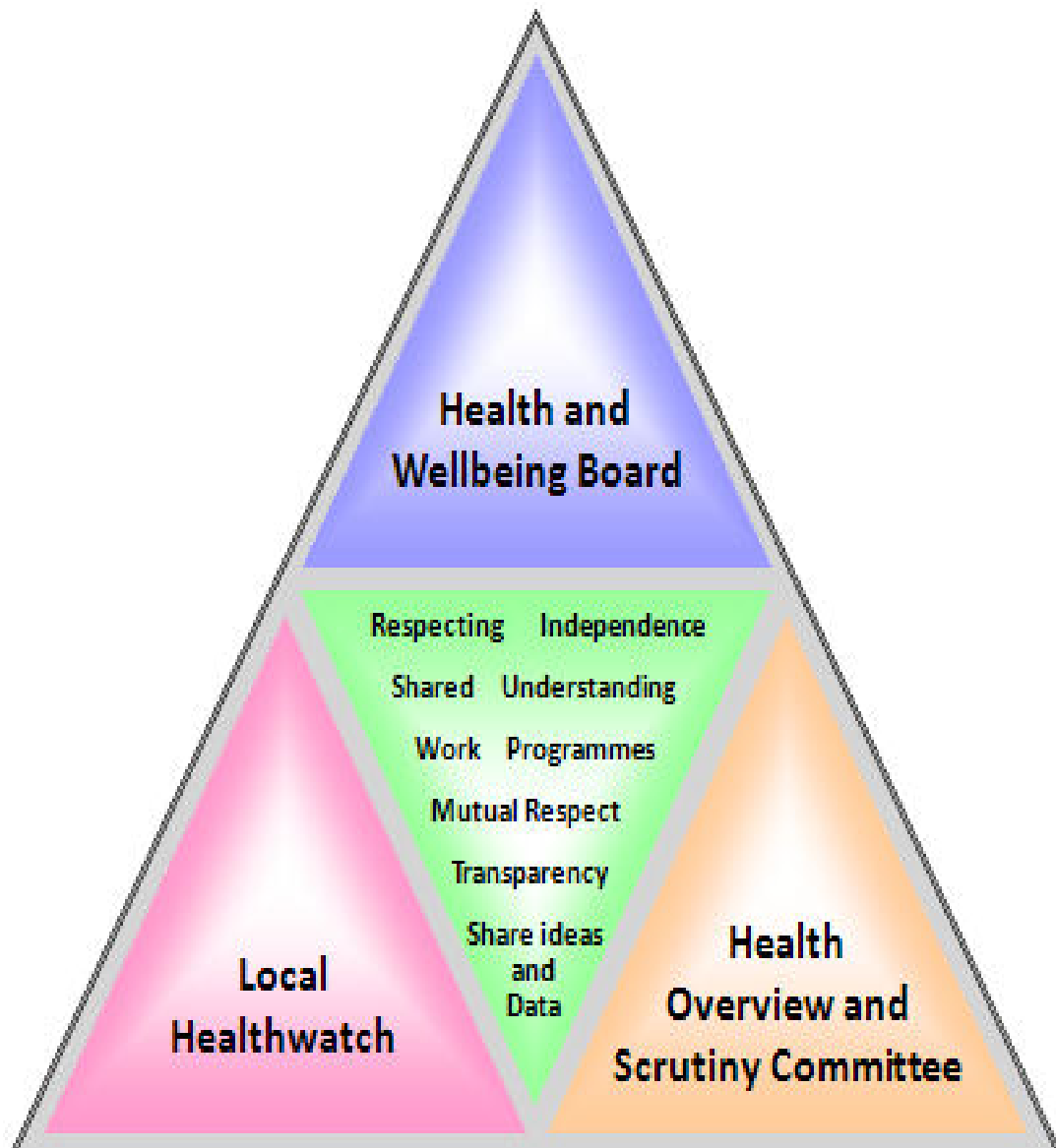




WORKING TOGETHER TO IMPROVE OUTCOMES FOR THE PEOPLE OF LEICESTERSHIRE



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

DATE 5 SEPTEMBER 2013

This protocol concerns the relationship between the Leicestershire Health and Wellbeing Board, the County Council Health Overview and Scrutiny Committee and Healthwatch Leicestershire. 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 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 Healthwatch Leicestershire 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.

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**Chairman of the
Health and Wellbeing
Board**

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

.....

**Chairman of
the
Healthwatch
Board**

DATE/...../2013

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 has yet to decide to delegate any additional functions to the Board.]

The main aims of the Board are:-

1. To identify needs and priorities across Leicestershire and publish and refresh the Leicestershire Joint Strategic Needs Assessment (JSNA), so that future commissioning/policy decisions and priorities are based on evidence.
2. To prepare and publish a Joint Health and Wellbeing Strategy (JHWS) and Plan on behalf of the County Council and its partner Clinical Commissioning Groups (CCGs), so that work is done to meet the needs identified in the JSNA in a co-ordinated, planned and measurable way.

To do this the Board will:-

3. Communicate and engage with local people on how they can achieve the best possible quality of life and be supported to exercise choice and control over their personal health and wellbeing by working with other stakeholders.

4. Have oversight of the use of relevant health and social care resources across the whole of the public sector so it can support the integration of health, social care and public health.
5. Monitor performance against agreed targets, service standards and patient safety across the local health and social care sector so as to inform future commissioning.

For more information regarding the working arrangements of the Board please visit www.leics.gov.uk/healthwellbeingboard

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. It 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 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 Healthwatch Leicestershire (HWL) 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 Health Overview and Scrutiny Committee please view the Guide to Health Scrutiny by visiting <http://www.leics.gov.uk/healthscrutinyguide.pdf>.

ROLE OF HEALTHWATCH LEICESTERSHIRE

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 Healthwatch Leicestershire (HWL), 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, Healthwatch Leicestershire, by virtue of the fact that it has representation on the Health and Wellbeing Board and is an observer of the Clinical Commissioning Group Boards, will need to engage in a constructive way with key commissioning bodies.

The Key Roles of Healthwatch Leicestershire 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 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;
- Take on the work of the Local Involvement Networks (LINKs);
- 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, Healthwatch Leicestershire 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.

For more information about the role and function of Healthwatch Leicestershire please visit <http://www.healthwatchleicestershire.co.uk/>

WORKING PRINCIPLES

Given the common aims of the Health and Wellbeing Board, the Health Overview and Scrutiny Committee and Healthwatch Leicestershire 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.

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 Healthwatch Leicestershire 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.

WHAT WILL THIS MEAN IN PRACTICE?

Example 1 – Commissioning

The Role of the Health and Wellbeing Board, the Overview and Scrutiny Committee and Healthwatch Leicestershire

The Board, the Committee and HWL 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. Each will, therefore, need to look as to how best it can discharge its individual responsibilities and functions. To allow the most effective use of resources and avoid unnecessary duplication this may give rise to the need for an annual, joint planning workshop.

The Board, the Committee and HWL are independent bodies and have different roles and responsibilities. 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.

The Board will

- 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 HWL;
- Take account of and respond to any comments submitted by the Committee.

The Board may

- 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) HWL 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. (HWL may choose not to do so if it wishes).

The Overview and Scrutiny Committee will

- Scrutinise and comment on the JSNA and the JHWS;
- 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;
- Scrutinise the effectiveness and impact of NHS commissioned services and care services and 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 HWL.

[In exceptional circumstances where a Commissioning plan is deemed not to be in the best interests of local residents the Committee may ask the County Council to refer the matter to the Secretary of State for Health.]

The Overview and Scrutiny Committee may

- Request HWL(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. (HWL may choose not to do so if it so wishes);
- Make recommendations to commissioners and providers of relevant health services;
- Make recommendations to the Board.

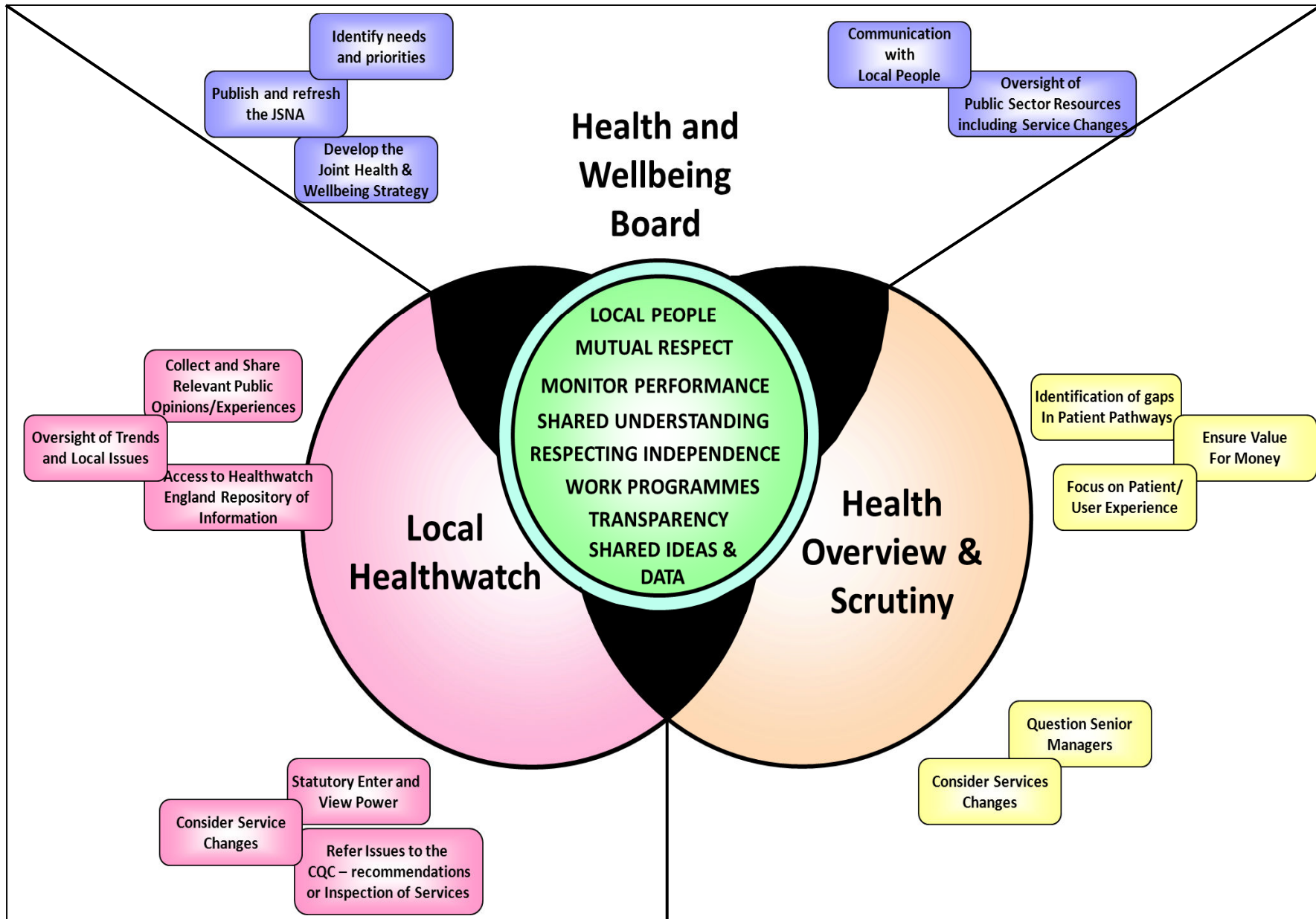
Healthwatch Leicestershire will:

- As a member of the Health and Wellbeing Board, 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;
- Work with the Board and the Committee and provide information and comments as the public champion;
- Regularly inform the Committee of current issues and, in exceptional circumstances, request the Committee to consider whether a formal referral to the Secretary of State for Health is required;
- Provide the Committee with information 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.

Healthwatch Leicestershire may:

- 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



WHAT DOES THIS MEAN IN PRACTICE?

Example 2

An Issue Regarding a Major Reconfiguration of Services

Health and Wellbeing Board Role

The Board, as the strategic multi-agency body charged with oversight of the local health and social care economy, will have a key role in the early shaping of any reconfiguration proposals and later in assessing the detail and impact of any such proposals on the wider economy of the area. It will also be charged with ensuring that the plans have taken account of the JSNA and Joint Health and Wellbeing Strategy.

The Board will:

- Confirm and challenge the impact assessment, including how proposals will seek to meet identified gaps in commissioning, identifying overlaps in the proposals and ensuring value for money;
- Refer to the Committee for comments/opinions concerning outcomes, patient experiences, pathways and access issues;
- Receive initial reports and in depth reports from the Committee;
- Use the findings to feed into further discussions about the commissioning of the proposed services and potential decommissioning of associated services;
- Seek opinion of neighbouring Boards as appropriate;
- Seek the views of HWL; this will normally be done through the HWL representatives on the Board;
- Be reliant on professional relationships to influence change.

Health Overview and Scrutiny Committee Role

The Committee is a statutory consultee 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.

The Committee will:

- 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. VSOs, staff representatives;
- To consider the information provided by HWL;
- 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.

Ultimately, the County Council has the statutory power to refer the matter to the Secretary of State for Health. It will use that power on the recommendation of the Health Overview and Scrutiny Committee.

Healthwatch Leicestershire Role

HWL, by virtue of its membership of the Board and as an observer of the CCG Boards, will be a party to initial discussions and decisions which may lead to major reconfiguration of commissioned services. Whilst recognising this, HWL, nevertheless will have an independent role in the subsequent review and scrutiny or consultation of the proposals and be able to:

Healthwatch Leicestershire will:

- Consider the commissioning plans and offer a strategic view from the public perspective to the Board, including any cross-border issues and work with other relevant Local Healthwatch organisations;
- Undertake a detailed exercise to gather patients' and public views both in the pre consultation phase and during the consultation period using and co-

ordinating available information and engagement processes, having particular regard to issues of quality and access;

- Access the Healthwatch England information repository to add value to the evidence;
- Inform/report to the Committee and the Board the outcome of the HWL public opinion exercises regarding the potential impact for patients.

Healthwatch Leicestershire 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.