

Healthwatch Worcestershire

Relevant Decisions

Background Information

As a private company limited by guarantee and a local Healthwatch, decision making within Healthwatch Worcestershire is governed by the company's Articles of Association and Regulation 40, The NHS Bodies and Local Authorities (Partnership Arrangements, Care Trusts, Public Health and Local Healthwatch) Regulations 2012.

In accordance with the Companies Act 2006 the Directors of Healthwatch Worcestershire are responsible for decision making as set out in the company's Articles of Association.

The local Healthwatch Regulations require Healthwatch Worcestershire as a local Healthwatch to have in place, and to publish a procedure for making 'Relevant Decisions'.

That procedure must include:

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

2. The definition of 'Relevant Decisions'

'Relevant Decisions' include:

- How to undertake local Healthwatch Sections 221 functions (see Annual Business Plan)
- Which health and care services Healthwatch Worcestershire is looking at covering with its activities
- The amounts Healthwatch Worcestershire will spend on these activities
- Whether to request information
- Whether to make a report or a recommendation
- Which premises to enter and view and when those premises are to be visited
- Whether to refer a matter to an overview and scrutiny committee
- Whether to report a matter concerning Healthwatch Worcestershire's activities to another person
- Any decisions about subcontracting.

3. The Procedure for making 'Relevant Decisions'

3.1 'Relevant Decisions' will be made by the Directors of Healthwatch Worcestershire or by those to whom the Directors delegate decisions, in accordance with the company's Articles of Association.

3.2 The Following mechanisms will be used by Healthwatch Worcestershire for involving 'lay persons' and 'volunteers' in making 'Relevant Decisions':

- Reference & Engagement Group
- Volunteering Scheme
- Membership Scheme
- Co-option of company Members to the Board Meetings in Public
- Board Meetings in Public
- Contact with consumers 'Registered for Information'
- Annual Conference, and other meetings that Healthwatch Worcestershire has with members of Worcestershire's communities.

3.4 The procedure for making 'Relevant Decisions' is published on Healthwatch Worcestershire's website.

3.3 A 'Relevant Decision' will be recorded in the notes of the meeting at which the 'Relevant Decision' was made and published on Healthwatch Worcestershire's website within 21 days of the decision. The note will reflect how 'lay persons' and/or 'volunteers' were involved in the decision and the reasons for the decision.

4. Breach of the Published Procedure for making 'Relevant Decisions'

It is proposed that Healthwatch Worcestershire will use the following procedure if a breach of the published procedure for taking 'Relevant Decisions' occurs in either of the following circumstances:

- Healthwatch Worcestershire discovers it has inadvertently breached its published procedure for taking 'Relevant Decisions'; or
- An extraordinary and/or urgent event necessitates Healthwatch Worcestershire making an immediate decision that should normally follow the published procedure for taking 'Relevant Decisions' in circumstances where there is neither time to seek wider involvement in the decision, or the matter is too sensitive to do so, so that a breach knowingly occurs.

As soon as anyone identifies a possible breach, they must report it to the Chief Operating Officer, who will immediately notify the Vice-Chair.

The Chief Operating Officer will review whether or not a breach has occurred and will report to the Vice-Chair in writing within 5 working days.

The Chief Operating Officer will notify the contact monitoring officer at the County Council once the assessment is complete and the report has been submitted to the Vice-Chair.

The Chief Operating Officer will prepare a written report for the Directors and co-opted Members explaining:

- If a breach to the published procedure for taking ‘Relevant Decisions’ had occurred. □
- If the published procedure had been breached, the nature of the breach/breaches to the published procedure for taking ‘Relevant Decisions’ was and what decision(s) was/were affected.
- Any remedial action to prevent a reoccurrence in circumstances where a breach has occurred.

The Directors in consultation with the co-opted Members will approve a final report which will subsequently be published on Healthwatch Worcestershire’s website.

5. Circumstances in which the published procedure for making ‘Relevant Decisions’ will NOT apply.

The ‘Published Procedure’ for making ‘ Relevant Decisions’ will not apply to relevant decisions that will result in a relatively small amount of work being undertaken, not exceeding 40 hours of staff time. This will enable Healthwatch Worcestershire to undertake exploratory work on matters raised with the company or of which it otherwise becomes aware, in order to assess how serious or widespread such matters may be, before proposing to commit significant resource to them.

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