

# WIRRAL COUNCIL

## HEALTH & WELLBEING OVERVIEW & SCRUTINY COMMITTEE

19 JANUARY 2012

<b>SUBJECT:</b>	<b>LINK TRANSITION TO A LOCAL HEALTHWATCH ORGANISATION</b>
<b>WARD/S AFFECTED:</b>	<b>ALL</b>
<b>REPORT OF:</b>	<b>GRAHAM HODKINSON DIRECTOR OF ADULT SOCIAL SERVICES</b>
<b>RESPONSIBLE PORTFOLIO HOLDER:</b>	<b>COUNCILLOR ANNE MCARDLE</b>
<b>KEY DECISION:</b>	<b>NO</b>

### 1.0 EXECUTIVE SUMMARY

1.1 This report updates the Overview and Scrutiny Committee on the progress towards establishing a local HealthWatch organisation as directed by the Health and Social Care Bill currently progressing towards Royal Assent.

### 2.0 BACKGROUND AND KEY ISSUES

2.1 A requirement of the Local Government and Public Involvement in Health Act (2007) was that Local Involvement Networks (LINKs) should be established to supercede existing Patient Forums. Each Local Authority was obliged to contract an organisation (known as a host) to establish and then support a LINK. Each Local Authority area had autonomy to decide how they wanted their LINK to be run and the issues on which it was to focus.

In Wirral, Voluntary Community Action Wirral (VCAW) won the contract to host the Wirral LINK and has successfully provided support and guidance for the activities of the Wirral LINK to date. The Health and Social Care Bill (2011) makes provisions for the establishment of HealthWatch England and the transition of existing LINKs into local HealthWatch organisations. This was to have taken effect from 1 October 2012. However, a new start date of April 2013 was announced on 3 January 2012. The Act will charge Local Authorities with the duty to ensure that there is an effective and efficient local HealthWatch in their area, with functions, roles and responsibilities not currently available to LINKs.

2.2 The relationship between the host organisation, VCAW, and the Wirral LINK has been very productive; all LINK members are volunteers and have been able to concentrate on the areas of interest whilst the infrastructure has been overseen by VCAW. The relationship with the Department has also functioned well, whilst not compromising the ability of LINK to operate as an independent champion for continually improving the quality and standards of health and social care provision for the people of Wirral.

- 2.3 A criticism of the LINK mechanisms has been that there is no national voice for all of the local networks, and this is to be addressed by the creation of a national body, HealthWatch England, which will have three core responsibilities: leadership, advice, and escalating concerns nationally. The announcement of 3 January also included £3.2m to be made available nationally for start up costs in setting up local Healthwatch. Notification of the allocation for Wirral has not been received.
- 2.4 Local HealthWatch organisations will maintain all existing LINK functions, such as their powers of 'Enter and View', and will continue to have a role in influencing the provision of local services and monitoring any concerns about services but in addition will have a seat at the Health and Wellbeing Board and take on responsibility for advocating for individuals who wish to make a complaint about healthcare.
- 2.5 The key issue for Wirral HealthWatch is the form of the organisation that will enable these functions. Although the Government's 'HealthWatch Transition Plan' states clearly that there should be an evolution from the current LINK organisations to the new HealthWatch organisations, there is contradictory advice and guidance about how this should happen.

### **3.0 The organisational model of Wirral HealthWatch**

- 3.1 Although the Government advises an evolution from the current system, under which a host supports volunteers to carry out the LINK functions, there is a stipulation that the local HealthWatch organisation must be a 'body corporate', or legal entity, in its own right, so the host relationship must end. The Government has not provided any clear advice or guidance on what is to replace this arrangement.
- 3.2 A number of options have been or are being considered :
- Existing LINK members could establish their own Registered Company as Wirral HealthWatch.
  - The Transition Group could devise a service specification for Wirral HealthWatch and invite tenders from established (or newly formed) 'bodies corporate' to carry out the required HealthWatch functions either in-house or by commissioning others to act on their behalf.
  - Wirral HealthWatch Transition Group could itself become the 'body corporate' and appoint key staff to carry out the required HealthWatch functions. This option is recommended by Transition Alliance NorthWest (a grouping of stakeholders from Local Authorities, NHS and Public Health).
- 3.3 Advice is being sought from the Borough Solicitor's office as to the most suitable model.

- 3.4 A local HealthWatch Transition Group has been established, and is made up of members from DASS, NHS Wirral, VCAW, Wirral LINK, Wirral University Teaching Hospital, Clatterbridge Centre for Oncology, the Community Trust and the Ambulance Trust. This group is deliberating on the best model for the delivery of the required HealthWatch outcomes and is being advised by the Borough Solicitor and guided by the work of the various Pathfinder sites. In the absence of clear Government guidance on the form of a local HealthWatch organisation, Wirral's position reflects that other Local Authorities around the country who are all in the same position

#### **4.0 OPTIONS**

- 4.1 Existing LINK members form a Registered Company, to be known as Wirral HealthWatch.
- 4.2 An existing (or newly formed) organisation bids to become Wirral HealthWatch.
- 4.3 The Transition Group forms itself into a Registered Company to become Wirral HealthWatch.

#### **5.0 RELEVANT RISKS**

- 5.1 Under Option 4.1, there is a high risk that existing LINK members will not want to take on the role of running a business in the form of a Registered Charity, in addition to their LINK/HealthWatch duties. Without sufficient members, the business would founder, or existing members would be too stretched to carry out either the business or operational functions.
- 5.2 Under Option 4.2, depending on who became the successful bidder, there may be a break in the continuity of the work of the LINK. (Note, current legal advice is that the existing host organisation would not be able to bid as VCAW, and would have to form a smaller, specific body corporate known as 'Wirral HealthWatch')
- 5.3 Option 4.3 also presents risks around continuity of service along with the risks associated with the establishment of a new business and potential challenges about conflict of interest if the Board comprises staff from the statutory sector.

#### **6.0 CONSULTATION**

- 6.1 A full programme of consultation with the public and the Voluntary, Community and Faith sector about what they would like from a Wirral HealthWatch organisation will take place in early 2012.

#### **7.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS**

- 7.1 See 6.1 above. The transition to HealthWatch is designed to maximise the involvement and voice of people either as individuals or via the groups to which they belong.

## **8.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS**

8.1 **FINANCIAL** – there is no envisaged change to the current funding arrangements at present

8.2 **IT** – there are no IT implications

8.3 **STAFFING** – there will be an implication on the duties of some staff if the third option (4.3) is chosen.

8.4 **ASSETS** – there are no asset implications arising from this report.

## **9.0 LEGAL IMPLICATIONS**

9.1 There is a legal requirement to establish a Wirral HealthWatch as a body corporate and the Borough Solicitor's office is providing advice.

## **10.0 EQUALITIES IMPLICATIONS**

10.1 An Equality Impact Assessment will be carried out when the shape of the HealthWatch model is clarified.

## **11.0 CARBON REDUCTION IMPLICATIONS**

11.1 There are no implications arising directly from this report.

## **12.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS**

12.1 There are no implications arising directly from this report.

## **13.0 RECOMMENDATION/S**

13.1 That Committee support the Transition Group in seeking to identify the most appropriate model for a successful local HealthWatch organisation.

**REPORT AUTHOR:** *Nick Broadhead*  
*Principal Manager - Communities and Wellbeing*  
Telephone: 0151 666 4967  
email: [nickbroadhead@wirral.gov.uk](mailto:nickbroadhead@wirral.gov.uk)

## **APPENDICES**

None

## **REFERENCE MATERIAL**

- Health and Social Care Bill: -  
<http://www.publications.parliament.uk/pa/cm201011/cmbills/177/11177.156-162.html#j555>
- HealthWatch Transition Plan, DoH March 2011: -  
[http://www.dh.gov.uk/prod\\_consum\\_dh/groups/dh\\_digitalassets/documents/digitalasset/dh\\_126325.pdf](http://www.dh.gov.uk/prod_consum_dh/groups/dh_digitalassets/documents/digitalasset/dh_126325.pdf)
- DoH Gateway Reference 17068, 3 January 2012

## **SUBJECT HISTORY (last 3 years)**

<b>Council Meeting</b>	<b>Date</b>
N/A	N/A