Care Board (ICB) will improve care and outcomes, reduce inequalities in health, support the ICB workforce and become more financially sustainable. The Plan is underpinned by 13 pledges which are outcomes the Integrated Care Board aims to deliver over the period of the Plan. Implementation of the Plan will involve adapting and transforming services.

Role of the Health and Wellbeing Board

- To consider the draft plan and be assured that it takes proper account of and is informed by existing strategies and plans at system, place and neighbourhood levels, such as the Joint Health and Wellbeing Strategy and associated delivery plans and the Integrated Care Strategy.
- To provide a statement of its final opinion to be included in the final version of the plan.
- To consider any future iterations/refreshes of the plan.
 - I. To be assured that Health and Wellbeing Board partners have adequate plans in place to deliver their required local contribution to implementing the 5 Year Plan
 - II. To be assured, where specific proposals exist for service reconfiguration within their geographic area, that the case for change in terms of clinical

model, patient benefit and economic merit is clear and processes for securing patient and public involvement are robust.

- III. To identify any concerns or issues to escalate to the System Leadership Team or refer to or inform the executive of the relevant NHS body or local authority
- To ensure visibility, shaping and recognition of the wider determinants of health in all aspects of strategic planning

In order to carry out its role, the Health and Wellbeing Board may:-

- Seek the views of the Health Overview and Scrutiny Committee in relation to outcomes, patient experience, pathways and access issues, including cross border issues;
- Seek the views of neighbouring boards as appropriate;
- Seek the views of Healthwatch Leicestershire, normally done through the Healthwatch representatives on the Board;
- Seek assurance that insights from public/patient/service user engagement have shaped the programme
- Use the findings from the channels set out above to support it in its assurance role that plans are adequate and patient benefit is clear.

Role of the Health Overview and Scrutiny Committee Role (or Joint Health Scrutiny Committee)

The Committee has powers to review and scrutinise matters relating to the planning, provision and operation of health services in the local area. The Committee is a statutory consultee for any proposed substantial developments or variations in the provision of the health service and has responsibility for ensuring that health service changes reflect the needs of the local population and are in the best interests of the area. In doing this it can do some or all of the following:-

- Scrutinise the commissioners' perspective of the proposals;
- Scrutinise the providers' perspective of the proposals;
- Take information from other interested and affected bodies e.g. user/carer

- groups, voluntary sector organisations, staff representatives;
- Consider any information provided by the local Healthwatch provider;
 - Come to a view about the matter and advise the Board accordingly; or
 - Form a view as to whether an in-depth Review of the Patient Pathway and experience is needed in order to understand the outcomes for patients/users;
 - Seek opinion of neighbouring Committees as appropriate;
 - Report the review findings to the Board;
 - Respond to the public consultation.

Role of the local Healthwatch

The role of the local Healthwatch provider is viewed at the strategic (Programme Board) level, with a focus on providing independent scrutiny and assurance that appropriate public/patient engagement has been undertaken and that the outputs of this (patient/public experience insights, views, choices and preferences) have informed:-

- The design of new models of care;
- The operational delivery of services;
- How success is measured from the public/ patient point of view;
- The commissioning approach going forward.

The local Healthwatch provider will also be expected to assure the Health and Wellbeing Board that effective public/ patient engagement has been undertaken, that this has been representative of diverse populations and that there is evidence of how this feedback has informed the service on the ground.

The local Healthwatch provider has a statutory power to refer matters to Healthwatch England who can then recommend that the Care Quality Commission take action. It can also raise concerns with the Health Overview and Scrutiny Committee.

Example 2 – Commissioning

Role of the Health and Wellbeing Board

- To ensure that there is a shared understanding of the strategic direction for health and care services in Leicestershire and that commissioning intentions are aligned across partners including areas of responsibility within the STP where the Board has oversight;
- Ensure that commissioning decisions are supported by the JSNA and aligned to the JHWS;
- Ensure that commissioning decisions take 'place level' (i.e. Leicestershire) into account and that they will deliver integrated care at that level.
- Approve the Better Care Fund Plan and Plans arising from its use.

In order to carry out this role, the Health and Wellbeing Board will do some or all of the following:-

- Inform /refer to the Overview and Scrutiny Committee any concerns regarding commissioning intentions, including the assessed impact on patients, and seek its views;
- Update the Committee on its progress with the JSNA and the JHWS and seek its views;
- Take account of and respond to the opinions of the local Healthwatch provider;
- Take account of and respond to any comments submitted by the Committee;
- Request the Overview and Scrutiny Committee to undertake a detailed piece of work where there are particular issues of mutual concern. (The Committee may choose not to do so if it so wishes);
- Request (subject to available resource) the local Healthwatch provider to undertake a particular piece of work in order to inform the Board of public opinion and experience of services where there are particular concerns and enable the public to influence decisions. (The local Healthwatch provider may choose not to do so if it wishes).

Role of the Overview and Scrutiny Committee

- Scrutinise and comment on the JSNA and the JHWS;
- Scrutinise and comment on the Better Care Fund Plan;
- Scrutinise the effectiveness of NHS commissioning plans and the impact that they will have on the people of Leicestershire.

In order to carry out this role, the Health Overview and Scrutiny Committee may do some or all of the following:-

- Inform /refer to the Board any findings of concern regarding the commissioning or delivery of NHS and care services, including any locally perceived gaps and relevant patient experiences and make recommendations as appropriate;
- Advise the Board of issues/concerns to be reflected in future commissioning plans;
- Inform the Board of any responses given to consultations or other statutory documents;
- Take account of the opinions and views of the local Healthwatch provider;
- Liaise with other Health Scrutiny Bodies across the region and sub-region where appropriate;
- Request the local Healthwatch provider (subject to available resource) to undertake a particular piece of work in order to inform the Committee of public opinion and experience of services where there are particular concerns and enable the public to influence recommendations. (The local Healthwatch provider may choose not to do so if it so wishes);
- Make recommendations to commissioners and providers of relevant health services;

Role of the local Healthwatch:

- As a member of the Health and Wellbeing Board, to provide information and challenge from the perspective of the public, service users and carers as well as appropriate intelligence on any strategic and/ or commissioning concerns;
- To work with the Board and the Overview and Scrutiny Committee and provide information and comments as the patient and public champion;

In order to carry out this role, the local Healthwatch provider may do some or all of the following:-

- Inform the Overview and Scrutiny Committee of any issues or concerns;
- Provide the Overview and Scrutiny Committee with information and customer insight as required and/or requested for specific topics and issues regarding patients and users' experiences and access to services (subject to available resource);
- Establish a protocol regarding any referrals it makes to the Care Quality Commission about the quality of services provided locally;
- Use the intelligence of Healthwatch England;
- Undertake its own pieces of work where it has relevant evidence to support the work;
- Refer matters to Healthwatch England who can then recommend that the Care Quality Commission take action.

ENSURING IMPROVED OUTCOMES FOR LEICESTERSHIRE PEOPLE

