

BIRMINGHAM HEALTH AND WELLBEING BOARD, HEALTHWATCH BIRMINGHAM AND HEALTH SCRUTINY WAYS OF WORKING AGREEMENT

1. Purpose of the Agreement

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

Health and Wellbeing Boards and Local Healthwatch were formed as a result of the Health and Social Care Act 2012, which also expanded the role of Health Scrutiny. Whilst these bodies have specific functions, there is a 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 three bodies, their legal obligations to each other and how they will work together to improve the health and social care services for the citizens of Birmingham.

It is also recognised that there are other issues that relate to the health and wellbeing of the population of Birmingham which fall within the remit of the Local Authority but outside of this Agreement.

2. Role of Birmingham Health and Wellbeing Board

The Birmingham City Health and Wellbeing Board is the city's lead multiagency partnership for improving health and wellbeing and reducing health inequalities of the citizens of Birmingham. The Health and Wellbeing Board will:

- Promote the reduction in health inequalities across the City through the commissioning decisions of member organisations
- Report on progress with reducing health inequalities to the Cabinet and the various Clinical Commissioning Group Boards
- Be the responsible body for delivering the Joint Strategic Needs Assessment for Birmingham (including the Pharmaceutical Needs Assessment)
- Deliver and implement the Joint Health and Wellbeing Strategy for Birmingham
- Participate in the annual assessment process to support Clinical Commissioning Group authorisation

- Identify opportunities for effective joint commissioning arrangements and pooled budget arrangements
- Provide a forum to promote greater service integration across health and social care.

3. Role of Healthwatch Birmingham

Healthwatch Birmingham 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 Health and Wellbeing Board and Birmingham Health Scrutiny to make sure that services really are designed to meet citizens' need.
- 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 Birmingham 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.

Joint Health Committees

The 2012 Act regulations require the appointment of a joint scrutiny where a health service commissioner or provider e.g. Clinical Commissioning Groups, Provider Trusts etc. consults more than one local authority's health scrutiny function on substantial reconfiguration proposals.

Only the joint scrutiny committee may make comments on the proposal consulted on or require the health service commissioner or provider which has the proposal under consideration to provide information to them, or require a member or employee of that body or provider to attend before them to answer questions.

Currently, Birmingham has Joint HOSCs with Sandwell and Solihull.

The work of the Joint Health Scrutiny Committees lies outside of the remit of this Agreement.

5. Legal Obligations between the Three 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 Birmingham 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 Birmingham.
- Healthwatch Birmingham must appoint one person to represent it on the Health and Wellbeing Board.
- Healthwatch Birmingham 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 Birmingham 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 Birmingham.

6. Local Commitments between the Three Bodies

The Health and Wellbeing Board, Healthwatch Birmingham 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

- e. Make a commitment to ensuring improvement in health and wellbeing in Birmingham by effectively monitoring progress against local authority/NHS improvement plans and priorities.

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 service users, carers and the public, the bodies will work collaboratively to agree roles and responsibilities. Where appropriate, the three bodies will seek to agree joint responses to consultations.

In working together recognition will be given to Healthwatch Birmingham'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 Scrutiny Officers will arrange regular informal meetings to facilitate this.

The Health and Wellbeing Board will:

- Share the Board work plan with Health Scrutiny and Healthwatch Birmingham.
- 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 Birmingham.
- Be subject to scrutiny by the Council's Health Scrutiny Committee and provide information¹ 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).

¹ 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.

- Request (subject to available resource) Healthwatch Birmingham 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 Birmingham is an independent organisation, which is publically-led, and reserves the right to choose work priorities.

Meetings of the Health and Wellbeing board, which includes Healthwatch Birmingham, are held in public and representatives of the Health Scrutiny Committee will be welcome to attend.

Healthwatch Birmingham 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 the JSNA.
- 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.
- 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 Committee work programme with Healthwatch Birmingham and the Health and Wellbeing Board.
- Seeks views of Healthwatch Birmingham and the Health and Wellbeing Board when formulating the Health Scrutiny work programme.
- Hold the Health and Wellbeing Board to account for its work to improve the health and wellbeing of the population of Birmingham 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 Birmingham (subject to available resource) to submit relevant intelligence and information to support scrutiny work.
- Invite representatives of Healthwatch Birmingham to attend, and at the Chair's discretion, speak at Health Scrutiny meetings.
- Request Healthwatch Birmingham (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 Birmingham use its 'Enter and View' powers where there is an issue of particular concern. Healthwatch Birmingham is an independent organisation, which is publically-led, and reserves the right to choose work priorities.
- Take account of and respond to the views and recommendations of Healthwatch Birmingham and the Health and Wellbeing Board.
- Acknowledge and respond to referrals from Healthwatch Birmingham in line with the process set out in Section 7 of this agreement.
- Refer relevant issues to Healthwatch Birmingham in line with the process set out in Section 7 of this agreement.
- Consider Healthwatch Birmingham's annual report.

Meetings of the Health Scrutiny Committee are held in public and representatives of Healthwatch Birmingham and the Health and Wellbeing Board will be welcome to attend.

7. Referrals between Healthwatch Birmingham and Health Scrutiny

As Healthwatch Birmingham is a member of the Health and Wellbeing Board, this section of the Agreement applies to referrals specifically between Healthwatch Birmingham and Health Scrutiny.

Referrals from Healthwatch Birmingham to Health Scrutiny

If, during the course of its work, Healthwatch Birmingham 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 Health Scrutiny Committee. Healthwatch Birmingham 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 Birmingham

If, during the course of its work, Health Scrutiny identifies an issue that it feels warrants exploration by Healthwatch Birmingham it can make a referral. Referrals should be made in writing to the Healthwatch Birmingham Chief Executive. 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 Birmingham decides not to act on a referral it will provide reasons for not doing so.