

Healthwatch County Durham Board Governance and Operational Arrangements

Adopted Board Meeting: 5th June 2019

Last Review Date: 3rd August 2021

Next Review Date: 1st August 2023

Introduction

Healthwatch was established through the Health and Social Care Act 2012, at a national level as Healthwatch England.

Each Local Authority is subsequently responsible for ensuring an effective and independent local Healthwatch organisation. In County Durham the Local Authority discharges its statutory duty by commissioning its Local Healthwatch Board through hosted arrangements. The local authority currently does so by means of a competitive tendering exercise.

The current Healthwatch County Durham Board was established in 2016. The Healthwatch County Durham Board established a set of Terms of Reference as evidenced in Appendix 1 and the Code of Conduct as evidenced in Appendix 2.

The Healthwatch County Durham Board is required to adopt suitable Governance Arrangements to ensure that as a Board it can provide assurance that it can, and does, meet its obligations to operate as an independent 'consumer champion' for Health and Social Care on behalf of the population it serves. The Board is also required to ensure that the Governance Arrangements are reviewed to remain effective.

To operate a Healthwatch, a brand licence agreement must be in place between the provider organisation and Healthwatch England.

This agreement gives a provider permission to use the local Healthwatch name and logo when carrying out its statutory functions. The Healthwatch logo and text are both trademarked in the UK. As Healthwatch England is an independent statutory committee of the Care Quality Commission (CQC), legally CQC owns the trademark. A provider can apply for a brand licence once a contract or grant agreement has been issued by its local authority.

The organisation which provides support to the Board (a contractor provider) must also operate within the statutory and legal framework that is required to ensure the Board decision making process remain transparent and independent.

In adopting these Governance Arrangements, the Board of Healthwatch County Durham have taken into consideration Healthwatch England and the Local Authority Commissioner. It seeks to ensure that the Commissioner can be assured of continuity arrangements whilst the local authority determines future hosting or directly managed organisational arrangements.

The Board of Healthwatch County Durham also acknowledges its obligations to ensure openness, transparency and independency to operate as required within appropriate legislation. The Board is clear about the responsibilities of board members and the host agency and making sure that those responsibilities are carried out.

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Purpose

Local Healthwatch is a body which carry out activities by understanding the needs, experience and concerns of people who use health and social care services and speak out on their behalf.

The Board is to an independent body which ensures that it can meet its obligations, which may include challenging where necessary the local authority and Health and Wellbeing Board. Healthwatch also carries out statutory activities.

To complete its obligations the Board must adopt its own Governance and Operational Arrangements to ensure that the service Commissioners and the public can be assured of a consistency, continuity and integrity of an independent service provision that can be maintained through a hosted contract arrangement.

The vision for HWCD:

Local Healthwatch will transform involvement in health and social care for the people of County Durham and will give them a strong and effective voice. It will reach out and respond to individuals, groups and communities across the County, form a robust network of networks, be person centred and engage in a wide variety of ways. HWCD will use and build on existing resources and experience to ensure that all voices that want to be heard are heard. It will ensure that people are at the heart of everything health and social care services do and enable them to influence, shape and monitor those services.

Obligations

The Board will provide a consistency of membership and work plan delivery¹ agreed on an annual basis with both the commissioner and by public vote. It will also discharge its statutory and legal obligations. It will work with its Commissioner and Healthwatch England.

The Commissioner will ensure that the Host(s)² and therefore the Board receives adequate funding to undertake all its statutory obligations - subject to annual contract negotiation and work plan review.

The host will ensure that resources match the needs of the Board as required to meet its statutory obligations and those of the Commissioner. In addition, the host will ensure that the Board can operate completely impartially and without prejudice in order that it can discharge its duties.

¹ *(subject to Best Endeavours)*

² Host may also mean Hosts where a consortium is awarded the contract arrangement. Read plural if appropriate throughout the paper.

Eligibility statement for HWCD:

HWCD will be available to all local people who are entitled to access health and social care services in County Durham irrespective of sex, age, race, religion and belief, sexual orientation, gender reassignment, pregnancy or maternity leave, marriage or civil partnership or disability who use, will potentially use, or have an opinion to share on health and adult social care services in County Durham.

Shape of the service

HWCD must be an initial point of access for people in County Durham in relation to health and social care services. It will have its own staff team to work alongside its Board (see Governance section).

Healthwatch County Durham Board Governance

Board Meetings

Board meetings shall be held no less than 6 times per year. Board papers will be circulated at least 7 days prior to the meeting taking place.

Quoracy

A Board meeting will be deemed quorate when there shall be present either the Chair or Vice Chair and two Board members.

Chair Arrangements

The Chair of Healthwatch County Durham will be elected from the existing members, and following nominations by existing members of the Board. Where more than one member seeks a nomination a ballot of members will be held. Election will be by ballot. The election will be held on an annual basis within each three year term.

If no one individual is seeking to hold the post of chair, then the appointment will be made following an independent robust recruitment process agreed with the Commissioner.

In the event of any action required to remove the Chair, an investigation would be led by an independent panel nominated by the Commissioner and the CEO of the host organisation, with reference to the Healthwatch County Durham Board. In line with the host organisations policy again agreed with the Commissioner and which will provide the opportunity for response by the Chair. Due process will be followed and documented.

Vice Chair Arrangements

Nominations for this role will be sought from existing board members, and will be submitted to the Chair, within one month of a vacancy becoming available. A ballot will take place in the case of more than one nomination at the first Board meeting after the closing date for nominations. The successful applicant will be determined by ballot. Removal of a vice chair will be in line with that of the Chair.

Board Members

Healthwatch County Durham Board shall consist of at least three (3) and no more than ten (10) members, as determined from time to time by the board.

If a board member fails to attend three consecutive meetings of the board, without reasonable mitigation, then the remaining board members have the right to vote that the board member be removed for this reason. Where removal of a member is required it will be in line with that of the Chair.

Voting Arrangements

Where it is necessary for votes to be cast then any decision will be based upon a majority vote. In the event of a tied vote then the Chair shall have the casting vote.

Board Vacancies

Any vacancy occurring in the board may be filled by external advert and independent recruitment process, plus the affirmative vote of the majority of the Board.

Term of Office

Board members, including the Chair and Vice Chair positions, shall serve a term of three (3) years from the date of their joining the board. No board member shall serve more than three (3) consecutive three-year terms (9). Board members shall serve staggered terms to balance continuity with new perspective. This arrangement will provide consistency throughout any potential changes in hosting arrangements.

Progression to a second and third term as board member should be agreed by the affirmative vote of the majority of the Board. Under exceptional circumstances - as determined by the Commissioner up to one third of the Board may be invited to remain as members for a further twelve months in order to ensure capacity and continuity. Board members may reapply having served the full three terms if they wish as part of a recruitment process.

Governance

Notwithstanding the above, Board members shall adhere to all appropriate policies and procedures established by the Board and where appropriate agreed with the host organisation. The Board shall on an annual basis update or review the hosts policies and procedures to ensure that the Board remains compliant, and that the policies and procedures do not impede the Boards independence. If any policy or procedure changes or is amended between the annual review the Board will review the appropriate change at its next appropriate Board meeting.

Conflict of Interest

Healthwatch County Durham will have clear processes in place to manage any potential conflicts of interest given that it is to be commissioned by the local authority and part of its remit will be to challenge both the performance of the local authority and the Health and Wellbeing Board. Local Healthwatch must comply with any published regulations and be able to operate objectively, free of financial constraints and control of any “parent body” provider (should there be one), as it may have to scrutinise the parent body provider with the same vigour as all others.

Composition of the Board

Board members shall be sought who reflect the diversity of the communities that we serve, with appropriate experience, skills and qualifications.

Resignation

A board member may resign at any time by filing a written resignation with the Chair.

Register of Interests

A register of all board members is maintained and publicly available on the Healthwatch County Durham website.

Declaration of interests will be made at the start of every board meeting. The Board Chair will ensure that any perceived or actual conflicts of interest at each Board meeting shall be declared and any interest recorded. When an interest is declared and a vote may be required then the members with a declared interest may not participate in the vote. (*Please see Conflict of Interest Policy*).

Healthwatch Quality Framework and Commissioner Key Performance Indicators.

The Board shall work in close co-operation with Healthwatch England and its local Commissioner of Services. The Board shall adopt the Healthwatch Quality Framework (QF) and will at the outset of each year agree key performance indicators (KPI) with the Local Authority Commissioner.

The Quality Framework will be adopted and will enhance the decision-making process when assessing work plan requests and the annual programme. In addition, a review of progress in meeting the QF will be undertaken by a sub group of the Board, at a frequency determined by the Board.

An annual meeting will be held with the Commissioner to establish the KPI index. Thereafter the Board shall be represented at meetings with the Commissioner to review progress towards meeting the KPI's on a frequency agreed between the Commissioner and the Board Chair. The decision making process is identified separately on page 8.

Meetings Obligations

The Board will need to agree which meeting it is required to attend at the commencement of the year. At each Board meeting members will review what non-statutory meetings members need to attend. The Board will determine which members can and are able to attend the non-Board meetings. Brief reports will be received by the full Board at a suitable date.

Funding and Resources

Healthwatch County Durham, the Board and the staff remain outside the direct control of the host organisation but under the control of the Local Authority (See Diagram below for lines of reporting). The host organisation is accountable to the local authority under contractual arrangements (by meeting the contracted specification).

The host will ensure that it makes available all the necessary funding and resources to the Board and detailed financial information, as outlined in the tender specification to ensure that the Board can undertake its responsibilities to the Commissioner and its statutory obligations.

It should do so by providing a fully costed model at the outset of each year to the Commissioner supported by subsequent monthly management reports which will enable the

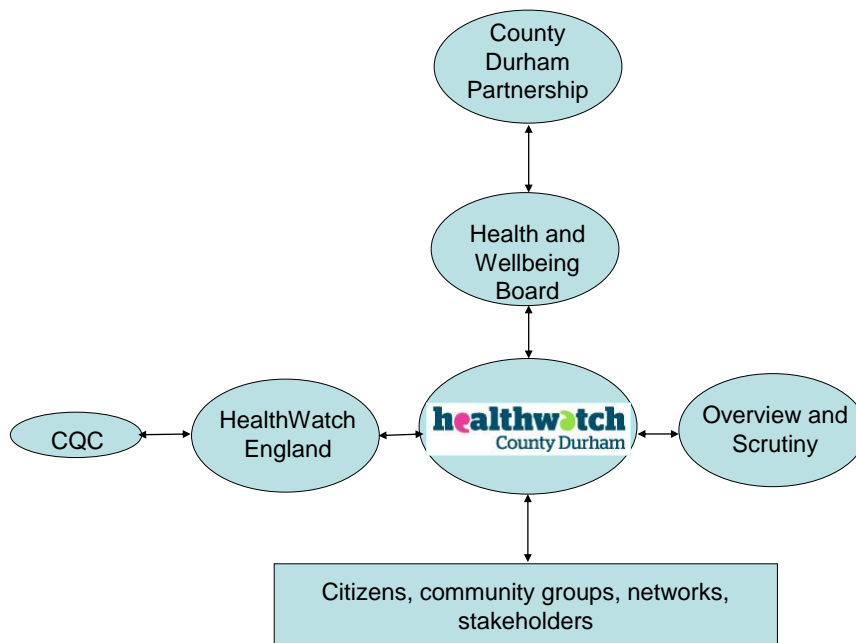
Board to determine the levels of funding that may be directed to appropriate work plan initiatives.

It maybe that the host organisation delegates this responsibility to the senior manager who is supporting the Board.

Any additional funding resource made available for HWCD will be managed through the host organisation but designated as restricted funding for the purposes of HWCD and be accounted for accordingly.

Reporting structures

Formal reporting structures are summarised in the diagram below:



Decision Making

The independent board sets an evidence-based workplan using feedback from the public and local intelligence. It will base its decisions on resource availability and prioritise all requests outside of meeting its statutory obligations. It is likely that the Board through the Healthwatch Lead who directly supports the Board will present its programme to the Commissioner. The Board also considers requests from public sector organisations to deliver engagement and gather independent patient, public, carer and service user feedback on their behalf.

The decision-making process is highlighted in the Operational Arrangements section.

National determination for Health and Social Care

From time-to-time national organisational structures, management and delivery arrangements will change. Healthwatch County Durham will remain conscious of the need to ensure that whenever change has an impact upon the services provided to the service users, clients and carers their voices 'can be heard'. Healthwatch County Durham will remain proactive in trying to ensure that service change is delivered to the county without detriment to the majority of service users. It will work across its geographic boundary if necessary in support of health and social care provision working with other Healthwatch organisations.

Healthwatch County Durham Operational Arrangements

Supporting the Healthwatch County Durham Board.

Whilst it remains a hosted organisation, the Board will not have direct management responsibility for staffing nor budget but the Healthwatch Lead Officer and admin officer who directly supports the Board will be able to provide the Board with the necessary information it requires to fulfil its statutory obligations. That will include (but not limited to) ensuring:

- That there is sufficient resources in place to meet the needs of the organisation.
- That there is in place meetings with the Commissioner.
- That the host and Commissioner have agreed that sufficient financial resources are in place (usually by roll-over of the basic funding stream) to maintain at least the statutory obligations.
- That a programme of Key Performance Indicators have been agreed and can be effectively managed.
- That the Quality Framework been adopted and can be monitored in terms of meeting the Boards obligations around;
 - Decisions around statutory obligations.
 - Leadership and Decision making.
 - People, sustainability and resilience.
 - Collaboration, Engagement, Involvement and Reach.
 - Influence and impact.

And providing expert opinion on areas where that is or isn't being adopted within the decision-making context.

- That the administration of the Board is effective.
- That the Board meetings are scheduled and published in advance.
- That papers are prepared and despatched on time.
- That the Chair or Vice Chair are available to attend at the meetings.
- That the Board remains compliant with legislative changes or impact upon statutory requirements
- That the Chair or Vice-Chair are made aware of any immediate issues outside of the Board that may impact upon the Board functioning or that may require any action.

Setting Priorities for Healthwatch County Durham

The Board meet annually to set the annual priorities for the workplan. Core items include:

- Promotion of Healthwatch Engagement Strategy
- Volunteers
- Engagement and Signposting

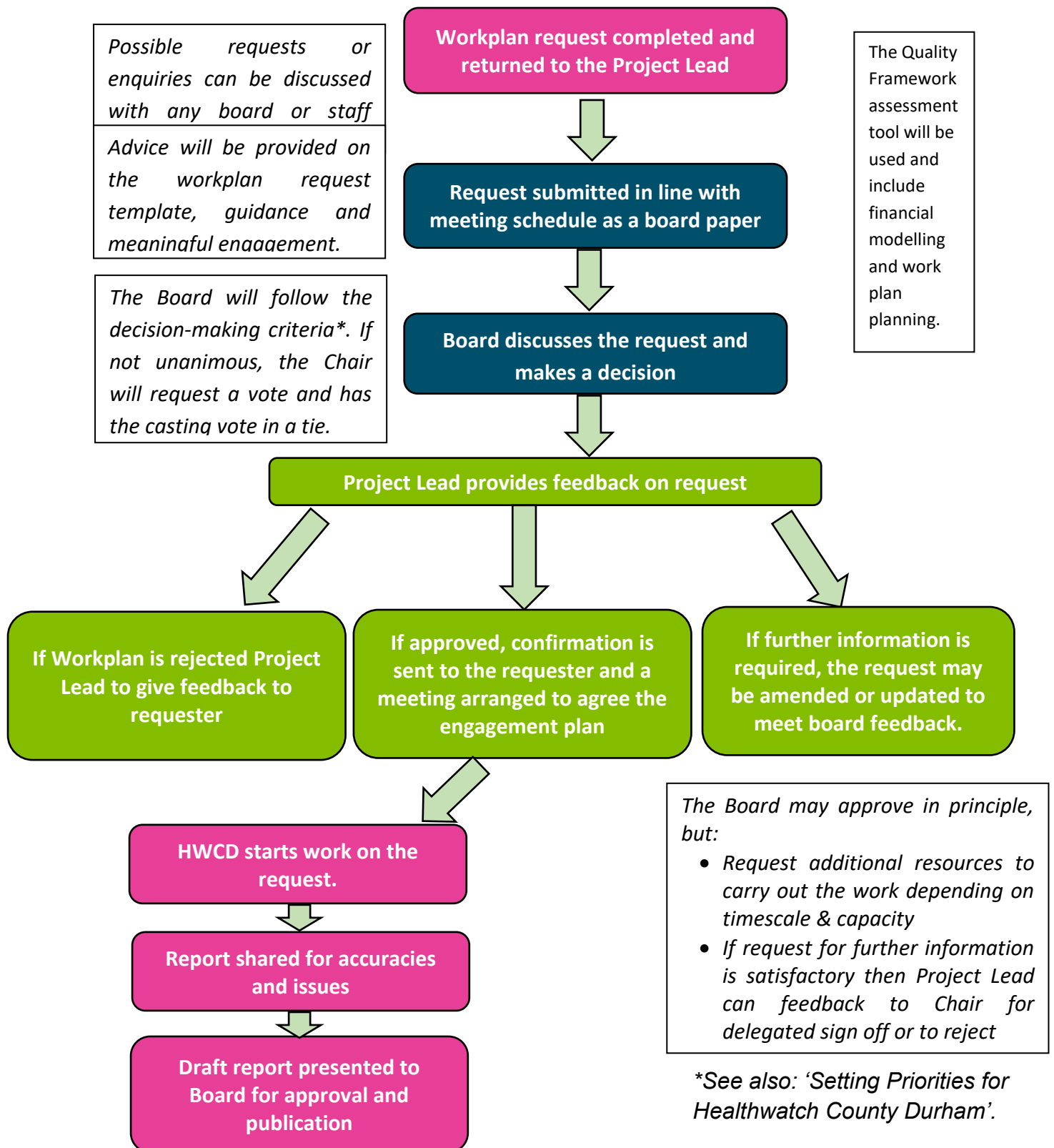
Local intelligence and public priorities are discussed by the Board based upon the following criteria below:

Initial Criteria for Consideration - Quality Assurance:

1. How good do we feel public³ engagement has been on the issue?
2. Is there need for an additional public voice on this issue?
3. Is public opinion in line with those of patients who use the service?
4. Does Healthwatch County Durham have capacity to take on this work?
5. Do we have the knowledge to address the issue or are we confident that we know where to find it?
6. Can we demonstrate that we can add value?
7. Is there an identified outcome(s) from the work?
8. Is the issue already being addressed sufficiently by another body?
 - a. Should we facilitate and support other groups and individuals rather than become involved directly?
 - b. What resources can we mobilise to help someone else to continue to address this issue?
9. Has the issue become primarily a party political one?
10. Have the issues been identified as a `trend` from the views and experiences Healthwatch County Durham has collected?

Workplan requests from other organisation are considered in accordance with the following diagram (page 13):

³ (The term public will be used generically to cover patients and other terms used to describe people who make use of health and social care services)



Appendix 1

Healthwatch County Durham Board Terms of Reference

1. Purpose

The Healthwatch County Durham Board will provide a credible, expert voice, and represent Healthwatch County Durham on key partnerships. The Board will be small, diverse and strategic in focus. The Board will work closely with the staff team and direct their work through an annually reviewed work programme and through the Programme Manager.

2. Scope

- Ensuring Healthwatch operates in line with legislation and is accountable to the community
- Escalating issues to relevant bodies e.g. Healthwatch England (HWE), the Health & Wellbeing Board (HWBB), Care Quality Commission (CQC)
- Development of work plans, priorities and reports, based on intelligence gathered
- Monitoring Healthwatch performance against the work plan and targets
- Supporting the direction of the staff team, based on the work plan
- Sharing best practice/issues with commissioners
- Ensuring high quality and equality standards
- Representation on scrutiny committees, partnerships and networks
- Promoting the work of Healthwatch in County Durham and beyond, including approval of the Annual report

3. HWCD Requirements

HWCD is required to deliver statutory services as set out in the Act and in relevant legislation which are summarised below.

- Function One: Obtain the views of people about their needs and experience of local health and social care services. Local Healthwatch to make these views known to those involved in the commissioning and scrutiny of care services
- Function Two: Produce reports and make recommendations about how those services could or should be improved
- Function Three: Promote and support the involvement of people in the monitoring and review, commissioning and provision of local health and social care services in County Durham
- Function Four: Provide information and advice to the public about accessing health and social care services and the options available to them
- Function Five: Make the views and experiences of people in County Durham known to HWE, helping them to carry out their role as national champion
- Function Six: Make recommendations to HWE to advise the CQC to carry out special reviews or investigations into areas of concern. (NB: safeguarding procedures must be followed as included in Section 8 Governance where applicable).

4. Service Attributes

- Independent
- Clearly recognised
- People-focused
- Inclusive
- Well-connected
- Evidence based
- Technically competent
- Influential
- Adaptable
- Self-aware
- Accountable
- Good value for money

5. Accessibility

HWCD must be as accessible as possible to all people of County Durham through as many means as possible including but not limited to:

- Website and other digital/online services (including access to surveys, email)
- Social media, e.g. Facebook, Twitter
- Dedicated Freephone telephone line (including out of hours (generally perceived to be between 5.00 pm and 8.30 am and bank holidays)) provision, e.g. answer-phone)
- Local access points which are compliant with the Equality Act 2010, Health and Safety Act and be fit for purpose, staffed by an appropriately trained workforce and are open at times which reflect need.
- Community Outreach Services
- Mail Address (including a freepost facility where necessary)
- Text
- Minicom
- Text telephone
- Face to face contact at surgeries, public meetings etc. as deemed appropriate.

6. Membership

- Chair of the Board
- 3 - 10 Board members
- Guests with specialist knowledge as required
- Healthwatch Lead who directly supports the Board
- Administration Officer
- A member of the Service host may be invited as required

7. Recruitment

Recruitment to the Board will be in accordance with these Governance Arrangements.

8. Meetings

- Board will meet minimum of six times per year in public with additional meetings arranged as required
- Meetings will be held in accessible community buildings throughout County Durham
- Meetings will be published on website and held in public unless specified otherwise
- Papers will be sent to members one week before each meeting via e-mail
- Members will send required information to the Administration Officer by given deadline
- Board members may be required to attend additional meetings, and or take on lead responsibility for initiatives that may occur.

9. Oversight

HWCD will need to demonstrate to Commissioners that their robust governance and management structures enable them to fulfil their reporting requirements and responsibilities to all relevant partners and regulatory bodies including but not limited to:

- County Durham patients, service users and local people
- DCC (including Commissioners and Overview and Scrutiny)
- County Durham Health and Wellbeing Board
- HWE (who will provide leadership and support)
- CQC
- Regulatory agencies in relation to the Corporate Body (e.g. Companies House).

10. Partnerships

HWCD will:

- Work closely with the local authority whilst maintaining its independence when scrutinising in-house and commissioned services.
- Represent all local people through its role on the Health and Wellbeing Board ensuring that it reaches those groups that are “seldom heard” through a clear approach to engagement.
- Play a clear and distinct role in key local decision-making structures (going beyond its formal position on the Health and Wellbeing Board) and contribute to better local decision making.
- Work closely with HWE to deliver a strong local voice both at local and national level.
- Work with Overview and Scrutiny committees when required.
- Foster positive relationships with local health and social care commissioners and provider agencies across all sectors.
- Have trusting collaborative relationships with key local decision makers through regular formal and informal meetings where its role as a critical friend is understood.
- Nurture partnerships with local health and social care service-user groups, existing voluntary sector and community networks and other HWCD organisations to ensure high quality feedback and research.

- Agree and work to regional protocols to deliver a seamless service across local authority boundaries.

Appendix 2

Code of Conduct

Healthwatch County Durham has a duty to protect its good name and reputation. The purpose of this Code of Conduct is to set out the standards of behaviour expected of all members of Healthwatch County Durham and those acting on behalf of Healthwatch to ensure that anyone who comes into contact with one of our members or representatives is treated in accordance with this Code of Conduct.

1. Scope of this Code of Conduct

This Code of Conduct applies to anyone involved in Healthwatch County Durham activities including all members, volunteers, staff and those providing services or support on behalf of Healthwatch County Durham.

2. Why Healthwatch County Durham has a Code of Conduct

Our aim is to create a positive environment within which members and others with an interest in our work can contribute freely, equally and openly.

To achieve this we need to ensure that:

- All contributions from members are accorded equal value
- Contributions from others with an interest or stake in our work are treated with respect and courtesy
- Breaches of the Code of Conduct are tackled consistently and fairly
- The Nolan Committee's Seven Principles of Public Life are applied to all aspects of Healthwatch County Durham activity

3. The Nolan Principles of Public Life

Healthwatch County Durham expects all members and those acting on behalf of Healthwatch County Durham to be committed to the following principles and behaviours:

- Selflessness:

Holders of public office should act solely in terms of the public interest.

- Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

- Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

- Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

- Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

- Honesty

Holders of public office should be truthful.

- Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

4. Equality and diversity

Healthwatch County Durham is committed to understanding, accepting and appreciating individual difference. In practice, this means treating others with dignity and respect, recognising the value of each individual and their experience. Healthwatch County Durham will not tolerate discrimination against others based on (but not limited to) employment status; health status; economic or social status; ethnic origin; gender; disability; age; sexuality or religion.

5. Representing Healthwatch County Durham

All roles which involve representing the interests of Healthwatch County Durham (and its members) will be agreed by the Healthwatch County Durham Board or Healthwatch County Durham Programme Manager as appropriate. These roles include a requirement to represent the best interests of Healthwatch County Durham within the Nolan Principles (above) and to provide feedback to Healthwatch County Durham and others in a timely and structured way. When speaking or acting on behalf of Healthwatch County Durham, representatives will reflect the priorities and policies of Healthwatch County Durham, even if they differ from personal views. Approaches to Members by third parties for Healthwatch County Durham information or views (including contact with the media) must be referred to the Healthwatch County Durham Programme Manager or the Chair of the Board.

6. Confidentiality

Those involved in Healthwatch County Durham activities will respect confidentiality and not divulge third party information without the agreement of the third party, the Healthwatch County Durham Programme Manager or the Chair of the Board and operate in line with PCP's Confidentiality Policy.

7. Complaints, comments and concerns about Healthwatch County Durham

Healthwatch County Durham will respond to any complaints, comments and concerns in a timely and consistent way, in line with PCP policy. Members are expected to raise any complaints, comments and concerns with Healthwatch County Durham in the first instance. Members who raise issues with third parties before giving Healthwatch County Durham an opportunity to respond will be in breach of this Code of Conduct.

8. Participation in Healthwatch County Durham meetings and other activities

Members and Healthwatch County Durham representatives agree to:

- Attend on time and be prepared
- Send apologies if unable to attend
- Listen to, respect and value the opinions of others
- Speak one at a time, through the Chair or meeting facilitator
- Be clear and keep to the point, using plain English and avoiding jargon and acronyms
- Ask for more information or explanation, if necessary
- Declare an interest where one exists or may be perceived to exist
- Work positively with Healthwatch County Durham staff and representatives
- Provide feedback to those they represent

- Respect the authority of the role of the Chair or meeting facilitator and accept a majority vote, where needed, as decisive

9. Sanctions

Breaches of this Code of Conduct by members will be handled by the Healthwatch County Durham Chair and Board with support and advice where required from the host organisation. The following sanctions are available to the Board:

- Informal warning
- Formal warning
- Suspension from some or all Healthwatch County Durham activities
- Termination of Healthwatch County Durham membership

Breaches of this Code of Conduct by staff and those providing support and services to Healthwatch County Durham via a formal arrangement with the host organisation, will be dealt with through the host organisations policies and procedures.

Appendix 3

Board members appointment and retirement dates

Name	Joining date	Retirement / reappointment date	End of second term
Mr B. Jackson	2016	Reappointed June 2019	June 2022
Mr. J. Welch	2016	Reappointed June 2019	June 2022
Mrs. M Mitchell	2016	Reappointed June 2019	June 2022
Dr. L. Murthy	2016	Reappointed June 2019	June 2022
Mr. C Cunnington-Shore	2016	Reappointed June 2019	June 2022
Mrs. J Evans	2016	Reappointed June 2019	June 2022
Mrs. Z. Jones	2016	Reappointed June 2019	June 2022
Mr. B. Hume	2016		

Appendix 4 -

Reference material

- Maintaining Independence - Healthwatch England
- Delivering effective Local Healthwatch - Local Government Association
- Understanding the Legislation: An Overview of the legal requirements for local Healthwatch. - Healthwatch England
- Our priorities for 2019-20 - Healthwatch England

Board Governance and Operational Agreement	
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Next Review date	1 August 2023