

# Operational Decision Record

<b>Publication Date:</b> 17/07/2023	<b>Decision Reference Number:</b> 4990
<b>Decision Title</b>	
Healthwatch Service	
<b>Decision Value</b>	
£108,000	
<b>Revenue or Capital Spend?</b>	
Revenue	
<b>Department</b>	
People	
<b>Contact Officer (Name, job title, and contact details)</b>	
Charlotte Dodds: Commissioning Lead Officer Email: <a href="mailto:Charlotte.Dodds@nottinghamcity.gov.uk">Charlotte.Dodds@nottinghamcity.gov.uk</a> Phone: 0115 876 4460	
<b>Decision Taken</b>	
Approve the expenditure of £108,000 to continue the Healthwatch service provided by Healthwatch Nottingham and Nottinghamshire for up to one year from the 1 April 2024.	
<b>Reasons for Decision and Background Information</b>	
<b>Reasons for Decision</b> To support joint commissioning across the whole health and social care system in Nottingham City and Nottinghamshire County. A jointly commissioned Nottingham City Council and Nottinghamshire County Council Healthwatch service has clear benefits for citizens who do not recognise local authority boundaries and also achieves best value for money by enabling greater efficiencies and economies of scale in both budget and staff resourcing.  Currently the two Councils have separate contracts to deliver their statutory Healthwatch functions. An Operational Decision to 'Approve the expenditure of £108,000 to continue the Healthwatch service provided by Healthwatch Nottingham and Nottinghamshire for up to one year from the 1 April 2023' was agreed and published: <ul style="list-style-type: none"><li>• Publication date:20/02/2023</li><li>• Decision Reference Number: 4866</li><li>• <a href="https://committee.nottinghamcity.gov.uk/documents/s144172/DD4866.pdf">https://committee.nottinghamcity.gov.uk/documents/s144172/DD4866.pdf</a></li></ul> Operational Decision (OD) 4866 was made in order to align Nottingham City and Nottinghamshire County Council respective Healthwatch contract end dates to facilitate joint re-commissioning. At the time of publication of OD 4866 Nottinghamshire County had advised Nottingham City that their Healthwatch contract ended on the 31 March 2024. Nottinghamshire County have since provided new information advising that they have the option to further extend their Healthwatch contract for an additional year up to the 31 March 2025. They have	

further stated that their intention is to utilise this extension in order to facilitate the following:

- Thorough joint review of contracts to understand delivery and performance
- Clarification of the ICB role with proposed additional ICB funding
- Forming robust partnership agreements and MOU

Therefore, in order to continue our plans to jointly re-commission Healthwatch with Nottinghamshire County we need to extend our current contract to 31 March 2025 to align our contract end dates.

### **Background information**

Healthwatch is a statutory body with responsibility for scrutinising health and social care services. Local authorities have a statutory duty (through the Health and Social Care Act 2012) to set up a local Healthwatch which must be structured so that it is able to carry out the following statutory functions as set out in the Local Government and Public Involvement in Health Act 2007 (Section 221):

- Community voice and influence
- Making a difference locally
- Informing people
- Working with Healthwatch England and the Care Quality Commission

Healthwatch England is able to scrutinise the local arrangements - if it is not satisfied that these arrangements are adequate it has the power in law to make recommendations regarding the local arrangements. Any failings of the Local Authority to properly constitute and fund a local Healthwatch to carry out its statutory responsibilities may leave the Local Authority open to a Judicial Review.

There were previously two separate Healthwatch organisations that delivered the above statutory functions for Nottingham City and Nottinghamshire County Councils. In April 2018 it was agreed to merge the two organisations into a single organisation called 'Healthwatch Nottingham and Nottinghamshire' covering the City and County, with plans develop a joint approach to commissioning the Healthwatch service in the future. This approach of having a single organisation deliver Healthwatch in the City and County meant that Nottingham City and Nottinghamshire County Council were each able to reduce the funding allocated to deliver their Healthwatch statutory functions, which supported achieving best value.

### **Current Position**

Although a single organisation provides Healthwatch services for both Nottingham City and Nottinghamshire Councils, each Council still has a separate contract for service delivery. When Nottinghamshire County Council's implement their additional extension their contract with Healthwatch will end on the 31 March 2025. Nottingham City Council's contract with Healthwatch is due to end on the 31 March 2023.

### **Future Delivery**

There remains a commitment to jointly commission a Healthwatch service across both City and County from April 2025. Approval to extend Nottingham City's existing Healthwatch contract for 12-months would align the end dates and enable commissioners to re-commission a joint City and County Healthwatch service with an expected service commencement date of 1 April 2025. This work has now started and is in its early stages. Part of this work should include a new understanding of levels of investment by other comparable local authorities.

**Other Options Considered and why these were rejected**

- Option 1) Complete a full procurement exercise for a new Nottingham City Healthwatch service to commence on 1 April 2024. Nottinghamshire County Council have indicated their intention to use the additional extension to 2025 so we would lose the benefits of the joint approach and effectiveness and efficiencies this brings.
- Option 2) Do nothing. Allow the Healthwatch contract to terminate on the end date of 31 March 2024 without continuing the contract or completing a procurement exercise to secure a new service. The local authority has a statutory duty to provide a local Healthwatch to carry out statutory functions, this statutory duty would be unfulfilled. Therefore, this option is not recommended.

**Reasons why this decision is classified as operational**

- The decision has a total value under £250,000
- The proposed expenditure is within existing adult social care policies and does not commit the Council to any new activities. A joint commissioning review of this provision with Nottinghamshire County Council will inform future decisions about the ongoing best value approach to delivery Healthwatch.

**Additional Information****Procurement advice:**

Discussions with Procurement as of 18/05/2023 have identified that an additional extension to the contract in the city for a 12-month period taking the contract end date to 2025 is permissible under the Procurement Regulation 72(b) of the Public Contract Regulations. An exemption will not be required. An Operation Executive Decision Form must be completed to enable this to happen. Once this form is signed off, the Contacts Team will be able to offer a contract variation to action the extension.

**Finance comments:**

I can confirm that there is provision in the budget for 2024-2025 for the Healthwatch Contract to continue to be funded at the current rate of £108,000 per financial year.

Joanna Jenkins, Interim Senior Commercial Business Partner - 11/05/23

**Decision Maker (Name and Job Title)**

Catherine Underwood, Corporate Director for People

**Scheme of Delegation Reference Number**

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**Date Decision Taken**

13/06/2023