

Agenda Item:

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Dorset Health Scrutiny Committee

Dorset County Council



Date of Meeting	17 November 2014
Officer	Director for Adult and Community Services
Subject of Report	Joint Protocol between Dorset Health Scrutiny Committee and Healthwatch Dorset
Executive Summary	<p>This report sets out the roles and responsibilities of the Dorset Health Scrutiny Committee and Healthwatch Dorset in relation to the way in which they will work together.</p> <p>Guidance published in 2013 to support Local Authorities and their partners to deliver effective health scrutiny emphasises that “Effective health scrutiny requires clarity at a local level about respective roles between the health scrutiny function, the NHS, the local authority, health and wellbeing boards and local Healthwatch.”</p> <p>Building on the previous protocol between Dorset Health Scrutiny Committee and LINKs (the predecessor to Healthwatch), this protocol clarifies the way in which referrals will be made and received, how information will be shared and how Healthwatch Dorset will be included within the formal and informal schedule of health scrutiny meetings.</p>
Impact Assessment:	<p>Equalities Impact Assessment:</p> <p>Not applicable.</p> <p>Use of Evidence:</p> <p>Report based on previous protocol with LINKs and based on guidance for Local Authorities published by the Department of Health in 2013.</p>
<i>Please refer to the protocol for writing reports.</i>	

	<p>Budget:</p> <p>None.</p>
	<p>Risk Assessment:</p> <p>Having considered the risks associated with this decision using the County Council's approved risk management methodology, the level of risk has been identified as: Current Risk: HIGH/MEDIUM/LOW (Delete as appropriate) Residual Risk HIGH/MEDIUM/LOW (Delete as appropriate) <i>(i.e. reflecting the recommendations in this report and mitigating actions proposed)</i></p>
	<p>Other Implications:</p> <p>None.</p>
Recommendation	That the Committee agree to the adoption of this protocol with Healthwatch Dorset, to replace the previous protocol with LINKs.
Reason for Recommendation	To support the County Councils' aims to protect and enrich the health and wellbeing of Dorset's most vulnerable adults and children and provide innovative and value for money services.
Appendices	None.
Background Papers	None.
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Joint Protocol between Dorset Health Scrutiny Committee and Healthwatch Dorset (Draft)	
November 2014	
Dorset County Council	Healthwatch Dorset
1.0	Purpose of the Protocol
1.1	To set out the roles and responsibilities of the Dorset Health Scrutiny Committee and Healthwatch Dorset in relation to the way in which they will work together.
2.0	Role of the Dorset Health Scrutiny Committee
2.1	The National Health Service Act 2006 provides explicit powers for Councils with Social Services Responsibilities to scrutinise health services within the authority's area as part of their wider role in health improvement and in reducing health inequalities for their area and its inhabitants. The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 ¹ strengthen those powers to cover a wider range of providers of health services and health commissioners.
2.2	The Dorset Health Scrutiny Committee was established by Dorset County Council jointly with the six district councils (Christchurch Borough Council, East Dorset District Council, North Dorset District Council, Purbeck District Council, West Dorset District Council and Weymouth and Portland Borough Council) to review and scrutinise matters relating to the planning, provision and operation of the health service in Dorset and to make reports and recommendations to local NHS bodies on these matters with the aim of helping to improve the health of the people of Dorset and to reduce health inequalities.
3.0	Role of Healthwatch Dorset
3.1	The Health and Social Care Act 2012 established Healthwatch as the new consumer champion for both health and social care, replacing LINKs (Local Involvement Networks) to represent the voice of people who use services and the public. It exists in two distinct forms – local Healthwatch, at local level, and Healthwatch England, at national level. Healthwatch Dorset is independent of the local councils and the NHS, but is funded via Dorset County Council, Borough of Poole and Bournemouth Borough Council, and covers the area of all three Local Authorities. Healthwatch Dorset has powers to ask both the NHS and the Local Authorities, whose Adult and Community Services Directorates have responsibility for social care, for information which is relevant to the exercise of its functions. It is also empowered to make recommendations to the NHS and Local Authorities and has a seat on the Health and Wellbeing Boards.
3.2	The contract to deliver the local Healthwatch service has been awarded to a partnership of three local voluntary organisations: Help and Care,

¹ <http://www.legislation.gov.uk/ukxi/2013/218/contents/made>

	Citizens Advice in Dorset and Dorset Race Equality Council. Help and Care is the lead organisation. Together, the three organisations have formed a new Community Interest Company – Healthwatch Dorset CIC.
3.3	The Health and Social Care Act 2012 also makes provision for local authorities to arrange an Independent NHS Complaints Advocacy Service (ICAS), in relation to their area, for complaints relating to the provision of health services. Dorset Advocacy provides this service for the three Local Authorities of Dorset, Poole and Bournemouth.
4.0	How the Dorset Health Scrutiny Committee and Healthwatch Dorset will work together
4.1	The Guidance ² to support Local Authorities and their partners to deliver effective health scrutiny emphasises that “Effective health scrutiny requires clarity at a local level about respective roles between the health scrutiny function, the NHS, the local authority, health and wellbeing boards and local Healthwatch.”
4.2	Healthwatch Dorset can refer matters to the Dorset Health Scrutiny Committee (and the relevant Overview and Scrutiny Committees in Poole and Bournemouth) in relation to a health related activity as defined by the Act. For matters relating to social care services the referral should be made to the County Council’s Democratic Services Manager.
4.3	Referrals may include situations where: <ul style="list-style-type: none"> • Healthwatch Dorset considers that relevant NHS bodies they work with are not carrying out their duties to involve the public in a satisfactory manner; or • Healthwatch Dorset requests a response from an NHS body to which they have made recommendations and the NHS body fails to respond within the statutory timescale of 20 working days or Healthwatch Dorset is not satisfied with the response received; or • Healthwatch Dorset has or is aware of any concerns about local health services or commissioners and providers which it would like Dorset Health Scrutiny Committee to consider.
4.4	The Dorset Health Scrutiny Committee will acknowledge receipt of the referral within 20 working days.
4.5	On receipt of the referral and on the basis of the information received the Dorset Health Scrutiny Committee will decide a) whether or not their powers are exercisable and b) whether or not they will exercise them. The Committee will keep Healthwatch Dorset informed of its decision.
4.6	Referrals should not be made until Healthwatch Dorset has made all reasonable efforts to resolve matters with the NHS organisations involved and has decided that those efforts have failed.
4.7	When making a referral, Healthwatch Dorset will consider what outcomes

² <https://www.gov.uk/government/publications/advice-to-local-authorities-on-scrutinising-health-services>

	it wants from the referral and will take into account the powers that the Dorset Health Scrutiny Committee has, such as the ability to call in staff from NHS bodies and the ability to refer matters to the Secretary of State in the context of substantial development or variation of a service.
4.8	Early communication about a potential referral will allow the Dorset Health Scrutiny Committee to be prepared and to identify whether they have time to consider the referral and how.
4.9	If the Committee decide not to act on a referral it will inform Healthwatch Dorset of this decision and the reasons.
5.0	Annual Work Plan
5.1	The Dorset Health Scrutiny Committee and Healthwatch Dorset will each share their work plans with the other body and try to align programmes and priorities so that the risk of duplication is reduced and the most effective use of the different roles and resources is utilised.
5.2	A representative of Healthwatch Dorset will be invited to participate in the annual work programme seminar of the Committee.
6.0	Attendance at Committee and meetings
6.1	A representative of Healthwatch Dorset will be invited to participate in the Officer's Reference Group that is held to plan the agenda for each Health Scrutiny Committee meeting.
6.2	A representative of Healthwatch Dorset will be invited to attend the Committee meetings and where appropriate will be given the opportunity to speak and contribute to the debate by the Chair of the Committee.
6.3	The Committee will have on its agenda regular updates from Healthwatch Dorset.
7.0	Other joint working
7.1	There may be opportunities for the two bodies to come together to receive joint briefings and training on issues of relevance and interest to both and these opportunities will be maximised.
7.2	In relation to health scrutiny reviews carried out by Review Panels, Healthwatch Dorset will be contacted during the planning phases to allow appropriate involvement with the work of the Panel. In this context and as part of the review process Healthwatch Dorset may be able to produce evidence or conduct research to inform the gathering of evidence.
8.0	Review of the protocol
8.1	The protocol will be reviewed on a regular basis and updated accordingly.

