

Proposed Decision to be taken by Portfolio Holder for Finance and Property on or after 14 October 2016

Healthwatch, NHS Complaints and General Health Advocacy Services

Recommendations

That the Portfolio Holder for Finance and Property:

- 1) Notes the proposed work to review Healthwatch Warwickshire and explore options in combining Healthwatch and Advocacy Services in a re commissioning process.
- 2) Authorises the Strategic Director of Communities, to proceed with an appropriate procurement process for the provision of Healthwatch Warwickshire to include Advocacy Services with new contracts to start on 1st October 2017.
- 3) Authorises the Strategic Director of Communities to award and enter into contracts, on terms and conditions acceptable to the Strategic Director of Resources.

1. Background

Healthwatch

- 1.1 The Health and Social Care Act 2012 proposed that Healthwatch would be the new consumer voice and champion for users of publically funded Health and Social Care services.
- 1.2 Healthwatch exists in two main forms, Healthwatch England and local Healthwatch.
- 1.3 Healthwatch England's vision is to enable the collective views and experiences of people who may use Health and Social Care services to; help shape the delivery of these services, influence the services they personally receive and to hold services to account. The latter point is strengthened by Healthwatch England being a committee of the Care Quality Commission (CQC), enabling Healthwatch England to strengthen the links between patient/public links and regulation.
- 1.4 The local Healthwatch in Warwickshire is Healthwatch Warwickshire (current provider). Healthwatch Warwickshire was originally set up through a consortium of third sector organisations including; Warwickshire CAVA, Warwickshire CAB and Age UK. Each organisation brought with it a particular unique set of skills and experience to enable the further growth and development of what is now Healthwatch Warwickshire, a not for profit company Limited by guarantee, converted to a Community Interest Company in April 2016.

1.5 The current Healthwatch contract was awarded to Warwickshire CAVA in January 2013 for two years. Due to the Health and Social Care Act 2012 requiring the service to be delivered by an independent legal entity, the contract was novated over to Healthwatch Warwickshire in April 2013. A contract extension has since been agreed until March 2018.

1.6 The core functions of Healthwatch Warwickshire include:

1. Gather views and experiences
2. Make these views known, both locally and nationally as appropriate
3. Promote and support involvement in commissioning of health services and provision of care services
4. Where appropriate, recommend investigation or special review of services via Healthwatch England to the CQC
5. Provide or signpost to advice and information re access to services
6. Enable access to NHS Complaints Advocacy Services

2. Key Issues

2.1 Public Health is confident that Healthwatch and Advocacy Services are sufficiently aligned and can be scoped and specified such that one provider or a collaborative bid from the community and voluntary sector could meet the requirements/standards expectations for all services, through one tendering process. Please see Annex 1 for detail of current Public Health funded Advocacy Services.

2.2 The current Healthwatch contract is coming to an end in March 2018 and will require retendering, with an anticipated contract award date of October 2017 and a contract start date of 1st April 2018. Award of contract will be approximately six months prior to the end of the existing contract, to allow sufficient time to implement the new contract, in the event of a change in provider.

2.3 Public Health is waiting for confirmation of One Organisational Plan 2 savings, which may impact on the amount available to retender this contract, however, whilst exact figures cannot yet be confirmed, they will be available prior to the tender process commencing. The total contract value will be under the threshold to allow for a Portfolio Holder decision (currently <£3m), as per Contract Standing Orders.

2.4 As part of OOP2, opportunities are being actively explored to achieve economies of scale through the inclusion of Advocacy services into the tendering process.

3. Proposal

3.1 It is proposed that work commences in order to advance Public Health's understanding of the best option to consider, which will allow for successful tendering of the Healthwatch contract, to include elements of Advocacy Services.

3.2 Suggested process to include:

1. Consideration of outcomes/recommendations from the independent service review of Healthwatch Warwickshire carried out by Leeds Beckett University.
2. Consultation to consider the views/needs of service users.
3. Scoping work with other local authorities to consider best practice in similar commissioning arrangements.
4. Market testing events/discussions with providers.
5. Consideration and finalising of commissioning options and plans for the re-tender.
6. Drafting of service delivery specification(s).
7. Consultation with stakeholders with regard to the specification.
8. Launch final tender specification(s).

4. Member Consultation

4.1 Prior to final upload onto CMIS, the following Members were consulted:

- Cllr Alan Cockburn – Portfolio Holder – Finance and Property
- Cllr Matt Western – Chair: Resources and F&R OSC
- Cllr Philip Morris-Jones – CSp: Resources and F&R OSC
- Cllr Neil Dirveiks – LSp: Resources and F&R OSC
- Cllr Nicola Davies – LDSp: Resources and F&R OSC
- Cllr Les Caborn – Portfolio Holder - Health

5. Timescales associated with the decision and next steps

5.1 The table below sets out the critical milestones and timescales to ensure effective retender and delivery of the Healthwatch service, to include elements of Advocacy services. A detailed procurement timeline has also been prepared.

Milestones	Deadline
Undertake EqlA	August 2016
Approval to proceed	October 2016
Tender opening	July 2017
Tender Award	September 2017
Transition to new services	October 2017 – March 2018

6. Annex 1: Public Health funded Advocacy Services

NHS Complaints Advocacy

- 6.1 The provision of independent advocacy is a legal requirement for the Secretary of State for Health under section 248 (1) of the National Health Service Act 2006.
- 6.2 NHS Complaints Advocacy is about supporting people in England who may want to raise a complaint about the NHS (including a complaint to the Parliamentary and Health Service Ombudsman).
- 6.3 Independent NHS Complaints Advocacy Services in Warwickshire is currently delivered by POhWER and services range from provision of self-help and signposting, dedicated advocates to support people through the process, to include; assistance in letter writing, filling in NHS forms and attendance at health related meetings, if required.

General Health Advocacy

- 6.4 General Health Advocacy is a non-statutory time-limited advocacy support service available to NHS patients with physical or learning disabilities, and, patients aged 65 years and above who may include those with mental health needs.
- 6.5 The service is particularly focused on supporting individuals with complex needs who would benefit from advocacy support whilst receiving NHS treatment, particularly at the point of discharge. The service is provided locally by POhWER, with provision, as follows:
 - Information and advice on advocacy provision.
 - Supporting people with decisions relating to further treatment/care.
 - Issues with unsuitable housing following a discharge.
 - Screening and if appropriate referral to other services within the framework, which may include statutory services.
 - Promoting access to the service for customers in a range of settings. Determining the best way of promoting access for priority and seldom heard customers.
 - Support in exercising legal rights, e.g. accessing and viewing case records which a customer is entitled to access, advising on financial difficulties and legal matters.
 - Support to individuals to develop a range of natural supports, including Self-Advocacy to assist them towards independence and social inclusion.

Independent Mental Health Advocacy (IMHA)

- 6.6 Statutory IMHA cases concern people who are qualifying patients within the Mental Health Acts 1983 and 2007 and IMHA regulations 2008, either formally detained in hospital, or people on a Community Treatment Order, or under guardianship.
- 6.7 In some cases IMHA services can be provided to patients within hospitals who are not under legal detention within the Mental Health Acts, but who are in-patients receiving or

being considered for specific treatments and are requiring safeguards. These are known as non-statutory In-patient IMHA services.

6.8 Independent Mental Health Advocates (IMHAs) will help qualifying patients understand the legal provisions, rights and safeguards to which they are entitled under the Mental Health Acts. This help may include:

- Supporting patients in accessing information and better understanding what is happening to them;
- Supporting qualifying patients in exploring options, making better informed decisions and actively engaging with decisions that are being made;
- Supporting qualifying patients in articulating their own views;
- Speaking on the patient's behalf and representing them;
- Supporting patients in other ways to ensure they can participate in the decisions that are made about their care and treatment.

Public Health

	Name	Contact Information
Report Author	Emily Fernandez	emilyfernandez@warwickshire.gov.uk Tel: 01926 413774
Advocacy Services Commissioning Lead	Paula Mawson	paulamawson@warwickshire.gov.uk Tel: 01926 413713
Head of Service	John Linnane	johnlinnane@warwickshire.gov.uk Tel: 01926 413705
Strategic Director	Monica Fogarty	monicafogarty@warwickshire.gov.uk Tel: 01926 412514
Portfolio Holder for Health	Cllr Les Caborn	cllrcaborn@warwickshire.gov.uk Tel: 01926 413712
Portfolio Holder for Finance and Property	Cllr Alan Cockburn	cllrcockburn@warwickshire.gov.uk 01926 485120

