



BRIEFING FOR HEALTH AND ADULT SOCIAL CARE OVERVIEW AND SCRUTINY COMMITTEE

THE ROLE OF HEALTHWATCH

Summary

This briefing has been produced at the request of the Chairman of the Committee to brief Members on the role of Healthwatch.

Background

- 1.1 Healthwatch was established in 2013 under the Local Government and Public Involvement in Health Act 2007 (as amended by the Health and Social Care Act 2012) as the new consumer champion for both health and social care. It exists in two distinct forms; Healthwatch England at a national level and local Healthwatch.
- 1.2 **Healthwatch - Healthwatch England** is a national body to provide leadership, guidance and support to local Healthwatch organisations and advice to the Secretary of State, NHS England, MONITOR, and local authorities, all of whom have to have regard to that advice.
- 1.3 **Local Healthwatch** – acts as an independent consumer champion created to gather and represent the views of the public. It seeks to ensure the voices of local residents and patients are properly taken into account when health and social care services are planned and delivered.
- 1.4 Local Healthwatch has to be funded by and accountable to Medway Council and must be run as an independent body by a social enterprise. The Council has commissioned Medway Citizen's Advice Bureau (CAB) to establish Healthwatch Medway. It has been set up as a Community Interest Company (CIC) and functions as a trading subsidiary of the CAB based in Gillingham made up of four local civil sector partnership organisations; Medway Citizens Advice Bureau, Hands (Rochester) a volunteer organisation, Medway Ethnic Minority Forum and Metro Centre. The contract came into effect from 1 April 2013. Whilst Healthwatch Medway CIC was set up specifically to promote citizen engagement, as well as offer information and signposting, a third function, to provide

complaints advocacy for NHS services, was tendered separately and awarded to South of England Advocacy Projects (SEAP). Officers are reviewing how citizen engagement, information and signposting and complaints advocacy can be commissioned by April 2017.

1.5. The statutory functions of Healthwatch Medway are as follows:

- Promoting & supporting the involvement of local people in the commissioning, provision and scrutiny of local care services (which include services provided as part of the health service or services provided as part of the Council's social services function)
- Enabling local people to monitor the standard of provision of local care services and whether and how local care services could and ought to be improved.
- Obtaining the views of local people regarding their needs for, and experiences of, local care services and importantly to make these views known.
- Making 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 the Healthwatch England Committee of the Care Quality Commission
- Providing advice and information about access to local care services so choices can be made about local care services
- Formulating views on the standard of provision and whether and how local care services could and ought to be improved and sharing these views with the Healthwatch England Committee of the Care Quality Commission
- Making recommendations to Healthwatch England to advise the Care Quality Commission to conduct special reviews or investigations (or where the circumstances justify doing so, making recommendations direct to the CQC) and to make recommendations to Healthwatch England to publish reports about particular issues.
- Providing Healthwatch England with the intelligence and insight it needs to enable it to perform effectively.

1.6 Under the legislation there is a duty for specified service providers to allow Healthwatch representatives to 'enter and view' their premises to enable them to observe the carrying on of activities there. Organisations must, therefore, allow an authorised representative to 'enter and view' and observe activities on premises controlled by the provider as long as this does not affect the provision of care or the privacy or dignity of people using services. Providers do not have to allow entry to parts of a care home which are not communal areas or allow entry to premises if their work on the premises relates to

children's social services. The local Healthwatch must maintain and publish a list of individuals who are authorised representatives and provide each authorised representative with written evidence of their authorisation.

- 1.7 Healthwatch Medway has recently completed training for a number of its representatives to allow them to commence inspections of social care and health premises in Medway. It has been decided to priorities the initial round of visits to social care premises specialising in dementia care.
- 1.8 Examples of networks that Healthwatch Medway has engaged with on a regular basis include Kent and Medway Young Persons Mental Health Network, Medway Cancer Transition Network and Medway Foundation Trust Hospital.

2. Relationship with the Health and Wellbeing Board and relevant Overview and Scrutiny Committees

- 2.1 Healthwatch Medway CIC can make reports and recommendations to persons responsible for commissioning, providing, managing or **scrutinising** local care services about how local care services provided in the authority's area and care services provided could or ought to be improved. Any person to whom local Healthwatch makes its views known or to whom it reports or makes recommendations must, in exercising any function relating to care services, have regard to these views, reports or recommendations.
- 2.2 In addition the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 places a duty on Overview and Scrutiny Committees responsible for carrying out the review and scrutiny of any matter relating to the planning, provision and operation of the health service in Medway to take account of relevant information provided by the Local Healthwatch organisation under its statutory right to make referrals to Overview and Scrutiny.
- 2.3 In the event of a referral of a relevant matter by Healthwatch Medway to this Committee (or the Children and Young People Overview and Scrutiny Committee in relation to local care services for children) receipt of the referral would have to be acknowledged within 20 working days and the Committee would be under an obligation to keep Healthwatch Medway informed of any action taken.
- 2.4 As the local consumer champion for health and social care Local Healthwatch has a statutory seat on the Health and Wellbeing Board. Through this mechanism the information gathered by Healthwatch Medway about community needs, aspirations and service user experience can inform and influence the content of the Joint Strategic Needs Assessment and Joint Health and Wellbeing Strategy

2.5 Medway Council has also appointed a Healthwatch Medway representative to a non-voting seat of each of the Overview and Scrutiny Committees responsible for health scrutiny (i.e This Committee and the Children and Young People Overview and Scrutiny Committee). This enables both Committees to routinely take into account any information gathered by Healthwatch Medway through its engagement with the public and local communities, networks of voluntary organisations and people who use services.

3. Risk

3.1 Adoption of a protocol to provide a framework for the relationship between the Council's Overview and Scrutiny Committees and Healthwatch Medway will minimise the risk of duplication of effort and dilution of impact when addressing health and social care issues of importance to the community in Medway.

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