

DERBYSHIRE COUNTY COUNCIL

CABINET

4th September 2012

REPORT OF THE STRATEGIC DIRECTOR – ADULT CARE

Derbyshire HealthWatch

1. Purpose of the Report

To seek Cabinet approval to:

- (a) establish and fund Derbyshire HealthWatch, to ensure the service is available from 1st April 2013; and
- (b) to enter into an agreement with Derbyshire HealthWatch, once established, for a period of five years with options to extend for up to a further two years.

2. Information and Analysis

Background

The Health and Social Care Act 2012 places a duty on all Local Authorities in England which provide Adult Social Care services to commission a local HealthWatch service. The Department of Health (DH) has stated that the timetable for commencing a HealthWatch service is from 1st April 2013.

The Act also places a duty on Local Authorities to commission a local Independent Complaints Advisory Service (ICAS). The DH currently commissions this service via three national contracts that are due to end in March 2013 at which point responsibility transfers to local authorities. A separate report will be presented to Cabinet to explain the role of ICAS and ask for permission to sign up to a regional procurement exercise.

Derbyshire HealthWatch

Derbyshire HealthWatch will be the independent consumer champion for health and social care. It will be a social enterprise or other legal entity, working on behalf of patients and the public, including children to

ensure their voice is represented in the commissioning, provision and scrutiny of health and social care services. Derbyshire HealthWatch will work with local people and agencies to consider local service provision and where appropriate promote improvements on behalf of patients and the public.

Derbyshire HealthWatch will be representative of and accountable to patients and the public. This responsibility will require cultural sensitivity, responsiveness and local knowledge of Derbyshire's communities. It will be expected to represent the voices of community groups, voluntary organisations, mental health patients and carers, disability groups, black and minority ethnic (BME) groups, carers and others. This will require them to maintain a high level of credibility and trust with service users, the public and commissioners.

Health and Wellbeing Board

The work programme for Derbyshire HealthWatch will be set by Derbyshire's Health & Wellbeing Board. Derbyshire HealthWatch will have a statutory seat on the local Health & Wellbeing Board and will use this position to promote the patient and public voice in commissioning, provision and scrutiny.

HealthWatch Development in Derbyshire

A project group has been set up to oversee the development of HealthWatch in Derbyshire. This group will, in partnership with local stakeholders, take on the responsibility for shaping the specification for HealthWatch. The group includes representation from Adult Care, the Policy Unit, Children and Younger Adults, Derbyshire County Primary Care Trust, and the Chair of the Derbyshire LINK. Further representation is now being sought from the voluntary sector from organisations which are not interested in direct involvement in the governance of HealthWatch.

The local multi-organisation project team is considering options on how best to facilitate HealthWatch coming into being which might include the formation of a freestanding HealthWatch body or for HealthWatch to be a subsidiary of another independent sector organisation. The preparatory work for HealthWatch will be undertaken by the Council or if necessary using external support. Work will focus over the forthcoming months on ensuring that there is effective engagement with our local communities particularly in the co-production of the service specification and to ensure effective governance structures are in place.

Derbyshire HealthWatch funding will be made up of two parts. The first is the on-going baseline funding of £288,000 used previously for the LINK; the second is the new funding for the new service. Indicative funding for each local authority was communicated by the DH in June for the provision of a local HealthWatch. The allocation for Derbyshire on this basis is indicated at £176,909 per annum. However, this sum of money will not be confirmed until later in the year when the Learning Disability and Health Reform Grant details are announced by DH. Unfortunately, this allocation is smaller than when originally identified on 15th August 2011 as part of the DH consultation on the allocation of funding for HealthWatch. This was due to an error by the DH, which had inadvertently included services that are not being replaced by Local HealthWatch.

It is therefore recommended that the Council, in principle, agree to enter into a five year agreement with Derbyshire HealthWatch once established. This will include the option to extend for a further two years. Any agreement will include an annual performance review and a termination clause in the event of poor performance.

3. Financial Considerations

The County Council will invest the Derbyshire LINK budget of £288,000 along with the DH indicative allocation of over £176,909 per annum for the development of HealthWatch. This will provide for an annual budget of up to £464,909 which will be used to commission a HealthWatch service.

4. Legal

Section 183 of the Health and Social Care Act 2012 amends section 222 of the Local Government and Public Involvement in Health Act 2007 to require local authorities to make arrangements with a social enterprise or other legal entity to establish a Local HealthWatch by 1st April 2013.

5. Human Resource Considerations

Transfer of Undertakings Protection of Employment Regulations may apply to Derbyshire LINK staff currently employed by the current Hosts Amber Valley Community Voluntary Services and North Derbyshire Voluntary Action.

6. Equality and Diversity Considerations

The Council has a duty, in accordance with s149 of the Equality Act 2010, to pay due regard to the elimination of discrimination and protection of

equality of opportunity to those with a “protected characteristic”. The principle of equality of access to services will be applied and an equality analysis will be part of the process of establishing the local Healthwatch.

Once established, Derbyshire HealthWatch would provide support and representation to all members of the local population including minority and protected groups of the population and proper regard would be had to the continuing duty to eliminate discrimination and protect and promote equality of opportunity.

7. Health

Derbyshire HealthWatch will be representative of and accountable to support the Council objective of good health and wellbeing for all.

8. Other Considerations

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, environmental, property and transport considerations.

9. Background Papers

None.

10. Key Decision

Yes

11. OFFICER’S RECOMMENDATIONS

That Cabinet agree:

- (a) the establishment and funding of Derbyshire HealthWatch, to ensure the service is available from 1st April 2013; and
- (b) to enter into an agreement with Derbyshire HealthWatch for a period of five years with options to extend for up to a further two years.
- (c) an update report is submitted to Cabinet once Derbyshire HealthWatch has been established.

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