

Protocol between Healthwatch Nottinghamshire, the Health Scrutiny Committee (Nottinghamshire and Joint City and County) and the Health and Wellbeing Board

This protocol describes the working arrangements and memorandum of understanding between Nottinghamshire County Health and Wellbeing Board, Healthwatch Nottinghamshire and Health Scrutiny Committee (Nottinghamshire and Joint Nottingham City and Nottinghamshire County).

1. Introduction

Nottinghamshire County Council, the NHS and local community organisations have a history of working together to improve outcomes for local people. The Health and Social Care Act has introduced some new structures and processes, and working out how best to bring these together with continuing existing arrangements can be complex. But what remains constant throughout the transition is a shared goal: to improve health, social care and wellbeing outcomes for communities. This protocol aims to help local leaders and others to understand the independent, but complementary, roles and responsibilities of council health scrutiny, local Healthwatch and the Health and Wellbeing Board.

2. Working Principles

The three bodies endorsing this agreement will:

- engage in a free exchange of information, particularly around the content of their work programmes
- be committed to ensuring the quality of services provided
- meet informally on a regular basis to discuss their work with a view to eliminating any potential areas of duplication
- promote and foster an open relationship where issues of common concern are shared and challenged in a constructive and mutually supportive way or where there are potential conflicts of interest in respective roles and relationships,
- where appropriate, two or more of the bodies will work on a project or piece of work either jointly or independently. Any published material arising from the work will acknowledge the contribution of all participating bodies.
- 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
- communicate in plain English in a manner likely to be understood by partners and the public

- operate in a sufficiently transparent way that an interested member of the public would be able to quickly grasp the nature and core business of the body.

3. Legal Responsibilities between the three bodies

All three bodies are legally constituted and within their statutory functions there are specific legal obligations that exist between them.

- The Health and Wellbeing Board has a duty to offer membership to representatives of Healthwatch Nottinghamshire in the preparation of the Health and Wellbeing Strategy and the Joint Strategic Needs Assessment.
- The Health and Wellbeing Board has a duty to have a voting representative from Healthwatch Nottinghamshire.
- Healthwatch Nottinghamshire must appoint one person to represent it on the Health and Wellbeing Board.
- Healthwatch Nottinghamshire must provide a copy of its Annual Report to Health Scrutiny.
- Health Scrutiny has a responsibility to review and scrutinise matters relating to the planning, provision and operation of health services in Nottinghamshire and make reports and recommendations to relevant decision makers, including the Health and Wellbeing Board.
- Health Scrutiny must acknowledge and respond to referrals from Healthwatch Nottinghamshire.

4. Health and Wellbeing Board

Functions:

Health and Wellbeing Boards are committees of councils with social care responsibilities and made up of councillors, directors of public health, adult social services and children's services; clinical commissioning groups, NHS England and local Healthwatch. They will collectively lead to improving health and wellbeing outcomes and reducing health inequalities for their local communities. Health and Wellbeing Boards are an executive function of the council and are responsible for identifying current and future health and social care needs.

The Health and Wellbeing Board is subject to scrutiny from the Health Scrutiny Committee. The Chair of the Health and Wellbeing Board (or other suitable representative) will attend the Health Scrutiny Committee to provide information, answer questions and explain the work of the board.

The Health and Wellbeing Board can request that an item is placed on the agenda of the Health Scrutiny Committee. The Health Scrutiny Committee will arrange to receive a full briefing on the issue and then consider whether the matter should proceed to a full Scrutiny review.

Specifically in relation to the work of the two other bodies the Health and Wellbeing board will:

- Produce a Joint Strategic Needs Assessment (JSNA)
- Produce a Health and Wellbeing Strategy (HWS)
- Will seek to ensure the effective integration of health and wellbeing services

- The Health and Wellbeing Board will engage with Healthwatch Nottinghamshire and the Scrutiny Committee in setting out draft proposals and reviewing the final draft of the JSNA and HWS.
- Will receive reports from Healthwatch Nottinghamshire
- The Health and Wellbeing Implementation Group (HWIG) will receive a quarterly update from Healthwatch Nottinghamshire

5. Healthwatch Nottinghamshire

Functions:

Healthwatch is the local consumer champion for health and social care representing the collective voice of people who use services and the public. It will build a local picture of community needs, aspirations and assets and the experience of people who use services, including those who are vulnerable or often unheard.

It will report any concerns about services to commissioners, providers and Health Scrutiny. It may also report those concerns directly to the CQC or to Healthwatch England for those bodies to take action. Through its seat on the Health and Wellbeing Board, Healthwatch will present information for the Joint Strategic Needs Assessment and discuss and agree with other members of the board a Health and Wellbeing Strategy. It will also present information to Healthwatch England to help form a broader national picture of health and social care.

Healthwatch Nottinghamshire, as with the Health Scrutiny Committee, receives Quality Accounts from NHS Trust provider organisations

Specifically in relation to the work of the two other two bodies, Healthwatch will:

- Share its work programme with the Health and Wellbeing Board and Health Scrutiny.
- Use evidence and intelligence from the Health & Wellbeing Board to identify potential areas to add to Healthwatch work programme
- Provide relevant public opinions/experiences about services to support the development of JSNA chapters.
- Highlight concerns about services to Health Scrutiny and, where appropriate, make referrals
- 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 Health and Wellbeing Board and Health Scrutiny to provide information and comments as the public champion.
- Share its Quality Account feedback with Scrutiny Committee – also responsible for commenting on the same NHS provider trusts

6. Health Scrutiny (Nottinghamshire and Joint Nottingham City and Nottingham County)

Functions:

The primary aim of health scrutiny is to strengthen the voice of local people, ensuring that their needs and experiences are considered as an integral part of the commissioning and delivery of health services and that those services are safe and effective. Health Scrutiny also has a strategic role in taking an overview of how well Health and Wellbeing Boards are carrying out their duty to promote integration – and in making recommendations about how it could be improved.

Health Scrutiny is therefore the vehicle for the delivery of accountability for local health services (both commissioning and delivery), with particular responsibility for the consideration of substantial variations of service, local resolution of issues regarding substantial variations with the Health Services, and, where necessary referral to the Secretary of State for Health (where it is impossible to reach local resolution). In addition, the Health Scrutiny Committees receive for comment the Quality Accounts of various provider trust organisations. The Quality Accounts are commented on by the two Health Scrutiny Committees as follows:

Joint Health: - East Midland Ambulance Service (EMAS), Nottingham University Hospitals NHS Trust (NUH), Nottinghamshire Healthcare NHS Trust, The Treatment Centre (Circle)

Health Scrutiny Committee – Sherwood Forest Hospitals NHS Foundation Trust, Doncaster & Bassetlaw NHS Foundation Trust

All commissioners and providers of publicly funded healthcare and social care are covered by Health Scrutiny powers – this includes the Public Health functions undertaken by Nottinghamshire County Council.

In the light of the Francis Report, Health Scrutiny needs to be satisfied that they are keeping open effective channels by which the public can communicate concerns about the quality of NHS and public health services.

Specifically in relation to the work of the two other bodies Scrutiny Committee will:

- Receive referrals from either Health and Wellbeing Board or Healthwatch Nottinghamshire
- Report back to the Health & Wellbeing Board on the findings of any such referrals.
- Either body may make a referral of an issue to Health Scrutiny for examination. Referrals should be made in writing to the Chairman of the relevant Health Scrutiny Committee via the lead officer for Health Scrutiny.
- Health Scrutiny does not anticipate referring matters for investigation to Healthwatch Nottinghamshire except in situations where the organisation's 'enter and view' powers may be essential in addressing the issue. This would be a matter of judgement for the committee, since instances of poor care that are discovered by the committee should be referred to the CQC (Care Quality Commission) rather than Healthwatch. It is therefore likely that referrals

to Healthwatch will be in relation to service or policy development rather than to investigate concerns about care.

- Health Scrutiny encourages Healthwatch to refer instances where its recommendations to NHS bodies have been rejected with insufficient thought or reasoning or not taken seriously.
- Joint Health Scrutiny will be attended by Healthwatch Nottingham and Healthwatch Nottinghamshire. Both local Healthwatch may work jointly on pieces of work.

7. Extending the Protocol

This protocol is a living document and may be subject to change if it is agreed by the signatories.