

A Protocol outlining the relationship between Healthwatch Wolverhampton, City of Wolverhampton Health and Wellbeing Together and the City of Wolverhampton Council Health Scrutiny Panel.

1.0 Background

1.1 The Health and Social Care Act 2012 identifies a range of individual and joint responsibilities for Health and Wellbeing Boards, local Healthwatch organisations and local Health Scrutiny Panels. This protocol sets out the relationship between these bodies in Wolverhampton and explains how they will work together to improve the health of local people and reduce local health inequalities. All groups acknowledge that each body has its own particular role and responsibilities and does not exist in a hierarchy, and that this protocol does not preclude any of the bodies from working with any other organisation to deliver their aims.

2.0 Scope

2.1 The following bodies are included in this protocol:

- Health & Wellbeing Together, the name given to the City of Wolverhampton Health and Wellbeing Board
- Healthwatch Wolverhampton
- City of Wolverhampton Council Health Scrutiny Panel

3.0 Aim

3.1 The protocol aims to ensure:

- There is clarity around the roles, responsibilities and statutory obligations of the above parties.
- Work is well coordinated with no duplication of effort.
- We achieve more by working together in a positive way
- Working together has a positive impact for the residents and users of health and social care services in Wolverhampton.
- There is effective challenge of the commissioners and providers of health and wellbeing services arrangements across the City of Wolverhampton.

4.0 Purpose

4.1 This protocol sets out:

- The distinct roles, responsibilities and statutory obligations for each of the bodies covered by this protocol; and
- How we work together to improve the health and wellbeing of the people of Wolverhampton.

5.0 Working principles and commitment

5.1 Given that the shared aims of the Health and Wellbeing Together, Healthwatch Wolverhampton and the Health Scrutiny Panel are to improve the health and wellbeing of the people of Wolverhampton through the commissioning and delivery of high quality services, each undertakes to:

- **Have a shared understanding of respective roles, responsibilities, priorities and different perspectives**
These roles and responsibilities are outlined in Appendix A and B.
- **Promote a culture of openness and trust**
- **Share information including our work programmes**
This will help with coordination of particular issues and avoid potential duplication of work. It will also help to inform key decisions for the forthcoming year. This will be supported by a coordination group, membership of which is to be determined.
- **Share timely information on key risks and concerns**
A referral mechanism is outlined in Appendix C.
- **Engage in early discussions on issues of common interest to ensure a joined-up approach**
- **Carry out meaningful consultation and engagement with the public**
- **Share good practice and resources**

6.0 Review Arrangements

6.1 This protocol will be reviewed a year after its agreement and bi-annually thereafter or in response to new legislation or national guidance necessitates an earlier review. Where there is concern that this protocol is not succeeding, resolution will be sought through communication between the Chairs.

7.0 Signatures

Cllr Roger Lawrence



Chair, City of Wolverhampton Health & Wellbeing Together
03 September 2018

Cllr Jasbir Jaspal



Chair, City of Wolverhampton Council Health Scrutiny Panel
03 September 2018

Tracy Cresswell

A handwritten signature in black ink that reads "T. Cresswell". The signature is written in a cursive style with a large initial 'T'.

Healthwatch Manager, Healthwatch Wolverhampton
03 September 2018

Adopted by Health & Wellbeing Together, the City of Wolverhampton Health and Wellbeing Board 11 July 2018.
To be reviewed May 2019.

Appendix A: Summary of roles, responsibilities and statutory obligations

Health & Wellbeing Together Summary	Roles and Responsibilities	Statutory obligations/ best practice recommendations in relation to the other two bodies
<p>Health & Wellbeing Together is the name given to the City of Wolverhampton Health and Wellbeing Board. It 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 Wolverhampton and to promote the integration of services.</p> <p>The Board became a formal committee of the City of Wolverhampton 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 2012.¹</p>	<p>This means that the Board has a:</p> <ul style="list-style-type: none"> • Duty to oversee the development of the Joint Strategic Needs Assessment (JSNA) which provides a comprehensive picture of the health and wellbeing needs of Wolverhampton. • Duty to encourage integrated working between health and social care commissioners, including providing advice, assistance or other support to encourage arrangements under section 75 of the National Health Service Act 2006 (i.e. lead commissioning, pooled budgets and/or integrated provision) in connection with the provision of health and social care services. • Role to review performance of the Better Care Fund (BCF) and consider future work, including overseeing the strategic direction of the BCF and the delivery of better integrated care, as part of the statutory duty to encourage integrated working between commissioners. • Duty to develop the Pharmaceutical Needs Assessment. • Duty to produce a Joint Health and Wellbeing Strategy (JHWS) covering social care, health care and public health. • 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. 	<ul style="list-style-type: none"> • To have a voting representative from Healthwatch Wolverhampton on the Board. • To enable Healthwatch Wolverhampton to participate in the preparation of the JHWS and JSNA. • To ensure that a representative of Health & Wellbeing Together attends Health Scrutiny on request, providing reasonable notice has been given. • Duty to respond to Health Scrutiny reports and recommendations.

¹ <http://www.legislation.gov.uk/ukpga/2012/17/part/5/chapter/2/crossheading/health-and-wellbeing-boards-functions/enacted>

Healthwatch Wolverhampton

Summary

Healthwatch Wolverhampton is an independent consumer champion for both health and social care. Providing 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 Wolverhampton 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 Wolverhampton provides, or signposts, people to information to help them make choices about health and care services.

Roles and Responsibilities

This means Healthwatch Wolverhampton will:

- Enable people to share their views and concerns about their local health and social care services and understand that their contribution will help build a picture of where services are doing well and where they can be improved.
- Make reports and recommendations about how local care services could or ought to be improved. These should be directed to commissioners and providers of care services, and people responsible for managing or scrutinising local care services and shared with Healthwatch England.
- 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 sharing these views with Healthwatch England.
- Make recommendations to Healthwatch England to advise the Care Quality Commission to conduct special reviews or investigations (or, where the circumstances justify doing so, making such recommendations direct to the CQC); and to make recommendations to Healthwatch England to publish reports about particular issues.
- Provide Healthwatch England with the intelligence and insight it needs to enable it to perform effectively.

Statutory obligations/ best practice recommendations in relation to the other two bodies

- To appoint one person to represent it on Health and Wellbeing Together.
- To provide a copy of its Annual Report to the Health Scrutiny Panel and Health and Wellbeing Together.

Health Scrutiny Panel Summary

Roles and Responsibilities

Statutory obligations/ best practice recommendations in relation to the other two bodies

<p>The Health Scrutiny Panel for City of Wolverhampton Council is the key panel for the purposes of fulfilling the roles outlined in the Health Scrutiny Functions Regulations 2013.²</p> <p>The specific responsibilities of the panel are detailed in the City of Wolverhampton Council constitution.³</p> <p>In addition to its role of holding decisionmakers to account on health and social care, health scrutiny also has a valuable proactive role in increasing decision-makers' understanding of communities and how best to tackle health inequalities.</p>	<p>This means the Health Scrutiny Panel will:</p> <ul style="list-style-type: none"> • Review and scrutinise matters relating to the planning, provision and operation of the health service in the area. • Require information to be provided by certain NHS bodies about the planning, provision and operation of health services that is reasonably needed to carry out health scrutiny. • Require employees including non-executive directors of certain NHS bodies to attend before them to answer questions. • Make reports and recommendations to certain NHS bodies and expect a response within 28 days. • Set up joint health scrutiny committees with other local authorities and delegate health scrutiny functions to an overview and scrutiny committee of another local authority. • Refer NHS substantial reconfiguration proposals to the Secretary of State⁴ if a local authority considers: <ul style="list-style-type: none"> ○ The consultation has been inadequate in relation to the content or the amount of time allowed. ○ The NHS body has given inadequate reasons where it has not consulted for reasons of urgency relating to the safety or welfare of patients or staff. ○ A proposal would not be in the interests of the health service in its area. 	<ul style="list-style-type: none"> • To make recommendations to relevant decision makers, as appropriate, including Health and Wellbeing Together. • To acknowledge and respond to referrals from Healthwatch Wolverhampton and Health and Wellbeing Together. • Include in its membership 3 members from Healthwatch. • A duty to receive reports submitted by Healthwatch Wolverhampton.
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² <http://www.legislation.gov.uk/uksi/2013/218/regulation/30/made>

³ <https://wolverhampton.mojerrgov.co.uk/documents/s69712/Constitution.pdf>

⁴ https://assets.publishing.service.gov.uk/government/uploads/attachment_data/file/324965/Local_authority_health_scrutiny.pdf

Appendix B: Reporting Arrangements – thematic areas

Activity	Lead	Contribution
Enter and View	Healthwatch Wolverhampton	<i>Health & Wellbeing Together and Health Scrutiny</i> <ul style="list-style-type: none"> Receive findings as appropriate, in order to supplement and triangulate information provided by service providers to gain an additional impression of quality of services, safety and issues of concern around specific services and provider institutions.
Healthwatch Wolverhampton Annual report	Healthwatch Wolverhampton	<i>Health & Wellbeing Together</i> <ul style="list-style-type: none"> Receive at a meeting of the Full Board meeting <i>Health Scrutiny Panel</i> Receive as part of a presentation by Healthwatch. <i>Healthwatch</i>
Joint Health & Wellbeing Strategy (JHWS)	Health and Wellbeing Together	<ul style="list-style-type: none"> Consult (for annual update of priorities). Contribute to inform any refresh, as appropriate <i>Health Scrutiny Panel</i> Consult (for annual update of priorities). Receive assurance progress is being made to deliver the outcomes in the JHWS. <i>Healthwatch</i>
Joint Strategic Needs Assessment (JSNA)	Health and Wellbeing Together	<ul style="list-style-type: none"> Consult (for annual update of priorities). Contribute to inform refresh, as appropriate. <i>Health Scrutiny Panel</i> Consult (for annual update of priorities). <i>Health and Wellbeing Together</i>
New legislation and changes to the legal framework	All	<ul style="list-style-type: none"> Consider the implications of new legislation and assess the likely impact and opportunities across the local health and care system, informed as appropriate, by evidence provided by Healthwatch. Respond to legislative proposals and consultations <i>Health Scrutiny</i> Respond to legislative proposals and consultations, it may legitimately hold separate conclusions to Health & Wellbeing Together.

Public Health Annual Report	Health and Wellbeing Together	<p><i>Healthwatch</i></p> <ul style="list-style-type: none"> • Consult to inform priorities, as appropriate. <p>Health Scrutiny Panel</p> <ul style="list-style-type: none"> • Consult to inform recommendations, as appropriate.
Scrutiny Reviews	Health Scrutiny Panel	<p><i>Health & Wellbeing Together</i></p> <ul style="list-style-type: none"> • Provide information and attend as requested <p><i>Healthwatch</i></p> <ul style="list-style-type: none"> • Provide information and attend as requested

In addition to the above:

Health & Wellbeing Together can request Healthwatch Wolverhampton to:

- Undertake a particular piece of work within its remit, with mutual consent and where reasonable notice has been given.
- Receive reports and information through engagement with patients, service users, carers and the public which impact on the delivery of the JHWS, with mutual consent and where reasonable notice has been given.

Health & Wellbeing Together can request Health Scrutiny to:

- Undertake a particular piece of work within its remit, with consent of the panel and subject to available resource.
- Undertake a Scrutiny Review with consent of the panel and subject to available resource.

Healthwatch Wolverhampton can provide Health & Wellbeing Together and Health Scrutiny with:

- Information and reports on strategic and/or providers and services, including highlighting any concerns about services.
- Information and challenge from the perspective of the public, service users and carers.
- A Referral to Health Scrutiny related to any issue which it feels warrants further investigation with consent of the panel and subject to available resource.

Health Scrutiny can request Health & Wellbeing Together and Healthwatch Wolverhampton to:

- Respond to any recommendations made as a result of scrutiny activity.
- Attend Health Scrutiny meetings where reasonable notice has been given.

Appendix C: Referral Mechanism

Referrals from Healthwatch Wolverhampton to Health Scrutiny:

If, during the course of its work, Healthwatch Wolverhampton 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 Chair of the Health Scrutiny Panel 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 actions it is proposed should be taken

The referral will be acknowledged and considered at the next available meeting of the Health Scrutiny Panel. If the matter is urgent then the matter will be discussed with the Chair and Healthwatch to agree a way forward. Healthwatch Wolverhampton will be informed of the outcome of this consideration within 28 days 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.

Referrals to Healthwatch Wolverhampton:

If, during the course of its work Health Scrutiny identifies an issue which it feels warrants exploration by Healthwatch Wolverhampton it can make a referral. Referrals should be made in writing to the Healthwatch Wolverhampton 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 actions it is proposed should be taken

The referral 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 Wolverhampton decides not to act on the referral it will provide reasons for not doing so.

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

Referrals from Health and Wellbeing Together:

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

