

Protocol between the Lincolnshire Health and Wellbeing Board, Healthwatch Lincolnshire and the Health Scrutiny Committee for Lincolnshire



1. Purpose of the Protocol

This protocol aims to clarify the working relationship between the Lincolnshire Health and Wellbeing Board, Healthwatch Lincolnshire and the Health Scrutiny Committee for Lincolnshire. It acknowledges the respective roles and responsibilities of each body and is intended to be a formal agreement to ensure transparency and accountability in order to help deliver the shared vision of improved health and wellbeing for the people of Lincolnshire.

The following document ensures appropriate mechanisms are in place:

- to exchange information, intelligence and work programmes;
- to recognise issues of mutual concern/interest at an early stage and ensure they are dealt with in a spirit of co-operation;
- to avoid any duplication of effort;
- to provide a shared understanding of the process of referrals and arrangements for dealing with such referrals.

2. Roles and Responsibilities

2.1 Lincolnshire Health and Wellbeing Board

Lincolnshire Health and Wellbeing Board (the Board) was established in response to the Health and Social Care Act 2012 to act as a forum for key leaders from the health and care system to work together to improve the health and wellbeing of the people of Lincolnshire and to promote the integration of services. The Board became a formal committee of the County Council in April 2013. The main functions of the Board are set out in Sections 195 and 196 of the Health and Social Care Act 2012.

This means the Board has a:

- Duty to encourage integrated health and social working arrangements and to provide advice and guidance to support such arrangements.
- Duty to oversee the development of the Joint Strategic Needs Assessment (JSNA) which provides a comprehensive picture of the health and wellbeing needs of Lincolnshire.
- Duty to produce a Joint Health and Wellbeing Strategy (JHWS) covering social care, health care and public health.
- Duty to develop the Pharmaceutical Needs Assessment.
- Right to be consulted by each Clinical Commissioning Group (CCG) on their commissioning plan and to give an opinion whether each CCG's commissioning plan takes proper account of the JHWS.

For more information about the role and function of the Board please visit <http://www.lincolnshire.gov.uk/residents/public-health/behind-the-scenes/health-and-wellbeing-board/>

2.2 Health Scrutiny Committee for Lincolnshire

The Health Scrutiny Committee for Lincolnshire (Health Scrutiny) is the key committee for the purposes of fulfilling the roles outlined in the Health Scrutiny Functions Regulations 2013.

This means the Health Scrutiny Committee has:

- The right to be consulted by any local commissioner on any proposed substantial variation or development in health care provision and (subject to County Council decision¹) power to refer to the Secretary of State if not satisfied with the commissioner's proposals.
- Power to scrutinise any provider or commissioner of health services, including the independent sector; to require attendance at meetings and the provision of information.
- Power to make recommendations to commissioners and providers of health services (effectively following in-depth scrutiny review activity).
- Power to scrutinise the effectiveness of the Health and Wellbeing Board and to make reports and recommendations to the Board.
- Power to make statements on the annual Quality Account of local health providers and to engage with providers on the development of their priorities for improvement.
- A duty to receive reports submitted by Healthwatch Lincolnshire.

For more information on the role and function of the Health Scrutiny Committee for Lincolnshire please visit <http://www.lincolnshire.gov.uk/local-democracy/how-the-council-works/overview-and-scrutiny/the-scrutiny-committees/the-health-scrutiny-committee-for-lincolnshire/56546.article>

2.3 Healthwatch Lincolnshire

Healthwatch Lincolnshire is an independent consumer champion for both health and social care. Providing a Healthwatch is a statutory requirement for all local authorities to enable patients and carers to have a safe, secure environment within which they can share their health and care concerns and experiences. The Healthwatch network was established as part of the Health and Social Care Act 2012 and is regulated under this and many other Acts.

The aim of Healthwatch Lincolnshire is to give citizens and communities a stronger voice to influence and challenge how health and social care services are provided in the locality. In addition, Healthwatch Lincolnshire provides, or signposts, people to information to help them make choices about health and care services.

¹ Subject to possible change – a proposal to delegate this power to Health Scrutiny Committee for Lincolnshire is due to be considered by Full Council on 26th September 2014.

This means Healthwatch Lincolnshire will:

- enable people to share their views and concerns about their local health and social care services and understands that their contribution will help build a picture of where services are doing well and where they can be improved;
- alert Healthwatch England, Care Quality Commission (CQC), the Board and/or council scrutiny committees where appropriate, to concerns about specific care providers, health or social care matters;
- provide people with information about their choices and what to do when things go wrong, as well as signposting people to how they can access services;
- give authoritative, evidence based feedback to organisations responsible for commissioning or delivering local health and social care services.

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

3 Working Principles and Commitments

Given that the shared aims of the Board, Healthwatch Lincolnshire and Health Scrutiny are to improve the health and wellbeing of the people of Lincolnshire through the commissioning and delivery of high quality services, each undertakes to:

- have a shared understanding of respective roles, responsibilities, priorities and different perspectives;
- work in a climate of mutual respect, courtesy and transparency;
- engage in early discussions on issues of common interest to ensure a joined up approach;
- promote and foster an open relationship where issues of common interest are shared and challenged in a constructive way;
- share work programmes, agendas, reports, minutes, information and data to avoid the unnecessary duplication of effort.

In order to foster closer working arrangements and to avoid duplication of effort, the following commitments will apply:

Lincolnshire Health and Wellbeing Board will:

- Share its work programme with Health Scrutiny and Healthwatch Lincolnshire.
- Provide Health Scrutiny and Healthwatch Lincolnshire with a copy of its Annual report. (*First Annual Report due Autumn 2014*).
- Update Health Scrutiny on its progress with the JSNA and provide assurance that progress is being made to deliver the outcomes in the JHWS.
- Be subject to scrutiny by Health Scrutiny and provide information and attend meetings as requested to assist in their scrutiny work.

- Take account of and respond to comments, reports and recommendations submitted by Health Scrutiny.
- Request Health Scrutiny (subject to available resource) undertakes a particular piece of work within its remit (Health Scrutiny may choose not to do so).
- Ensure Healthwatch Lincolnshire is a core member of the Board and involved in the preparation of the JSNA and JHWS.
- Request (subject to available resource) Healthwatch Lincolnshire undertakes a particular piece of work in order to inform the Board of public opinion and experiences of services to inform refreshes of the JSNA and JHWS (Healthwatch Lincolnshire may choose not to do so).
- By exception, receive reports and information from Healthwatch Lincolnshire on any key themes or trends identified through engagement with patients, service users, carers and the public which impact on the delivery of the outcomes in the JHWS.

Health Scrutiny Committee will:

- Share its work programme with the Board and Healthwatch Lincolnshire.
- Seek views from the Board when formulating Health Scrutiny work programme by means of regular liaison meetings between the Chairmen and supporting officers.
- Seeks the views of Healthwatch Lincolnshire when formulating Health Scrutiny work programme by means of regular liaison meetings with Healthwatch Lincolnshire's Chief Executive Officer.
- Hold the Board to account for its work to improve the health and wellbeing of the people of Lincolnshire, including its responsibilities in relation to the JSNA and JHWS.
- Make reports and recommendations to the Board as a result of scrutiny activity, including any concerns identified regarding the commissioning and/or delivery of local health and care services with a view to influencing future commissioning plans.
- Request Healthwatch Lincolnshire (subject to available resource) submits relevant intelligence and information to support scrutiny work.
- Invite representatives from Healthwatch Lincolnshire to attend and, at the Chairman's discretion, speak at Health Scrutiny meetings.
- Request Healthwatch Lincolnshire (subject to available resource) undertakes a particular piece of work to inform Health Scrutiny activity. In exceptional circumstances this may include asking Healthwatch Lincolnshire to use its 'Enter and View' powers (Healthwatch Lincolnshire may choose not to do so).
- Take account of and respond to the views and recommendations of the Board and Healthwatch Lincolnshire.
- Refer relevant issues to Healthwatch Lincolnshire in line with the process detailed in Section 5 of this agreement.

- Acknowledge and respond to referrals from Healthwatch Lincolnshire in line with the process detailed in Section 5 of this agreement.
- Consider Healthwatch Lincolnshire's annual report.

Healthwatch Lincolnshire will:

- Appoint one person (and a nominated substitute) to represent Healthwatch Lincolnshire on the Board.
- Provide the Board and Health Scrutiny with a copy of its Annual Report.
- Provide relevant public opinions and experiences about services to support the work of the Board and the development of the JSNA/JHWS.
- As a member of the Board, provide information and challenge from the perspective of the public, service users and carers as well as an appropriate intelligence on any strategic and/or commissioning concerns.
- Provide Health Scrutiny with a copy of any report that responds to a consultation exercise undertaken by Healthwatch Lincolnshire on behalf of local health or social care commissioners and providers or of its own volition.
- Highlight concerns about services to Health Scrutiny and, where appropriate make a referral in line with the process set out in Section 5 of this agreement.
- Work with the Board and Health Scrutiny to provide information and comments as the public champion.
- Regularly inform Health Scrutiny of current issues and, in exceptional circumstances, request Health Scrutiny consider whether a formal referral to the Secretary of State for Health is required.
- Provide Health Scrutiny with information as requested for specific topics and issues regarding patient and user experiences and access to services.
- Acknowledge and respond to referrals from Health Scrutiny in line with the process detailed in Section 5 of this agreement.

4 What will this mean in practice

The following scenarios are examples of how the three functions can complement rather than duplicate each other's work.

4.1 Developing the Joint Strategic Needs Assessment & Joint Health and Wellbeing Strategy:

The Board has the legal duty to develop the JSNA & JHWS. To do this the Board will engage with Healthwatch Lincolnshire and Health Scrutiny, initially to set out draft proposals and then at a later stage to review the final draft. As a member of the Board, Healthwatch Lincolnshire will be invited to collect and contribute views from the public to both the JSNA & JHWS. Health Scrutiny will review progress to achieving the priorities and outcomes identified in the JHWS and make recommendations on areas for improvement.

4.2 Commissioning and Decommissioning of Services:

The Board, through the JHWS, sets the strategic direction for the commissioning of services. It will review the commissioning plans for the Clinical Commissioning Groups and the County Council to ensure they address the needs identified in the JSNA and support the delivery of the outcomes in the JHWS. Changing commissioning plans may result in some services being decommissioned or being delivered differently. As a member of the Board, Healthwatch Lincolnshire will be active in assessing resident's and patient's views on the proposals. The Health Scrutiny will hold the Board, the Council or the CCGs to account for commissioning and decommissioning decisions.

4.3 Significant Changes and Variations to Services:

Providers have proposed significant changes or variations to existing services as a way of improving outcomes and make better use of resources. The Board assesses whether the plans fit with the JHWS and takes a strategic view on the outcomes and engagement with the CCGs. As a member of the Board, Healthwatch Lincolnshire undertakes a comprehensive exercise to gather views from the public and patients, and checks whether the consultation reflects what is known about best practice. Healthwatch Lincolnshire presents the findings of this exercise to the Board and to Health Scrutiny during the formal consultation process.

Health Scrutiny agrees the proposals are a substantial/significant variation, and engages in early discussions with the commissioners/providers regarding policy, plans and consultations. It also engages during the formal consultation stage to analyse the proposals in a public forum, taking evidence and coming to a conclusion about whether the proposals are in the best interests of Lincolnshire.

If Health Scrutiny concludes the proposals are not in the best interest of Lincolnshire it can recommend that the County Council² refers the matter to the Secretary of State for Health.

4.4 Quality and Inspection:

The Board will take a strategic lead on ensuring effective quality services are commissioned by reviewing the commissioning plans of the CCGs and County Council and ensuring alignment with the JHWS. Healthwatch Lincolnshire will develop intelligence on patient and user experiences, using its enter and view powers where appropriate. Where significant issues are identified, Healthwatch Lincolnshire will refer the matters to the Board, CCG or County Council as appropriate. In exceptional circumstances, the Board may make a referral to Health Scrutiny asking them to undertake an investigation.

Both Healthwatch Lincolnshire and Health Scrutiny will monitor reports from national inspection bodies and where problems are identified, undertake an examination of the issues. Health Scrutiny will schedule agenda items where appropriate and request the attendance of appropriate officers from provider organisations. It may

² Please refer to Footnote 1.

also wish to hold a meeting with representatives from the Care Quality Commission (CQC). Healthwatch Lincolnshire may also seek a meeting with CQC therefore there may be occasions when joint meetings with CQC should be considered as the best means of resolving a significant issue.

Healthwatch Lincolnshire has a statutory power to refer matters to Healthwatch England who can then recommend that the CQC take action.

4.5 Safeguarding:

The Board will receive the annual reports of the Lincolnshire Safeguarding Children's Board and Safeguarding Adult's Board. Where significant issues are raised in the documents, it may request further detailed reports as it deems appropriate or make a referral to Health Scrutiny asking them to investigate.

Healthwatch Lincolnshire will use patient complaints, advocacy and other intelligence to identify safeguarding issues. Health Scrutiny will assess whether appropriate responses are being undertaken to any issues identified.

5. Referral Mechanism

5.1 Referrals from Healthwatch Lincolnshire to Health Scrutiny:

If, during the course of its work Healthwatch Lincolnshire identifies an issue which it feels warrants further exploration, it can make a referral to Health Scrutiny. The referral needs to be made in writing to the Chairman of Lincolnshire Health Scrutiny Committee via the Scrutiny Officer. The referral should detail:

- the nature of the referral;
- the reason why the referral has been made;
- any evidence about the issue;
- what action it is proposed should be taken.

Referrals will be acknowledged and considered at the next available meeting of the Health Scrutiny Committee. Healthwatch Lincolnshire will be informed of the outcome of this consideration and if the request is supported, details of how the matter will be taken forward. If Health Scrutiny decides not to act on the referral it will provide reasons for not doing so.

5.2 Referrals to Healthwatch Lincolnshire:

If, during the course of its work, Health Scrutiny identifies an issue that it feels warrants exploration by Healthwatch Lincolnshire it can make a referral. Referrals should be made in writing to the Healthwatch Lincolnshire Chief Executive Officer. The referral should detail:

- the nature of the referral;
- the reason why the referral has been made;
- any evidence about the issue;
- what action it is proposed should be taken.

Referrals will be acknowledged and considered. Health Scrutiny will be informed of the outcome of this consideration and if the request is supported, any actions planned and progress then made in investigating the issue. If Healthwatch Lincolnshire decided not to act on a referral it will provide reasons why to Health Scrutiny.

Any information or intelligence resulting from an investigation will be used to refresh JSNA and inform future updates to the JHWS.

5.3 Referrals from Lincolnshire Health and Wellbeing Board:

If, during the course of its work Lincolnshire Health and Wellbeing Board identifies an issue which could have a significant impact on delivering the outcomes identified in the JHWS it can in exceptional circumstances refer the matter to Health Scrutiny or Healthwatch Lincolnshire. The mechanism for referring matters is the same as Sections 5.2 and 5.3.

6 Review of this Protocol

This protocol will be reviewed a year after its agreement and bi-annually thereafter or in response to any new national guidance issued in relation to Health and Wellbeing Board, Health Scrutiny or Healthwatch.

Where there is concern that this protocol is not succeeding, resolution will be sought through communication between the Chairs.

7 Signatures

.....**Date**
Chairman, Lincolnshire Health and Wellbeing Board

.....**Date**
Chairman, Lincolnshire Health Scrutiny Committee

.....**Date**
Chairman, Healthwatch Lincolnshire