

For health and social care organisations:

Your responsibilities when cooperating with Healthwatch Birmingham

Purpose of the document

This document is designed to give an overview of the main statutory responsibilities of local health and social care organisations with respect to Healthwatch Birmingham's activities. It gives information on:

- What these responsibilities are.
- Which organisations they apply to.
- Time scales (where applicable).
- The original source of these requirements (provided in the 'Legislation and regulations' section at the end of this document).

Please note: this document does not contain full details of Healthwatch Birmingham's legal powers and responsibilities. This information can be found in the document: [Healthwatch Birmingham: Our Legislative Duty](#).

About Healthwatch Birmingham

Healthwatch Birmingham is the independent consumer champion created to gather and represent the public and patient's experiences of using local health and social care services. We seek to promote and support the involvement of local people in the commissioning, provision and scrutiny of local care services. We also gather the views and experiences of patients and the public, and make these views known to promote service change and improvement.

1. Responding to our reports and recommendations

Local providers and commissioners must have regard for Healthwatch Birmingham's views and are required to respond to our reports and recommendations.

This requirement applies to the responsible persons of:

- Clinical Commissioning Groups (CCGs)
- NHS England
- NHS Trusts
- NHS Foundation Trusts
- Local Authorities.¹

NHS Trusts and Local Authorities must also ensure that arrangements are in place with the independent providers they contract so that they also respond to Healthwatch Birmingham's recommendations and reports.²

The regulations state that within 20 working days of receiving a report or recommendation a relevant health and social care organisation must:

- 1) Acknowledge receipt of the report or recommendation.
- 2) Provide an explanation of any action they intend to take in response to the report or recommendation. If they do not intend to take any action, they must explain why.³⁴

There are some instances when a report or recommendations should be acknowledged and responded to within 30 working days of receipt. This is the case when a report or recommendation relates to a service where more than one responsible person is in charge of its provision. This is also the case for CCGs who feel it would be appropriate to consult NHS England.⁵

2. Information requests

Health and social care organisations must make certain information available when Healthwatch Birmingham requests it.

This is part of the general right to access information held by public authorities contained in the Freedom of Information Act 2000. The Act entitles members of the public to request information from public authorities and receive this information within 20



working days, subject to exemptions.⁶ NHS Trusts and local authorities are also required to ensure that arrangements are in place so that the independent providers they contract respond to requests for information from Healthwatch within 20 working days, subject to exemptions.⁷

Additional requirements for providers

3. Enter and View

Healthwatch Birmingham has the power to Enter and View providers so that we can observe matters relating to health and social care services. **Relevant service providers must allow authorised representatives of Healthwatch Birmingham to enter premises and observe activities on those premises.**⁸

This applies to:

- NHS Trusts
- NHS Foundations Trusts
- Local Authorities.⁹

This also applies to:

- Primary medical services
- Primary dental services
- Primary ophthalmic services
- Local pharmaceutical services.¹⁰

In addition to this, NHS Trusts and Local Authorities must also ensure that arrangements are in place with the independent providers they contract to allow authorised representatives of Healthwatch Birmingham to Enter and View.¹¹

Service providers can refuse entry to the premises, or part of the premises, if this would compromise the effective provision of care services or the privacy or dignity of any person. If Healthwatch Birmingham make recommendations based on the findings of an Enter and View, the same requirements outlined in the 'Responding to our reports and recommendations' section of this document apply to providers.

The power to Enter and View does not extend to services relating to local authorities' social service's functions for people under the age of 18.¹²

4. Quality Accounts

Providers of NHS services who are required to produce an annual Quality Account should send Healthwatch Birmingham a draft version of this by 30th April each year.¹³ We then have the option to provide a written statement which gives an evidence based challenge to its contents, drawing on the feedback we have received from people who use those services. Providers should include any written statement provided by Healthwatch before publication in their final Quality Account.¹⁴



Legislation and Regulations

¹ The power of the Secretary of State to impose regulations on responsible persons with regards to the reports and recommendations of a local involvement network is contained within section 224 of The Local Government and Public Involvement in Health Act 2007. This power is implemented by regulation 44 of The NHS Bodies and Local Authorities (partnership arrangements, Care Trusts, Public Health and Local Healthwatch) Regulations 2012

² Direction 5 of The Arrangements to be made by Relevant Bodies in respect of Local Healthwatch Organisations Directions 2013

³ Regulation 44 of The NHS Bodies and Local Authorities (partnership arrangements, Care Trusts, Public Health and Local Healthwatch) Regulations 2012

⁴ Direction 5 of The Arrangements to be made by Relevant Bodies in respect of Local Healthwatch Organisations Directions 2013

⁵ Regulation 44 of The NHS Bodies and Local Authorities (partnership arrangements, Care Trusts, Public Health and Local Healthwatch) Regulations 2012

⁶ Freedom of Information Act 2000

⁷ Direction 4 of The Arrangements to be made by Relevant Bodies in respect of Local Healthwatch Organisations Directions 2013

⁸ Section 225 of The Local Government and Public Involvement in Health Act 2007 gives the Secretary of State powers to make regulations to impose on service providers a duty to allow authorised representatives of the local involvement network (Healthwatch) to 'Enter and View'. This power is implemented by regulation 11 of the Local Authorities (Public Health Functions and Entry to Premises by Local Healthwatch Representatives) Regulations 2013

⁹ Section 225 (subsection 7) of The Local Government and Public Involvement in Health Act 2007

¹⁰ Regulation 14 of The Local Authorities (Public Health Functions and Entry to Premises by Local Healthwatch Representatives) Regulations 2013

¹¹ Direction 2 of The Arrangements to be made by Relevant Bodies in respect of Local Healthwatch Organisations Directions 2013

¹² Regulation 11 of the Local Authorities (Public Health Functions and Entry to Premises by Local Healthwatch Representatives) Regulations 2013

¹³ Regulation 9 of *The National Health Service (Quality Accounts) Regulations 2010*

¹⁴ Regulation 5 of *The National Health Service (Quality Accounts) Regulations 2010*

