

WIRRAL COUNCIL

HEALTH AND WELL BEING OVERVIEW AND SCRUTINY COMMITTEE - 19th January 2010

REPORT OF THE COMMITTEE CHAIR - Cllr Ann Bridson

DRAFT PROTOCOL FOR JOINT WORKING BETWEEN WIRRAL HEALTH AND WELLBEING OVERVIEW AND SCRUTINY COMMITTEE AND WIRRAL LOCAL INVOLVEMENT NETWORK (LINKS)

EXECUTIVE SUMMARY

This report introduces a draft protocol for joint working between Wirral Health & Wellbeing Overview and Scrutiny Committee and the Wirral Local Involvement Network (LINKS).

1. Background

- 1.1 Local Involvement Networks (LINKs) have been set up across the country to give local communities a stronger voice in how their health and social care services are delivered. In Wirral, the local group has been extremely active in creating an effective organisation and developing a work programme. Although the Health & Wellbeing Overview and Scrutiny Committee and LINKS have different priorities, it is clearly beneficial that both groups to work together constructively. Many Councils and LINKS are developing protocols to help develop positive relationships.
- 1.2 In Wirral, discussions have taken place between Cllr Ann Bridson (Chair, Health and Wellbeing Scrutiny Committee) and Diane Hill (Chair, Wirral LINKS). As a result of those discussions, a draft protocol for joint working has been developed. The draft protocol is attached as Appendix 1.

RECOMMENDATION:

- (1) That the Committee approve the Draft Protocol, as detailed in Appendix 1.

Ann Bridson, Chair of Health & Well Being Overview and Scrutiny Committee 05/01/10)

Wirral Health and Wellbeing Scrutiny Committee and Wirral Local Involvement Network (LINK)

Protocol for Joint Working

1. Background

1.1 Purpose of the protocol

The aim of this protocol is to describe the relationship between the Health and Wellbeing Overview and Scrutiny Committee for Wirral Borough Council and Wirral Local Involvement Network (LINK). It is intended that it will provide a framework to help develop joint working between the two organisations.

Within Wirral it is recognised that developing a strong relationship between LINK and the Scrutiny Committee will help strengthen effective community engagement. It is anticipated that LINKs and Scrutiny Committees will cooperate to address local issues relating to both Health and Social Care.

1.2 The Health and Wellbeing Scrutiny Committee

Overview and Scrutiny Committees were created by the Local Government Act 2000. One of their main purposes is to review and challenge decisions made by a Council's Cabinet in order to ensure they are for the benefit of the community at large. This responsibility also extends to reviewing the activities of partner agencies where they impact on quality of residents' lives within an area. There are currently six scrutiny committees at Wirral Council.

The Health and Wellbeing Scrutiny Committee has the responsibility for overseeing health, social care and inclusion throughout the borough. Under the Health and Social Care Act 2001, the Committee was given extra powers to scrutinise local NHS Trusts.

The Health and Wellbeing Scrutiny Committee can:

- Ask officers of the Council and health trusts to attend meetings to answer questions or provide information on the planning and provision of health and social care services.
- Make recommendations to Cabinet and local NHS Trusts
- Conduct in-depth scrutiny investigations into a specific issue or area of concern.
- Call-in decisions that have been made by the Cabinet but not yet implemented
- Monitor the performance of the Council and local NHS Health Trusts
- Respond to consultations about major changes to health services

1.3 Wirral Local Involvement Network (LINK)

Local Involvement Networks (LINKs) have been set up across the country to give local communities a stronger voice in how their health and social care services are delivered. Run by local people and groups, the role of the LINK is to find out what people like and dislike about local services, monitor the care they provide and use their powers to hold services to account.

LINK can:

- Ask local people what they think of local health and social care
- Give people a chance to suggest ideas to care professionals that may help improve services
- look into specific issues of concern to the community
- make recommendations to the people who plan and run services and expect a response within a specific period of time
- ask for information about services and expect answers within a specified amount of time
- carry out visits, when necessary, to see if services are working well
- refer issues to the Council's Health & Wellbeing Overview and Scrutiny Committee if it seems that action is not being taken

1.4 Common functions and Rights

Common functions shared by the LINK and the Scrutiny Committee will include:

- Act as a critical friend
- Be provided with information by Health and Social Care organisations
- Health and Social Care organisations required to respond to recommendations made

2. How will Joint Working be developed?

The roles and responsibilities of Wirral LINK and the Scrutiny Committee differ but developing effective working relationships between the groups will provide scope for their roles to complement each other.

Areas for joint working will include the following:

2.1 Developing good relationships and communication

It is recognised that the development and maintenance of clear lines of communication between the two parties is essential. It is envisaged that if the Scrutiny Committee and LINK continue to develop a good relationship then it would be likely that they will be aware of each other's concerns well before a formal referral is considered necessary (see section 3.2 for details).

This will help in building up a clearer picture of the views of patients, service users, carers and the public. To support this, the LINK and the Scrutiny Committee might share the following information:

- Annual Reports
- Work plans and progress reports
- Copies of the minutes and agendas of meetings to be available on websites
- Reports based on investigations carried out, for example, scrutiny review reports, LINK priority reports
- Updates on activities in the form of formal presentations to the scrutiny committee and LINK Board

In addition, informal meetings between the Chairs and support staff of the Council's Scrutiny Committee and Wirral LINK will be scheduled to discuss joint issues and share information.

2.2 Scrutiny Committee – Co-option of LINK member

A member of the LINK will be co-opted onto the Health and Wellbeing Scrutiny Committee. The co-option will be reviewed (as with all Committee members) at Annual Council. The co-opted member will, where appropriate:

- attend and participate (as a non-voting member) in scrutiny committee meetings
- participate in scrutiny reviews, where appropriate (or nominate a substitute)
- act as a key communication channel between the LINK and the Scrutiny Committee
- provide information to the LINK about the work of the Scrutiny Committee
- present LINK reports to the scrutiny committee
- have the opportunity to present the LINK Annual Report to the Scrutiny Committee

The co-opted member will be treated in accordance with the rules and regulations contained in the Code of Conduct for elected members and should act in accordance with these rules. The co-opted member may speak on items included on the agenda for a Committee meeting but shall not be entitled to vote on those items.

2.3 Scrutiny Reviews

Wirral LINK may contribute to Scrutiny Reviews by:

- a representative of the LINK being asked to attend as an expert witness;
- a representative of the LINK being co-opted onto a scrutiny working group, and;
- providing documentary evidence to support scrutiny reviews.

2.4 Work Programme Planning

Wirral LINK and the Scrutiny Committee will undertake to share work plans. Wirral LINK may specifically contribute to the Scrutiny Committee's work programme planning by:

- providing feedback enabling them to have evidence-based reasons for a review;
- the Co-opted Member having input into the regular reviews of the Scrutiny Committee's work programme and;
- suggesting topics for scrutiny.

2.5 Joint Reviews

Wirral LINK and the Scrutiny Committee may wish to conduct a joint investigation into a particular issue. In such cases, representatives of the LINK and the Scrutiny Committee will form a joint working group to decide the appropriate ways of conducting the review. This may involve:

- a joint scoping meeting to decide what issues need to be examined
- joint evidence gathering sessions interviewing expert witnesses
- a joint report including mutual recommendations

3. **Entitlements of Wirral Local Involvement Network (LINK)**

3.1 LINK – Powers to request information

The LINK may request information from any health or social care provider subject to exemptions defined by the Local Government and Public Involvement in Health Act 2007.

There is a 20 working day rule for an informed response to LINK requests for information. Where requests for information have been received but not responded to, the LINK reserves the right to refer matters to the regulator or the Scrutiny Committee. However, this will only happen after all other options have been exhausted.

3.2 Referrals

There will be a clear distinction between information sharing and formal reporting which requires a response. Formal referrals should not be made until the LINK has made all reasonable efforts to resolve matters with the relevant NHS or Social Care organisation and it considers that those efforts have failed. Examples of such issues might include:

- Issues on which the LINK has requested responses from statutory organisations and has been dissatisfied with the response/ action taken;
- Broad, strategic issues that the LINK feels warrant further investigation;
- Concerns about the effectiveness of local health and social care services; and;
- Issues on which the LINK has requested information from health and social care providers and not received a response.

Formal referrals should be clearly labelled as such and made in writing or via email to the Council’s Democratic Services Manager, who will liaise with the Chair of the relevant Scrutiny Committee and the Committee lead officer about an appropriate response. The referral should include the following information:

- a description of the item of work
- reasons why the LINK thinks that the Scrutiny Committee needs to consider the item of work
- any evidence that the LINK has already considered prior to the referral to scrutiny
- what other organisations the LINK has approached for discussion on the item prior to the referral to the Scrutiny Committee.

Referrals will be acknowledged within 20 working days with a response explaining intended action or reasons why no action is to be taken in a timely manner. In consultation with the Democratic Services Manager, the Chair will decide the intended action to be taken. This may be:

- the referral is placed on the agenda for the next Scrutiny Committee meeting for discussion with elected members and other relevant council officers
- an appropriate officer provides a written response
- the topic is included on the Scrutiny Committee’s work plan and (with agreement from the committee) a scrutiny review of the issue is conducted within the municipal year.
- No action is taken

In any event, there will be an obligation placed on the Democratic Services Manager to ensure that the outcome of any referral made by the LINK is reported to the next available meeting of the relevant Scrutiny Committee including the reasons for that decision. This will be particularly important where the decision is to request that a Council officer provides a written response, or that no action is to be taken on the referral.

4. Review of Protocol

The protocol should be reviewed/ updated jointly where necessary on an annual basis to ensure that it continues to meet the needs of the LINK and the Scrutiny Committee. It is suggested that the protocol should be reviewed, if necessary, prior to the first meeting of the municipal year.

Signatories

We the undersigned commit our organisations to abide by the principles and content of this Protocol:

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Chair of Wirral Health and Wellbeing Scrutiny Committee

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Chair of the Wirral Local Involvement Network

DATE: