



Healthwatch Birmingham: Policy and Procedures for Relevant Decision Making



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Why have a Decision Making Policy & Procedure?

As part of Healthwatch Birmingham's [hereafter HWB] approach to good governance it is essential that there are in place clear, effective, transparent decision making processes. This policy will provide clarity of where and what decisions are taken, by whom and whose responsibility it is to action. This will include ensuring that key strategic decisions are evidenced based, transparent and lead to real outcomes. This policy is a statement of intent and will be implemented as a procedure.

What is the Legal Framework?

HWB is a company limited by guarantee and not having a share capital. In accordance with The Companies Act 2006, the Board of Non-Executive Directors are responsible for decision making as set out in the company's Articles of Association.

Regulation 40, The NHS Bodies and Local Authorities (Partnership Arrangements, Care Trusts, Public Health and Local Healthwatch) Regulations 2012 state that each Local Healthwatch [LHW] must have a procedure for making relevant decisions, specifically to include:

- Provision as to who may make decisions
- Provision for involving lay persons or volunteers in such decisions
- Provision for dealing with breaches of any procedure referred to in the previous two previous points which should include circumstances in which a breach would be referred to the Local Authority

What is the definition of relevant decisions?

Relevant decisions include:

1. How it undertakes its activities.
2. When to escalate issues to Healthwatch England and/or the Care Quality Commission and other regulators.
3. Which health and social care services HWB is looking at covering with its activities.
4. The resources HWB will commit to these activities whether financial or staff or volunteer time.
5. Whether to request information from commissioners and providers.
6. Whether to make a report or a recommendation to a service provider.
7. Which premises to Enter and View and when those premises are to be visited.
8. Whether to refer a matter to an overview and scrutiny committee.
9. Whether to report a matter concerning HWB's activities to another person.
10. Any decisions about subcontracting.

Relevant decisions do NOT include day to day administrative activity or other internal office functions that may be required to carry out exploratory work, priority assessments and/or identifying resources prior to making any of the above decisions.

After a relevant decision has been made LHW should publish a written statement of that decision and the reasons for that decision. Table 1 below shows how and when HWB complies with this requirement for transparency.

Table 1. Healthwatch Birmingham’s transparency of relevant decisions

Type of relevant decision	Record keeping	Accountable Officer [for record keeping]	Presentation / Publication	Timing
How it undertakes its activities	How HWB undertakes its activities is described in <i>Healthwatch Birmingham: Our Legislative Duty - Information for health and social care system organisations</i> which is published to HWB website. This describes the bespoke system through which HWB achieves its statutory functions and legislative responsibilities.	CEO	<i>Healthwatch Birmingham: Our Legislative Duty - Information for health and social care system organisations</i> which is published to HWB website.	The strategic approach holds until review is deemed necessary by the Board. ‘As necessary’ reviews might be prompted for example by a cut in funding or a change in legislative responsibility.
The resources HWB will commit to these activities whether financial or staff or volunteer time	The resources HWB will commit to achieving its strategic approach is dictated by the value of the contract from Birmingham City Council to provide a Local Healthwatch organisation in Birmingham. The annual operating budget is recorded in relevant Board minutes.	CEO and Company Secretary	Minutes of relevant Board meeting which are published to the HWB website	Annually
Whether to report a matter concerning HWB’s activities to another person	Relevant CEO report to the Board	CEO	Included in the CEO’s report which is presented in the public part of Board meetings. Minutes of Board meetings are published to the HWB website	Quarterly or as needed
Any decisions about subcontracting	Relevant Board paper	CEO	Minutes of relevant Board	Quarterly or as

			meeting which are published to the HWB website	needed
When to escalate issues to Healthwatch England [HWE] and/or the Care Quality Commission [CQC] and other regulators including local Health Oversight and Scrutiny Boards [HOSC].	Regulators include in this instance HWE, CQC, HOSC and potentially NHS England [NHSE]: HWB Investigations Management and Tracking System held on server.	Head of Evidence.	Included in quarterly CEO's report to the Board which is presented in the public part of Board meetings and minutes of which are published to the HWB website	Quarterly
Which health and social care services HWB is looking at covering with its activities	HWB Topic Identification and Prioritisation System held on server.	Head of Evidence	Included in quarterly CEO's report which is presented in the public part of Board meetings and minutes of which is published to the HWB website	Quarterly
Whether to request information from commissioners and providers	HWB Investigations Management and Tracking System held on server.	Head of Evidence	Included in quarterly CEO's report which is presented in the public part of Board meetings and minutes of which is published to the HWB website	Quarterly
Whether to make a report or a recommendation to a service provider	HWB Investigations Management and Tracking System held on server.	Head of Evidence	Included in quarterly CEO's report which is presented in the public part of Board meetings and minutes of which is published to the HWB website	Quarterly
Which premises to Enter and View and when those premises are to be visited	HWB Investigations Management and Tracking System held on server.	Head of Evidence	Included in quarterly CEO's report which is presented in the public part of Board meetings and minutes of which is published to the HWB website	Quarterly

In addition to the list above and in the interests of clarity and transparency, HWB chooses to include the following types of decisions in this policy:

Type of relevant decision	Record keeping	Accountable Officer [for record keeping]	Publication	Timing
Annual programme of audit of Health and Care Organisations and Partnership Boards' PPI	Relevant Board paper	Audit Officer	Relevant Board paper and minutes published to the HWB website	Annually and as needed by exception in the event of change.
HWB scrutiny of and contribution to consultations held by national and / or local health and care organisations [provider, commissioner, regulator or policy maker] [over and above scrutiny of Foundation Trust Quality Accounts]	Relevant CEO report to the Board	Policy Officer	CEO report which is presented in the public part of Board meetings and minutes of which is published to the HWB website	Quarterly
Board memberships [of Boards of third party health and care organisations or partnership Boards]	Relevant CEO report to the Board	CEO or Head of Public Participation	CEO report which is presented in the public part of Board meetings and minutes of which is published to the HWB website	Quarterly

Who makes what type of decision?

Relevant decisions will be made by the Board of Non-Executive Directors [NEDs] of HWB or by those to whom the NEDs delegate decisions, in accordance with the company's Articles of Association.

Table 1 [above] illustrates this in practise. The first type of relevant decision is how HWB will undertake its activities. The Board commissioned development of a new strategic approach in 2015/16 which was accepted by the Board and Birmingham City Council [BCC] during that year. Thus the Board made the decision regarding how HWB undertakes its activities. Most other relevant decisions fall from this and are taken by the Executive Team [and in one instance by the Executive Team in partnership with the Company Secretary] using authority delegated to them by the Board. This authority is known as the *HWB Topic Identification and Prioritisation Process*. This Topic Identification and Prioritisation Process [TIPP] is a proprietary system which enables HWB to focus on selecting and managing its workload to achieve maximum possible value for money and impact.

Whilst most relevant decisions are covered by this process there are exceptions which are covered by different procedures:

1. Decisions made against a formal proposal - in which the Executive Team or other third party as requested by the Board, produce a proposal on which the Board then takes a decision.
2. Decisions made as a result of unplanned, exceptional circumstances requiring immediate approval. In cases such as these the Chair will wherever possible facilitate Board Members to reach a consensus decision via email or teleconference. Where this is not possible the Chair will inform the Board as soon as possible on what was decided and why.

All procedures are described below in order to clearly establish:

- How [and where] decisions are made
- How lay people or volunteers are involved in relevant decisions
- How breaches of any procedure are dealt with including the circumstances in which a breach would be referred to HWB's Local Authority [Birmingham City Council].

Procedures for making relevant decisions

Table 1 listed types of relevant decisions. Table 2 [below] classifies which decision is covered by which procedure; how each type of decision is made; how lay people or volunteers are involved; and [below Table 2] how any breach is dealt with.

A note about lay people and volunteers

“Lay person” and “volunteer” are defined by regulations¹ to reflect those people who wish to give their time to something they feel passionately about in order to influence change and service improvements. In this context, the definition of “volunteer” could include someone with a health and social care background giving their time freely, whereas the definition of a “lay person” is aimed at those without a professional health or social care background contributing their time. Thus, between them, the definitions of “lay person” and “volunteer” can apply to anyone who wishes to give up their time for local Healthwatch.

¹ Regulation 34 of the NHS Bodies and Local Authorities (Partnership Arrangements, Care Trusts, Public Health and Local Healthwatch) Regulations 2012.

Table 2: Procedures

Type of relevant decision	Procedure for Relevant Decision Making	How decisions are made	How lay people or volunteers are involved in decisions
The resources HWB will commit to these activities whether financial or staff or volunteer time	Formal proposal	CEO, Executive Team and Company Secretary annually propose a budget which is linked to the strategic approach. The current strategic approach covers the three broad work streams of investigations, scrutiny and audit and differentiates between activities undertaken by the staff team and by the volunteer team. Capacity to undertake all three work streams is dictated by the value of the contract with BCC which is annually confirmed.	The proposal is brought to the Board for decision in the public part of a Board meeting. The Board comprises lay members and volunteers.
Whether to report a matter concerning HWB's activities to another person	Exception	The majority of relevant decisions are covered by TIPP which includes specific processes for reporting HWB's activities to another person. However HWB operates in a complex local health and care economy and not all eventualities can be catered for in advance. In the event of urgent need to take action to prevent or mitigate risk outside of TIPP and between Board meetings, the Chair will use his professional judgement. Such exceptional decisions will be included in the CEO or Chair's report to the Board at the next Board meeting.	The Chair is either a volunteer or Lay member. The matter being escalated to the Chair may be brought by a Board member [also a Lay member or Volunteer], a citizen or professional in the health and care system.
Any decisions about subcontracting	Formal proposal	From time to time the Executive or Board may wish to subcontract discrete pieces of work. In either eventuality a formal proposal is brought to the Board for decision.	The Board comprises Lay members and Volunteers.
When to escalate issues to Healthwatch England [HWE] and/or the Care Quality Commission [CQC] and other regulators including local Health	TIPP	There are a number of circumstances which might result in Healthwatch Birmingham escalating issues to regulators: 1. Health and Care organisations providing or commissioning health and care services have	The majority of primary data collected or received by Healthwatch Birmingham is collected or received by appropriately trained volunteers who on an individual basis and where

<p>Oversight and Scrutiny Boards [HOSC].</p>		<p>legislative responsibility to give due regard to evidence provided by HWB and to respond appropriately to requests for information. In the event that HWB Executive do not receive due regard, under the TIPP they are able to escalate the matter directly to the most appropriate regulator. Incidence of this is reported via the CEO's report to the Board.</p> <p>2. In the event Healthwatch Birmingham receives information from a patient, carer, resident, or family member which potentially indicates immediate risk to patient, public or resident. In these instances HWB take one of the following courses of action: Escalation to Birmingham Adult or Children's Safeguarding Services or to the CQC. HWB might also notify the relevant CCG and NHSE Team. All escalations are tracked and incidence is reported via the CEO's report to the Board.</p>	<p>they are directly involved in a case, are involved in escalation discussions.</p>
<p>Which health and social care services HWB is looking at covering with its activities</p>	<p>TIPP</p>	<p>In terms of research investigations HWB codes all experience data it receives against its proprietary Index of Avoidable Health Inequity. Issues identified through membership of various Boards are added to the Index by the Executive. The Index comprises number of themes which are reviewed and considered in their 'raw' state on a quarterly basis resulting in a 'long list' of potential topics for investigation by HWB over the following weeks. This 'long list' is then consulted upon with wider communities of professionals, patients and the public resulting in a shortlist of topics which are added to HWB's work plan. HWB aims to cause system-wide improvements to health and care services which means once a topic has been agreed</p>	<p>The HWB Board and Volunteer Team coproduce a 'long list' of topics which could be investigated by HWB at the very start of the Topic Identification and Prioritisation Process. This list is then circulated to the general public via social media and by direct email distribution to the third sector, public and patient / community groups for their consideration and contribution. Volunteers are involved throughout the research investigation process from topic identification to study design - including where best to</p>

	Formal Proposal	<p>part of designing the investigation might include ensuring data to be collected is representative of the system in which case. For example randomised selection of services to be surveyed whilst ensuring selection occurs within all 3 Clinical Commissioning Group [CCG] areas, or all districts.</p> <p>In terms of HWB's programme of auditing the quality of Patient and Public Involvement undertaken by commissioners and providers the Audit Officer recommends risk-based programmes to the Board who make the final decision.</p>	<p>collect data, to interpretation of the findings.</p> <p>The proposal is brought to the Board for decision in the public part of a Board meeting. The Board comprises lay members and volunteers.</p>
Whether to request information from commissioners and providers	TIPP	<p>An important part of TIPP is ensuring public value for money which includes taking action to not duplicate or confound the work of others or unnecessarily waste their resources. In the context of decision making this means two things: ensuring we don't investigate something which someone else is already investigating by asking relevant others if they are already undertaking work in a particular area and if they are requesting information on what and how they are doing; and as part of an investigation, asking for information under a freedom of information request where this is the most appropriate method of data collection.</p>	<p>Ensuring HWB is not duplicating the work of relevant others is embedded in TIPP which is led by the Head of Evidence who reports progress of all investigations to the Board via the CEO's report.</p>
Whether to make a report or a recommendation to a service provider	TIPP	<p>All HWB activities could result in HWB making a report or recommendations to commissioners, providers or regulators:</p> <ol style="list-style-type: none"> 1. Where Research investigations produce findings which confirm what is already known a report is made to the relevant body. Where findings indicate the need for improvement the report 	<p>Volunteers are involved in interpreting findings of research investigations and, where relevant, in development of recommendations.</p>

		<p>includes recommendations.</p> <p>2. HWB audit of an organisation, service or Board's PPI results in a report which might include recommendations.</p>	Strategic plans include how to include volunteers in this audit programme.
Which premises to Enter and View and when those premises are to be visited	TIPP	Once a topic has been shortlisted for investigation the next stage of decision making is what data to collect and how best to collect it. Justification is recorded in the design of the investigation including whether and why the Enter and View is to be announced or unannounced.	Volunteers are involved in the investigation design.
Annual programme of audit of Health and Care Organisations and Partnership Boards' PPI	Formal proposal	HWB's programme of auditing the quality of Patient and Public Involvement undertaken by commissioners and providers is recommended by the Audit Officer who takes a risk-based approach to prioritising and selecting inclusion of specific services, Boards or organisations into the programme. The Board considers the programme and make the final decision.	The proposal is discussed in the public part of the Board meeting. The Board comprises volunteers and lay members.
HWB scrutiny of and contribution to consultations held by national and / or local health and care organisations [provider, commissioner, regulator or policy maker] [over and above scrutiny of Foundation Trust Quality Accounts]	Formal proposal	The Executive are in the process of designing a decision making framework which will be proposed to the Board in June 2016 after which decisions will be deemed operational. Work in this area is included in the CEO's report.	The CEO's report is presented in the public part of Board meetings. The Board comprises volunteers and lay members.
Board memberships [of Boards of third party health and care organisations or partnership Boards]	Formal proposal	The Executive are in the process of designing a decision making framework and capacity building strategy which will be proposed to the Board in June 2016 after which decisions will be operational and activity will be included in the CEO's report to the Board.	The CEO's report is presented in the public part of Board meetings. The Board comprises volunteers and lay members.

A note about recording the reasons for a relevant decision.

All relevant decisions of all types are recorded in the minutes or notes of the meeting at which the decision was made. They are included in the CEO's report to the Board at the next Board meeting and in exceptional circumstances, in the Chair's report. The CEO's report and Board minutes are published to the HWB website on approval. The inclusion in the report reflects the reasons for the decision. The CEO's report is presented by the CEO in the public part of HWB Board meetings.

How breaches are dealt with.

Healthwatch Birmingham is a learning organisation operating in a complex environment with inherent variability. In the event of a relevant decision being made outside of its appropriate decision making procedure the first step is for the Chair and / or CEO to understand the context and circumstances of the breach to limit any risk to HWB or its partners in the health and care system and to establish true cause and initiate appropriate steps to improve the procedure for the future. All breaches are reported to the Board via the Chair's report to the next Board meeting.

More information

For more information about the need for or implementation of this policy, please contact the Board Secretary in confidence at Diane Hickey at:
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