

## HEALTH AND WELLBEING BOARD - 30<sup>th</sup> April 2014

<b>Title of paper:</b>	Nottingham City Health and Wellbeing Board, Healthwatch and Health Scrutiny Joint Working Agreement	
<b>Director(s)/ Corporate Director(s):</b>	Dr Chris Kenny, Director of Public Health Nottinghamshire County and Nottingham City	<b>Wards affected: All</b>
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<b>Date of consultation with Portfolio Holder(s) (if relevant)</b>	Nottingham City Health and Wellbeing Board Development Session 20 <sup>th</sup> November 2013.	
<b>Relevant Council Plan Strategic Priority:</b>		
Cutting unemployment by a quarter		<input type="checkbox"/>
Cut crime and anti-social behaviour		<input type="checkbox"/>
Ensure more school leavers get a job, training or further education than any other City		<input type="checkbox"/>
Your neighbourhood as clean as the City Centre		<input type="checkbox"/>
Help keep your energy bills down		<input type="checkbox"/>
Good access to public transport		<input type="checkbox"/>
Nottingham has a good mix of housing		<input type="checkbox"/>
Nottingham is a good place to do business, invest and create jobs		<input type="checkbox"/>
Nottingham offers a wide range of leisure activities, parks and sporting events		<input type="checkbox"/>
Support early intervention activities		<input type="checkbox"/>
Deliver effective, value for money services to our citizens		<input checked="" type="checkbox"/>
<b>Summary of issues (including benefits to citizens/service users):</b>		
<p>The Health and Wellbeing Board and the local Healthwatch were formed as a result of the 2012 Health and Social Care Act. These bodies have specific distinct functions to that of the city council statutory function to scrutinise local health and social care services which is through the City Council Health Scrutiny Panel and the Joint City and County Health Scrutiny Committee. This written agreement will clarify how the 3 bodies relate to each other and how resources and activities can be coordinated. This will improve the ability of the bodies to plan and coordinate their activities where appropriate to improve health and social care services for citizens.</p>		
<b>Recommendation(s):</b>		
<b>1</b>	To endorse the working agreement between Nottingham City Health and Wellbeing Board, Healthwatch Nottingham and Health Scrutiny.	

### **1. REASONS FOR RECOMMENDATIONS**

The agreement sets out the relationships between these 3 bodies and areas for potential coordination. This will improve mutual understanding of roles and functions, and reduce potential for duplication and lack of coordination between the 3 bodies. This will support the Health and Wellbeing Board's aims to improve the health and wellbeing of citizens.

## **2. BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)**

### **Rationale for the Agreement**

Nottingham City Health and Wellbeing Board, Healthwatch Nottingham and the City Council function (which is carried out by the Health Scrutiny Panel and the Joint City and County Health Scrutiny Committee), share a common goal of improving health and social care services to benefit the health and wellbeing of citizens. All three have a role to play in reviewing and making recommendations about the way local services are planned and delivered. However, without due consideration for the complementary roles, there is potential for duplication when reviewing the health and social care system, and a lack of understanding about how the 3 bodies interact.

There was a discussion about these roles at the Nottingham City Health and Wellbeing Board Development Session on the 20<sup>th</sup> November 2013. This session set out how the 3 bodies relate to each other and potential areas for coordination. Lead officers were tasked with developing a document that describes this relationship. This is documented in the agreement being presented to the Board.

### **Scope of the Agreement**

The agreement sets out:

- the roles of the 3 bodies
- the legal obligations between them
- the local commitments between them
- how referrals will operate

### **Benefits of having this agreement to the Health and Wellbeing Board**

The agreement will help clarify and distinguish the role of the Health and Wellbeing Board from that of the health scrutiny function of the city council, and the role of Healthwatch Nottingham, which has statutory relationships with the Board and Health Scrutiny. The Health and Wellbeing Board will share its work plan with Healthwatch and Health Scrutiny. This will help reduce duplication, and also ensure that officers supporting the Board are aware of the priorities of the other 2 bodies, which are beneficial to the Board's objectives. The agreement sets out the potential for either Health Scrutiny or Healthwatch to undertake particular pieces of work (subject to available resources) that the Board has identified as a priority. This potential coordination of resources could therefore improve outcomes for citizens accessing the services being examined.

### **Signing off the agreement**

This Agreement will also be submitted to Healthwatch Nottingham and the Health Scrutiny Panel for agreement. If additional changes are required following this process it will be submitted to the Health and Wellbeing Board chair for approval.

## **3. OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS**

### **Having no agreement**

There is a potential for lack of local of coordination of work plans and therefore duplication of work without this agreement. Having this agreement will improve upon this situation.

### **Having a detailed protocol**

There was an option to develop a more detailed protocol, with more specified and formal procedures and timetables between the 3 bodies, but this was deemed to be unnecessary and did not add value to the objective of clarifying roles and improving coordination of activities and resources.

**4. FINANCIAL IMPLICATIONS (INCLUDING VALUE FOR MONEY/VAT)**

There are no additional financial implications from having the agreement.

**5. RISK MANAGEMENT ISSUES (INCLUDING LEGAL IMPLICATIONS AND CRIME AND DISORDER ACT IMPLICATIONS)**

None identified.

**6. EQUALITY IMPACT ASSESSMENT**

Has the equality impact been assessed?

Not needed (report does not contain proposals or financial decisions)

No

Yes – Equality Impact Assessment attached

Due regard should be given to the equality implications identified in the EIA.

**7. LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION**

None.

**8. PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT**

Health and Social Care Act 2012.

Centre for Public Scrutiny (2012). Local Healthwatch, health and wellbeing boards and health scrutiny. Roles, relationships and adding values.

Protocol between the Leicestershire Health and Wellbeing Board, the Leicestershire County Council Health Overview and Scrutiny Committee and Healthwatch Leicestershire (2013).

Health Scrutiny, Health and Wellbeing Board and Healthwatch. Draft Merton Protocol 2013.

# Nottingham City Health and Wellbeing Board, Healthwatch Nottingham and Health Scrutiny Working Agreement

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## **1. Purpose of the Agreement**

This Agreement sets out the relationship between the Nottingham City Health and Wellbeing Board, Healthwatch Nottingham and Nottingham City Council's Health Scrutiny function.

Health and Wellbeing Boards and Local Healthwatch were formed as a result of the 2012 Health and Social Care Act, which also expanded the role of Health Scrutiny. Whilst these bodies have specific distinct functions, there is potential for overlap in their work and opportunities for them to work in a complementary fashion whilst maintaining their independence.

The Agreement clarifies the key roles of the 3 bodies, their legal obligations to each other and how they will work together to improve the health and social care services for people in Nottingham.

## **2. Role of Nottingham City Health and Wellbeing Board**

The Nottingham City Health and Wellbeing Board is the city's lead multi-agency partnership for improving health and wellbeing and reducing health inequalities of the citizens of Nottingham City. Functions of the Health and Wellbeing Board include:

- Supporting the development of improved and joined up health and social care services.
- Overseeing, where appropriate, the use of relevant public sector resources across a wide spectrum of services and interventions to ensure outcomes from health care, social care and public health interventions.
- Developing and overseeing the implementation of the Joint Health and Wellbeing Strategy.
- Developing and overseeing the implementation of the Joint Strategic Needs Assessment and the Pharmaceutical Needs Assessment.
- Overseeing joint commissioning and joined up provision for citizens, patients, social care service users and carers, including social care, public health and NHS services with aspects of the wider local authority agenda that also impact on health and wellbeing, such as housing, education and the environment.
- Considering local commissioning plans to ensure that they are in line with the Joint Health and Wellbeing Strategy.
- Promoting public involvement in the development of the Joint Strategic Needs Assessment and the Joint Health and Wellbeing Strategy.
- Being one of the theme partnerships within the One Nottingham partnership family to lead on the Nottingham Plan to 2020 Healthy Nottingham priority.

### **3. Role of Healthwatch Nottingham**

Healthwatch Nottingham will:

- Use its seat on the Health and Wellbeing Board to ensure that the views and experiences of patients, carers and other service users are taken into account when local needs assessments and strategies are prepared, such as the Joint Strategic Needs Assessment.
- Enable people to share their views and concerns about their local health and social care services and understand that their contribution will help build a picture of where services are doing well and where they can be improved.
- Give authoritative, evidence-based feedback in relation to the commissioning and delivery of local health and social care services.
- Help and support the Board to make sure that services really are designed to meet citizens' needs.
- Be inclusive and reflect the diversity of the community it serves.

### **4. Role of Health Scrutiny**

Overview and scrutiny helps to provide accountability and transparency in local public services. It is an opportunity for non-executive councillors to review policies, decisions and services of the City Council and other organisations operating in Nottingham to ensure they meet the needs of the community and, where necessary, makes recommendations for improvement.

Health Scrutiny not only holds Council decision makers to account but also reviews and scrutinises commissioning and delivery across the health and social care system to ensure reduced health inequalities, access to services and the best outcomes for local people. Scrutiny can make reports and recommendations to NHS bodies and providers of NHS funded services. When a substantial change to a local health service is proposed, Health Scrutiny should be consulted and has a statutory role to ensure that the public interest has been taken into account and the proposed change is in the best interests of local health services.

There are two Health Scrutiny committees:

- Health Scrutiny Panel (for health and adult social care matters in Nottingham City)
- Nottingham City and Nottinghamshire County Joint Health Scrutiny Committee (for health matters across the Greater Nottingham area)

For the purpose of this Agreement the term 'Health Scrutiny' refers to both of these Committees.

## **5. Legal Obligations between the 3 Bodies**

All three bodies have a legal basis and within their statutory functions there are specific legal obligations that exist between them.

- The Health and Wellbeing Board has a duty to involve Healthwatch Nottingham in the preparation of the Joint Health and Wellbeing Strategy and the Joint Strategic Needs Assessment.
- The Health and Wellbeing Board has a duty to have a voting representative from Healthwatch Nottingham.
- Healthwatch Nottingham must appoint one person to represent it on the Health and Wellbeing Board.
- Healthwatch Nottingham must provide a copy of its annual report to Health Scrutiny.
- Health Scrutiny has a responsibility to review and scrutinise matters relating to the planning, provision and operation of health services in Nottingham and make reports and recommendations to relevant decision makers, including the Health and Wellbeing Board.
- Health Scrutiny must acknowledge and respond to referrals from Healthwatch Nottingham.

## **6. Local Commitments between the 3 Bodies**

The Health and Wellbeing Board, Healthwatch Nottingham and Health Scrutiny will:

- a) have a shared understanding of each other's roles, responsibilities and priorities
- b) work in an open and constructive way
- c) work in a climate of mutual respect and courtesy
- d) respect each other's independence and autonomy.

Each body will produce and maintain an up-to-date work programme that is shared with each other to enable issues of mutual concern to be identified at an early stage and dealt with in a way that makes best use of respective roles, responsibilities and resources and avoids duplication. On major pieces of work requiring engagement, involvement or consultation of services users, carers and the public, the bodies will work collaboratively to agree roles and responsibilities. Where possible, the three bodies will seek to agree joint responses to consultation.

In working together recognition will be given to Healthwatch Nottingham's position as a member of the Health and Wellbeing Board; and the impact that this might have on its contribution to the work of Health Scrutiny, when that work relates to the Health and Wellbeing Board and its decisions and activities.

The successful application of the principles and commitments set out in this Agreement will depend on effective communication between the three bodies. Every effort will be made to ensure ongoing open communication and regular informal meetings will be arranged to facilitate this.

**The Health and Wellbeing Board will:**

- Share the Board and Commissioning Executive Group's work plan with Health Scrutiny and Healthwatch Nottingham.
- Update Health Scrutiny on its progress with the Joint Strategic Needs Assessment and the Joint Health and Wellbeing Strategy.
- Take account of and respond to the opinions of Healthwatch Nottingham.
- Be subject to scrutiny by the Council's Health Scrutiny Committees and provide information<sup>1</sup> and attend meetings as requested to assist in their scrutiny work.
- Take account of and respond to comments, reports and recommendations submitted by Health Scrutiny.
- Request Health Scrutiny (subject to available resource) to undertake a particular piece of work within its remit. (Health Scrutiny may choose not to do so).
- Request (subject to available resource) Healthwatch Nottingham to undertake a particular piece of work in order to inform the Board of public opinion and experience of services where there are particular concerns and enable the public to influence decisions. (Healthwatch Nottingham may choose not to do so).

Meetings of the Health and Wellbeing Board which includes Healthwatch Nottingham, are held in public and representatives of Health Scrutiny Panel and Joint City and County Health Scrutiny Committee will be welcome to attend.

**Healthwatch Nottingham will:**

- Share its work programme with the Health and Wellbeing Board and Health Scrutiny.
- Provide relevant public opinions/experiences about services to support the development of JSNA chapters.
- Highlight concerns about services to Health Scrutiny and, where appropriate, make referrals in line with the process set out in Section 7 of this agreement.
- As a member of the Health and Wellbeing Board, provide information and challenge from the perspective of the public, service users and carers as well as appropriate intelligence on any strategic and/or commissioning concerns.
- Work with the Health and Wellbeing Board and Health Scrutiny to provide information and comments as the public champion.
- Regularly inform Health Scrutiny of current issues and, in exceptional circumstances, request Health Scrutiny to consider whether a formal referral to the Secretary of State for Health is required.

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<sup>1</sup>The Board and its partners will not be required to provide:

- Confidential information which relates to and identifies an individual unless the information is disclosed in a form ensuring that individuals' identities cannot be ascertained, or an individual consents to disclosure.
- Any information, the disclosure of which is prohibited by or under any enactment.
- Any information, the disclosure of which would breach commercial confidentiality.
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- Provide Health Scrutiny with information as requested for specific topics and issues regarding patient and user experiences and access to services (subject to available resource).
- Acknowledge and respond to referrals from Health Scrutiny in line with the process set out in Section 7 of this agreement.

### **Health Scrutiny will:**

- Share the Health Scrutiny Panel and Joint City and County Health Scrutiny Committee work programmes with Healthwatch Nottingham and the Health and Wellbeing Board.
- Seek views of Healthwatch Nottingham and the Health and Wellbeing Board when formulating Health Scrutiny work programmes.
- Hold the Health and Wellbeing Board to account for its work to improve the health and wellbeing of the population of Nottingham City and to reduce health inequalities, including its responsibilities in relation to the Joint Health and Wellbeing Strategy and the Joint Strategic Needs Assessment.
- Make reports and recommendations to the Health and Wellbeing Board as a result of scrutiny activity, including any concerns identified regarding the commissioning and/or delivery of local health and care services with a view to influencing future commissioning plans.
- Request Healthwatch Nottingham (subject to available resource) to submit relevant intelligence and information to support scrutiny work.
- Invite representatives of Healthwatch Nottingham to attend and, at the Chair's discretion, speak at Health Scrutiny meetings.
- Request Healthwatch Nottingham (subject to available resource) to undertake a particular piece of work in order to inform Health Scrutiny activity. In exceptional circumstances, this may include requesting that Healthwatch Nottingham use its 'Enter and View' powers where there is an issue of particular concern. (Healthwatch Nottingham may choose not to do so).
- Take account of and respond to the views and recommendations of Healthwatch Nottingham and the Health and Wellbeing Board.
- Acknowledge and respond to referrals from Healthwatch Nottingham in line with the process set out in Section 7.
- Refer relevant issues to Healthwatch Nottingham in line with the process set out in Section 7.
- Consider Healthwatch Nottingham's annual report.

Meetings of the Health Scrutiny Panel and Joint City and County Health Scrutiny Committee are held in public and representatives of Healthwatch Nottingham and the Health and Wellbeing Board will be welcome to attend.

## **7. Referrals between Healthwatch Nottingham and Health Scrutiny**

### **Referrals from Healthwatch Nottingham to Health Scrutiny**

If, during the course of its work, Healthwatch Nottingham identifies an issue that it feels warrants exploration by Health Scrutiny it can make a referral. Referrals should

be made in writing to the lead health scrutiny councillor via the Council's Overview and Scrutiny Team. Referrals should set out:

- the nature of the referral
- the reason why the referral is being made
- any evidence about the issue
- what action it is proposed should be taken

Referrals will be acknowledged and considered at the next available meeting of the appropriate Health Scrutiny Committee. Healthwatch Nottingham will be informed of the outcome of this consideration and if the request is supported, any actions planned and progress then made in investigating the issue. If Health Scrutiny decides not to act on a referral it will provide reasons for not doing so.

### **Referrals from Health Scrutiny to Healthwatch Nottingham**

If, during the course of its work, Health Scrutiny identifies an issue that it feels warrants exploration by Healthwatch Nottingham it can make a referral. Referrals should be made in writing to the Healthwatch Nottingham Managing Director.

Referrals should set out:

- the nature of the referral
- the reason why the referral is being made
- any evidence about the issue
- what action it is proposed should be taken

Referrals will be acknowledged and considered. Health Scrutiny will be informed of the outcome of this consideration and if the request is supported, any actions planned and progress then made in investigating the issue. If Healthwatch Nottingham decides not to act on a referral it will provide reasons for not doing so.