

Meeting:	Adults and wellbeing scrutiny committee
Meeting date:	Thursday 25 January 2018
Title of report:	Healthwatch Update
Report by:	Director for adults and wellbeing

Classification

Open

Decision type

This is not an executive decision

Wards affected

(All Wards);

Purpose and summary

To receive an update on both the commissioning and the work of Healthwatch Herefordshire, and to consider areas that Healthwatch has raised for inclusion in the committee's work programme for further scrutiny.

To identify ways for scrutiny and Healthwatch to work together in complementary ways in order to combine knowledge and perspectives with the aim of improving services.

To enable the committee to fulfil its function to review and scrutinise the planning, provision and operation of health services (not reserved to the children and young people scrutiny committee) affecting Herefordshire, and to make reports and recommendations on these matters.

Recommendation(s)

That:

- (a) the performance of Healthwatch Herefordshire be reviewed;**
- (b) the committee determine any recommendations it wishes to make to Healthwatch or to the commissioners to consider in order to secure improved performance; and**

- (c) any areas for further scrutiny be identified for inclusion in the committee's work programme.

Alternative options

1. None. It is open to the committee to review the report and determine whether it wishes to make any recommendations.

Key considerations

2. The committee is asked to consider the report provided by Healthwatch in appendix 1, having regard to:
 - Priorities for 2017/18 identified through public engagement as: GP access; public health, healthy lifestyles and prevention; palliative care; complex and multiple conditions; adult social care and the new pathway; accident and emergency.
 - Plans to focus on mental health as this was identified as a frequently occurring issue
 - Emerging themes that are included for attention alongside identified priorities
 - Work carried over from 2016/17 which is due for completion or conclusion
 - The activity areas that set out how Healthwatch approaches its work and its representation at key fora across the health and care system
 - The ongoing public engagement work that Healthwatch undertakes and its work within localities across Herefordshire
 - The level and nature of enquiries from members of the public
 - Healthwatch work plan for 2017/18
3. Healthwatch identified its work plan for 2017/18 as set out in figure 5 of the report in appendix 1. Discussions on 4 December 2017, between the chairman and vice-chairman of the adults and wellbeing scrutiny committee and the children and young people scrutiny committee, concluded that there were benefits for the public in Healthwatch and scrutiny committees approaching aspects of work together, which would as a consequence, seek to identify continuous improvements to services. Approaches included the sharing of work programmes and expertise, regular joint meetings, and identifying themes where a coordinated review would provide a deeper understanding of a topic.
4. The council's relationship with Healthwatch is not straightforward. On the one hand, since Healthwatch is a function rather than an organisation, the council has a duty under s183 of the Health and Social Care Act 2012 to secure the services of a social enterprise to undertake those functions for its local geographic area, and must accordingly manage the resulting contract through appropriate systems and processes, in a commissioner / provider relationship. Since much of Healthwatch's remit covers healthcare services, the council should engage with the NHS in this task. On the other hand, Healthwatch is intended to be an independent voice for local people, with the council's social care

services as much subject to scrutiny as are healthcare services. Finding the right balance between these two very different relationships is important, but not without its challenges.

5. A range of performance indicators are built into the council's contract with Healthwatch. Reflecting the prevailing national approach when the service was first established, these are primarily focused on monitoring the scale of activity undertaken, through members of the public engaged, meetings and events attended and delivered, and reports produced. As part of the process of preparing for retendering the contract, these performance indicators will be reviewed and connected more closely to the outcomes that have been agreed by the statutory health and social care organisations, as guided by the Health and wellbeing board. Within this, however, there will need to remain significant scope for Healthwatch, as an independent advocate for Herefordshire residents, to determine its own priorities.
6. In addition to considering how the committee might work more effectively with Healthwatch, Members may also wish to reflect on the extent to which Healthwatch has been successful in developing an appropriately challenging, yet cooperative, relationship with care commissioners and providers, both within the NHS and the council, and also whether the contractual relationship between the council and Healthwatch could be improved. This last issue is of some immediate relevance, as a decision will need to be taken shortly over contractual arrangements for the period beyond May 2018.

Community impact

7. The committee's considerations should have regard to what matters to residents of Herefordshire. In doing so, the committee will wish to go beyond the pure data on process performance in order to consider the impact on the wellbeing of Herefordshire residents and their experience of care. Openness to scrutiny, and opportunity to challenge the performance of contractors and of the council's own decision-making activity, is embedded within the council's governance arrangements as a key theme of the code of corporate governance.

Equality duty

8. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
9. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services. Our providers will be made aware of their contractual requirements in regards to equality legislation.

Resource implications

10. There are no direct resource implications arising from this report. The cost of any resulting committee work will be subject to assessment and expected to be met within existing resources. The cost of the Healthwatch contract is covered from within the council's core budget.

Legal implications

11. This is a non-executive function. The Adults and wellbeing scrutiny committee as the decision-maker has the authority to scrutinise commissioned public health services that operate in Herefordshire as per Section 4, para 3.4.5 of the constitution.
12. The Health and Social Care Act 2012 provides that councils have a statutory duty to contract with an organisation to deliver Healthwatch functions in the area.
13. The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 provide duties aimed at supporting councils to discharge scrutiny functions effectively.
14. The recommendations comply with the requirement of the Act and regulations.

Risk management

15. There is a reputational risk to the council if the scrutiny function does not operate effectively.

Risk / opportunity	Mitigation
Performance management could be focused on process measures that are not reflective of the wellbeing and experience impact of the service for Herefordshire residents.	The committee seeks to focus its attention on matters of direct relevance to Herefordshire residents and ensure performance measures reflect these.

Consultees

16. Healthwatch senior officer and board members met with the chairman and vice-chairman of the adults and wellbeing scrutiny committee and the children and young people scrutiny committee to discuss their respective work programmes. The meeting was also attended by the director for adults and wellbeing, the director for children's wellbeing and the statutory scrutiny officer.

Appendices

Appendix 1 Healthwatch Herefordshire report

Background papers

None identified