

## **Healthwatch Surrey: our Local Healthwatch decision-making: policy and procedures for all Staff, Volunteers and the Board**

Luminus Insight CIC trading as "Luminus" and "Healthwatch Surrey"

### ***Policy Statement***

For the purposes of this policy, Luminus Insight CIC ("**Luminus**") shall also be referred to by its business name in respect of carrying out Local Healthwatch services in Surrey, namely Healthwatch Surrey ("**Healthwatch Surrey**"). Healthwatch Surrey makes its decisions in respect of our Local Healthwatch work in Surrey in an open and transparent way, and ensures the interests of the people of Surrey are always put first. This policy and associated procedures outline the steps taken to ensure decisions are evidence based and lead to substantive impact in the community.

The governing regulations and standards are:

- *The NHS Bodies and Local Authorities (Partnership Arrangements, Care Trusts, Public Health and Local Healthwatch) Regulations 2012* – referred to as Regulation 40 throughout this document.
- *Freedom of Information Act 2000.*
- *Seven Principles of Public Life (Nolan Principles):*  
<https://www.gov.uk/government/publications/the-7-principles-of-public-life/the-7-principles-of-public-life--2>: " *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 doing so.*"

This policy applies to all relevant decisions made by Healthwatch Surrey in respect of our Local Healthwatch work in Surrey and follows Healthwatch England's general guidance in this area.

### ***Relevant Local Healthwatch decisions***

Regulation 40 requires Healthwatch Surrey to have in place and publish procedures for making relevant Local Healthwatch decisions. Relevant decisions include how we decide what to work on and how much resource to spend; whether to make reports and recommendations; how to use our Enter and View powers; whether to refer a matter to our Adults and Health Select Committee, and decisions about our sub-contracting.

Relevant decisions do not include day-to-day activity that may be required to carry out exploratory work prior to making a relevant decision, or day to day operational decisions.

### ***Who may make such decisions?***

The Board of Luminus Insight CIC (the "**CIC Board**") will be ultimately responsible for making relevant decisions. The CIC Board will have the power to delegate some of the relevant decision-making to its sub-committees/ groups/ panels (including the Local Healthwatch Advisory Group (the "**LHWAG**")) or to the CEO of Luminus Insight CIC.

All relevant decisions will be appropriately recorded (including, where applicable, in minutes of the relevant Board/ committee/ group/ panel meetings at which the decision was made). The minutes of all Board Meetings in Public are published on our website once they have been approved by the CIC Board as being a correct record of such meeting.

Once a decision has been made, the staff team is responsible for implementation and delivery, with an agreed reporting process to the CIC Board, the LHWAG or other relevant sub-committees/ groups/ panels.

The CIC Board, the LHWAG or other relevant sub-committees/ groups/ panels will reconsider a previous decision where new data has become available, or if circumstances change, which might prompt it to reach a different decision, or where there is evidence that this decision-making process was not followed.

As a Community Interest Company, decision-making within Luminus Insight CIC is also governed by our constitutional documents. The operation of the LHWAG or other relevant sub-committees/ groups/ panels are governed by its applicable Terms of Reference or other constituting document as approved by the CIC Board from time to time.

Appendix 1 to this policy sets out a scheme of delegation for the key decisions in respect of Local Healthwatch services in Surrey undertaken by Healthwatch Surrey.

### ***Involving lay persons or volunteers in such decisions***

The CIC Board is composed of lay persons (a person who is not a health or social care professional) and/ or volunteers (a person who is not a paid employee of Luminus Insight CIC). Healthwatch Surrey intends to secure broad based views on its activities wherever possible, and involves others, particularly lay people and volunteers, in its decision making.

### ***How are decisions made?***

The potential scope of the work of Healthwatch Surrey is vast – it has an overview of health and social care services for all adults, children and young people in Surrey, including those who are most vulnerable or may be excluded. Given limited resources, this means we must prioritise the issues we focus on. The main sources to inform our work programme are likely to come from:

- People's experiences of health and social care services that they share with us.

- Evidence we proactively collect about specific areas of concern through the stories and enquiries we hear directly, including deliberative research, public surveys and polls.
- National and local data sets that evidence issues affecting large numbers of the local population and the most excluded.

This list is not exhaustive and other relevant sources of data will be considered.

In order to prioritise, the CIC Board, the LHWAG or other relevant sub-committees/ groups/ panels will carefully consider all sources of information and decide where it can add most value. Areas to be considered include (but are not limited to):

- That the issues fit with our organisational role and responsibilities, ensuring Healthwatch Surrey delivers to its statutory remit.
- How much the issue matters to local people: it must be something they care about as we are here to be the voice of people in health and social care.
- How much change Healthwatch Surrey can realistically bring about. This enables us to make sure we are choosing areas where we can have the greatest impact. This is important to deliver the greatest return for our budget, maintain our independence and ensure we bring issues to the attention of the health and care system.
- Does the influence to change need to come from Healthwatch Surrey i.e. so we are not focusing on things that others can do more easily and effectively?
- Finally, the CIC Board will consider our work as a full set of priorities, as together they need to have the greatest impact for people using health and social care services.

***Dealing with breaches of any procedure referred to in this policy document, including circumstances in which a breach would be referred to the local authority***

If a decision is taken in the name of Healthwatch Surrey without appropriate authorisation in the manner set out in this policy document, the CIC Board will determine what action is needed. This may be to either approve the decision retrospectively by ratifying it, or to change the decision.

If a breach of the agreed procedure is considered to have also breached the associated commissioning contract for Local Healthwatch services in Surrey, it will be reported to Surrey County Council and any further action agreed between Surrey County Council and Healthwatch Surrey, as governed by such commissioning contract.

***Equality, Diversity and Inclusion statement***

Luminus is committed to ensuring all decisions made are free from any form of discrimination on the grounds of age, disability, gender, gender reassignment, marriage

and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation, in accordance with the Equality Act 2010.

Luminus will monitor this policy, in conjunction with its own Diversity and Inclusion Policy, in order to identify whether it is having an adverse impact on any group of individuals and act accordingly.

### **Review of this policy document**

The CIC Board will review the effectiveness of the decision-making policy and procedures set out in this document every year. Any amendments to this policy and the procedures governing the making of relevant decisions will require a simple majority of CIC Board members voting in favour. The amended policy document will be published on the website of Healthwatch Surrey as soon as is practicable after approval.

### **Procedures**

Healthwatch Surrey undertakes to carry out the following procedures in respect of this policy:

- Publish Healthwatch Surrey's most up to date policy document on Healthwatch Surrey's website.
- Review and obtain CIC Board approval to Healthwatch Surrey's decision-making policy every year.
- Ensure all of our staff are familiar with the policy and refresh their understanding and awareness of the need for open and transparent decision making by reading the policy on a regular basis, at a minimum after review by the CIC Board.
- Publish minutes from CIC Board Meetings in Public where relevant Local Healthwatch in Surrey decisions are made in a timely manner on our website.

**Appendix 1**

*Scheme of delegation for Healthwatch Surrey's*

*Local Healthwatch decision-making*

<b>Item</b>	<b>Responsibility</b>
<b>Finance and personnel issues</b>	Operational and in-budget decisions: made by CEO.  Other finance and HR matters: the Finance & Personnel Committee of the CIC Board (the "FPC") recommends to the Board for approval other than on specific issues delegated to the FPC by the Board
<b>Annual work plan</b>	LHW Contract Manager proposes to the CIC Board for approval
<b>Priorities</b>	Local Healthwatch Advisory Group recommends to the CIC Board for approval
<b>CONCs [Concerning Cases] and clusters - escalating</b>	Operational decisions by staff team; Local Healthwatch Advisory Group informed
<b>Escalating concerns to system level</b>	Operational decisions by staff team with advice and input from Local Healthwatch Advisory Group; LHW Contract Manager keeps CIC Board informed
<b>Escalating concerns to Local Authority Select Committee</b>	Local Healthwatch Advisory Group advises LHW Contract Manager and CEO who makes the decision and keeps CIC Board informed
<b>Recommendations arising from projects</b>	Operational decisions by staff team and reported to the CIC Board
<b>Use of Enter and View powers</b>	Policy approved by the CIC Board; operational decisions made by staff team; Local Healthwatch Advisory Group advise when Enter and View is required to gather insight.

<b>Decision making policy and procedures</b>	
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