

HEALTHWATCH DERBY UPDATE

SUMMARY

- 1.1 Under the Health and Social Care Act 2012 Derby City Council is required to have a local Healthwatch organisation in place by April 2013.
- 1.2 In January 2012 the Derby Health and Well Being Board approved the set up of a new organisation to deliver the functions of a local Healthwatch in Derby.
- 1.3 A small steering group has been meeting to facilitate the set up of a new organisation and put in place key individuals to drive the move to a fully functional Healthwatch Derby by April 2013.
- 1.4 A skeletal organisation shall be in place by the end of September 2012. This shall start to form into Healthwatch Derby in the following months.
- 1.5 The new organisation shall be located in the Council House.
- 1.6 A draft service specification for the new organisation is attached for comment.

RECOMMENDATION

- 2.1 To note the progress towards setting up Healthwatch Derby.
- 2.2 To make recommendations to the steering group as the Board sees fit.

REASONS FOR RECOMMENDATION

- 3.1 The role of the local Healthwatch organisation is pivotal to gathering people's views and experiences about local care services, in the reformed health and care system. The intelligence gathered is core business for this Board, and hopefully quite frequently, the Board shall engage with local Healthwatch on specific matters.
- 3.2 The Board is being consulted on the service specification for the local Healthwatch organisation.

SUPPORTING INFORMATION

- 4.1 Board Members will be aware of the national statutory requirement in the Health & Social Care Act 2012 for Healthwatch England and local Healthwatch organisations to be formed and operational by April 2013. The responsibility for local Healthwatch delivery falling on all local authorities (LA's).
- 4.2 The DH direction to LA's is to transition local LINK set ups into Healthwatch organisations. This is considered to be somewhat of an over simplification of the situation, when local Healthwatch will have additional duties and is "required" to take "body corporate" form.
- 4.3 Whilst the Derby LINK has effectively undertaken excellent work to improve health and social care services locally, this operation has been undertaken within overall limited resource constraints. Effectively volunteers on the management committee have selected and directed the work undertaken by other volunteers supported by the Host organisation, Community Action.
- 4.4 There is a clear requirement in the Act to supplement the network of volunteer arrangements in LINK with something more robust and accountable to stakeholders. A body that will have a greater engagement role and requires a higher profile in the public eye.
- 4.5 Board members will be aware that approximately £500m of public funds are spent annually on health and social care services for the residents of Derby City. Local Healthwatch is required to be the channel which directs the consumer voice and views to local decision makers about effectiveness and public experiences of those services. Healthwatch shall have a seat on the Health and Wellbeing Board.
- 4.6 The Health and Social Care Act 2012 states that;
- There is to be a body known as Local Healthwatch organisation for the area of each local authority, the main purpose of which is to carry on the following activities;
- a) Promoting and supporting the involvement of people in the commissioning, provision and scrutiny of local care services
 - b) Enabling people to monitor services and to review the commissioning and provision of local care services
 - c) Obtaining the views of people about their needs for, and their experiences of, local care services
 - d) Making views such as are mentioned at c) known, and reports and recommendations about how local care services could or ought to be improved, to persons responsible for commissioning, providing, managing or

scrutinising local care services

- e) Providing advice and information about access to local care services and about choices that may be made with respect to aspects of those services, to the public
- f) Researching views on local care services and making those views known to Healthwatch England Committee of the Care Quality Commission
- g) Making recommendations to Healthwatch England about special reviews or investigations to conduct via CQC, giving that committee such assistance as it may require to enable it to carry out its functions effectively, efficiently and economically
- h) To provide independent support for people who wish to complain about local care services.

- 4.7 In Derby the Health and Well Being Board approved the set up of a new legal entity to be known as "Healthwatch Derby".
- 4.8 The main advantage of this approach is that the organisation shall be entirely focussed on the core activities identified above. Any form of procurement exercise to identify an existing organisation to undertake the activities described above would have diluted the organisations reason for being.
- 4.9 A small steering group composed of LINK members NHS and social care staff have been working together to set up the new organisation structure.
- 4.10 It is envisaged that a skeleton structure for the new organisation shall be in place by the end of September 2012. Key members of the new organisation then shall drive the development of the new organisation to become fully operational by April 2013. A timeline schematic is attached at appendix 2.
- 4.11 The funding for the new organisation shall comprise of the funding allocated to the current LINK, PALS funding transfer from the PCT and Council funding. The total budget for Healthwatch shall be £388k per annum.
- 4.12 A service specification for engagement with Healthwatch has been developed in draft form and shall form the basis of the funding relationship between the Council and Healthwatch Derby. This is attached at Appendix 3. Members of the Board are asked to comment as they see fit.
- 4.13 Legal advice received would suggest that the best legal form for the new organisation to take is a company limited by guarantee which is also a registered charity. This will have some financial benefits for the organisation in terms of tax and vat.
- 4.14 Consultation with local organisations and the general public has commenced. A questionnaire seeking views has been developed and is in circulation. A number of briefing events for the public are being planned across the city.
- 4.15 Healthwatch shall have its own branding and this is being developed nationally commissioned by the Department of Health.

- 4.16 There are some TUPE implications for transfer of staff from the LINK host organisation to be considered and these are in hand. However, these only amount to 1.5 posts and can be absorbed into the new structure.
- 4.17 Healthwatch Derby shall be located in the refurbished Council House. This shall provide modern office accommodation in a central location at low marginal cost for the organisation. However, the organisation shall need to be proactive and work in community settings to gather the full range of people's views about services and to access seldom heard communities.
- 4.18 In the near future the Adults and Public Health Board, Health and Wellbeing Board and Healthwatch will need to work through how the three entities shall work together efficiently and effectively in the new system avoiding any duplication or confusion. To support localities to work this out, there is an East Midlands simulation event planned later in the year.

OTHER OPTIONS CONSIDERED

- 5.1 To procure a service from an existing organisation. This option was dismissed due to the requirement for the local Healthwatch organisation to be a corporate body in its own right.

This report has been approved by the following officers:

Legal officer Financial officer Human Resources officer Service Director(s) Other(s)	Perveez Sadiq
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For more information contact: Background papers: List of appendices:	Name Perveez Sadiq Perveez.Sadiq@derby.gov.uk None Appendix 1 – Implications Appendix 2 – Timeline Appendix 3 - Draft Specification
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IMPLICATIONS

Financial and Value for Money

- 1.1 The funding for Healthwatch Derby (£388k) shall be transferred as a grant to the organisation to deliver the outcomes described in the service specification attached at appendix 3.

Legal

- 2.1 There is a statutory requirement on all local authorities to put in place a local Healthwatch organisation under s182 of the Health and Social Care Act 2012
- 2.2 Local Healthwatch organisations have statutory functions they must carry out under the Health and Social Care Act. However the Act stopped short of creating local Healthwatch organisations as statutory bodies.

Personnel

- 3.1 There are some TUPE implications of transfer of staff from LINK host to the new organisation.

Equalities Impact

- 4.1 There is a requirement for the new local Healthwatch organisation to engage with all sections of the community and gain an understanding of their views and experiences of care services in the city.

Health and Safety

- 5.1 None arising directly from this report.

Environmental Sustainability

- 6.1 None arising directly from this report.

Asset Management

- 7.1 None arising directly from this report.

Risk Management

- 8.1 None arising directly from this report.

Corporate objectives and priorities for change

9.1 This report supports the good health and wellbeing for all objective of the Council.