

**Decision Maker:** PORTFOLIO HOLDER FOR CARE SERVICES

**Date:** For Pre-Decision Scrutiny by the Care Services Policy Development and Scrutiny Committee on Tuesday 4<sup>th</sup> July 2017

**Decision Type:** Non-Urgent Executive Non-Key

**Title:** HEALTHWATCH GATEWAY REVIEW

**Contact Officer:** Sarah Wemborne, Commissioning Development Officer  
Tel: 020 8313 4548 E-mail: sarah.wemborne@bromley.gov.uk

**Chief Officer:** Ade Adetosoye, Executive Director: Education, Care and Health Services

**Ward:** Borough-wide

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1. Reason for report

- 1.1 This report sets out a proposal to engage in a procurement exercise for Healthwatch services in consideration of the current contract ending 31 March 2018 and in line with securing best value for this service.
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2. **RECOMMENDATION**

- 1.1. The Care Services PDS Committee is asked to note and comment on the content of this report prior to the Portfolio Holder for Care Services being requested to:
- i) Approve a procurement exercise to be carried out that will retender the statutory Healthwatch service securing a provider that delivers best value.

### Impact on Vulnerable Adults and Children

1. Summary of Impact: Healthwatch services collate and provide evidence-based intelligence relating to peoples' experiences, views and concerns around health and social care services including vulnerable adults and children.
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### Corporate Policy

1. Policy Status: Existing Policy: Existing Policy Context/Statements.
  2. BBB Priority: Supporting Independence
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### Financial

1. Cost of proposal: Estimated Cost: £85,650
  2. Ongoing costs: Recurring Cost: £85,650 per annum
  3. Budget head/performance centre: 758900 3817
  4. Total current budget for this head: £85,650 per annum
  5. Source of funding: Local Reform and Community Voices Grant
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### Personnel

1. Number of staff (current and additional): No Bromley Staff affected.
  2. If from existing staff resources, number of staff hours: No Bromley Staff affected.
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### Legal

1. Legal Requirement: Statutory Requirement: Health and Social Care Act
  2. Call-in: Applicable:
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### Procurement

1. Summary of Procurement Implications: See report.
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### Customer Impact

1. Estimated number of users/beneficiaries (current and projected): All Bromley residents
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### Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments: Not Applicable

### 3. COMMENTARY

#### Background

- 3.1 The Health and Social Care Act 2012 places the statutory requirement on Local Authorities to commission a local Healthwatch service that is independent of the Local Authority. Section 161 of the Health and Social Care Act 2012 establishes Healthwatch England as a statutory committee of the Care Quality Commission (CQC).
- 3.2 Legislation and associated guidance dictates that local Healthwatch organisations must be a legal entity and a social enterprise that is independent from the Local Authority and able to recruit its own staff and volunteers subject to the public sector equality duty under the Equality Act 2010 and Freedom of Information Act.
- 3.3 Section 182 of the Health and Social Care Act 2012 requires Local authorities to contract with a local Healthwatch organisation. Furthermore Sections 186 and 187 of the Act give Local Healthwatch organisations the rights to visit health and social care premises in the context of “Enter and View” visits that are carried out, please refer to para 3.7.
- 3.4 Section 194 of the Health and Social Care Act creates the statutory requirement of Health and Wellbeing boards which requires the membership of a representative the local Healthwatch organisation.
- 3.5 The Healthwatch service collates and provides evidence based intelligence relating to peoples experiences, views and concerns around health and social care services which influence the commissioning, policy, decision making, design and delivery of these services. Healthwatch provides Information, Advice and Guidance on local health and social care services, signposting individuals to information that helps them make informed decisions around the health and social care services that they access. The service works with the Health and Wellbeing Board and contributes to local documents such as the Joint Strategic Needs Assessment and Health and Wellbeing Strategy.
- 3.6 Local Healthwatch Functions are
- i) The promotion of local residents in the commissioning, development, assessment and policies of local health and social care services
  - ii) The monitoring of health and social care services through “Enter and View” visits; measuring their effectiveness
  - iii) The collation of service users views on health and social care services and their effectiveness
  - iv) The issuing of reports on local services to commissioners and providers making recommendations to improve services
  - v) Influencing commissioners of health and social care services so that commissioning plans meet the needs of service users engaged with
  - vi) The support of individuals through providing choice through signposting to services
  - vii) The reporting of concerns relating to the quality of local health and social care services to Healthwatch England, independent of the Local Authority. Healthwatch England will then in turn be able to report to the Care Quality Commission if they decide that action should be taken
- 3.7 Enter and View visits are carried out by Healthwatch within establishments that are commissioned by public funds. Enter and View visits are when an authorised representative from Healthwatch will enter into a chosen establishment that provides health and/or care services and speak to service users, their family and carers as well as staff to gain an understanding of the service. Volunteers are trained and used to carry out these visits for example to emergency

departments in hospitals. Feedback is provided to such establishments who in general respond positively to recommendation.

- 3.8 The impact of not providing Healthwatch services would leave service users without an independent body that champions their rights in relation to their use of health and social care. The delivery of a Healthwatch service in Bromley allows residents to have a voice to effect and challenge how health and social care services are provided. Moreover there would be no independent body to drive change and improvements within health and social care services. The Council would also be in breach of its statutory duties by not commissioning a local Healthwatch service.

### **Contract history**

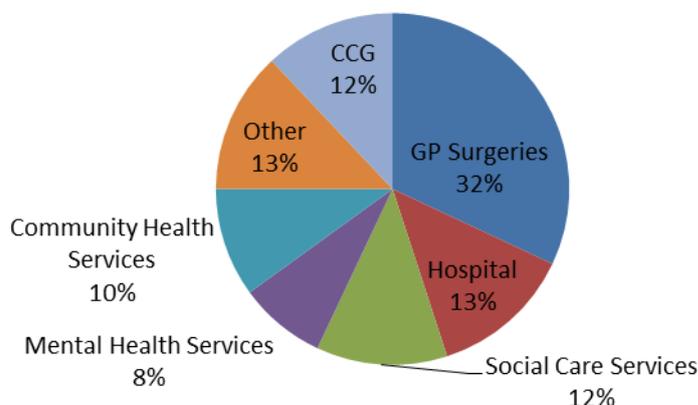
- 3.9 Community Links was initially awarded the contract, for a Healthwatch service in Bromley, following a competitive procurement exercise, commencing from the 1<sup>st</sup> April 2013 for 1 year plus the option of a 1 year extension. This extension was exercised. The contract was novated on 21 January 2015 to Healthwatch Bromley, a separate independent organisation which was set up by Community Links Bromley as a charity and company limited by guarantee. This set up enabled the organisation to access funding from additional funding streams while also recognising the Charity Commissions stance that statutory functions must be funded by statutory provision rather than from the charitable purse.
- 3.10 The contract value currently covers the cost of employing two members of staff and the organisations overheads (including the recruitment and training of volunteers). Volunteers have added to the value of this contract contributing 1,150 hours in 2016/17 equating to 165 working days.

## **4. SERVICE PROFILE / DATA ANALYSIS**

### **Information and Advice**

- 4.1 Healthwatch Bromley received 121 direct enquiries from the public in 2015-16 for varying reasons broken down into categories as follows:

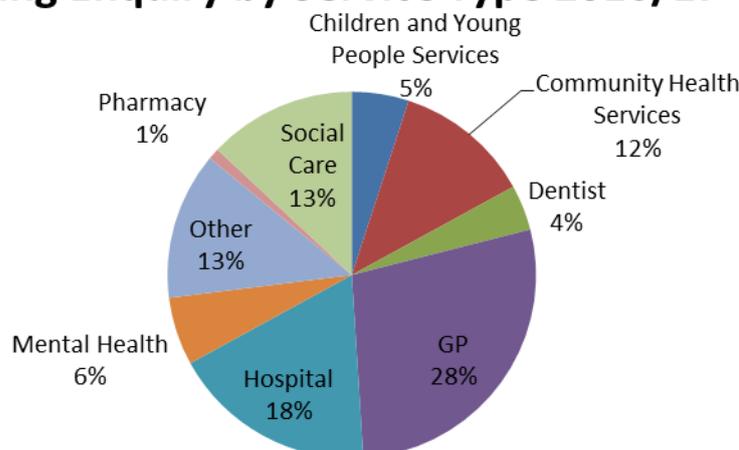
### **Signposting Enquiry by Service Type 2015/16**



- 4.2 All information gathered by Healthwatch is used to identify trends either in service areas or in relation to specific providers. This information around direct enquiries is regularly fed back to service providers, in addition to being used to shape our future work. We can see from the above data the type of Information and Advice that is required by local residents through Healthwatch.

- 4.3 In 2016/17 Healthwatch Bromley has engaged with a total of 2,867 local residents. Healthwatch Bromley has worked as a patient champion with 35 local services. 545 young people and young carers have had their voice heard. 74 enquiries requiring signposting have been managed broken down into categories as follows:

### Signposting Enquiry by Service Type 2016/17



## 5. CUSTOMER PROFILE

- 5.1 Healthwatch Bromley has carried out a number of community engagement, Enter and View and research projects in 2016/17 that aim to improve services for local residents. Priorities are determined by Bromley residents through Healthwatch engagement.
- 5.2 Research projects carried out by Healthwatch Bromley have included the Access to Services project: Health inequalities-Banking on a Meal. This involved engaging with individuals attending the “Living Well Project” where there were sometimes 100 people in attendance which consisted of a foodbank and various community services. The impact of the report that Healthwatch Bromley developed was that that Bromley Clinical Commissioning Group communicated with all Bromley GP’s their obligations to register homeless patients.
- 5.3 Other projects have included the Access to Services: Diabetes Review which engaged with 111 people. These local experiences were used to feed into the specification for the diabetes service provision.
- 5.4 A review of NHS Dental Practices was also executed, engaging with 294 local residents relating to their experiences of dental services. Key findings have been presented to key stakeholders and service providers.
- 5.5 Healthwatch Bromley conducted a review of Community Health Services for Children and Young people which engaged with 263 children and young people and their parents. The impact of this project was that Bromley Clinical Commissioning Group reported that the engagement offered insight that will support the procurement of Children’s community services.
- 5.6 A research project on the Sexual Health and relationships of Young People in the borough engaged with 395 Young people. Healthwatch Bromley made recommendations for sexual health services for under 25’s and presented these to key stakeholders and service providers.
- 5.7 Enter and View Visits that were carried out included 4 care homes in the borough as well as Green Parks House, Oxleas NHS Foundation Trust. Healthwatch Bromley has made

recommendations based on the visits and engagement with service users during these visits for the provider's action and consideration.

## **6. MARKET CONSIDERATIONS**

- 6.1 Healthwatch England does not specify any preferred form of delivering local Healthwatch services. Local Healthwatch services can be delivered via the following models:
- i) A hub and spoke model where functions of the local Healthwatch are embedded into existing organisations with a Healthwatch champion in place and operating through a core body
  - ii) Separate (an independent company operating under the local Healthwatch name / brand);
  - iii) Hosted (an independent company operating under the local Healthwatch name / brand); or
  - iv) Commissioned as a function within an existing organisation (a subsidiary of a larger organisation that licenses the use of the Healthwatch registered trademark from the Care Quality Commission, in line with section 45D of the Health and Social Care Act 2008, in order to indicate the carrying-on of local Healthwatch activities).
- 6.2 Barking and Dagenham Council is currently retendering for Healthwatch services. Their current Healthwatch provision is delivered through a hub and spoke model with Healthwatch acting as the core body or hub and a network of local organisations acting as spokes connecting with various local residents.
- 6.3 Tower Hamlets Council is also retendering for Healthwatch services. Their current Healthwatch provision is delivered through Urban Inclusion an organisation set up as a charitable company made up of 12 board members, most of which are local residents.
- 6.4 Cornwall commissioned their Healthwatch service through an organisation registered as a Community Interest Company built on existing networks and infrastructure as opposed to a competitive tender.
- 6.5 In light of the different ways in which Healthwatch services can be delivered, the Council would prefer the option similar to the current arrangements. This model and provision is currently working and successful in the delivery of its functions. Current arrangements are also in line with Section 183 of the Health and Social Care Act for the local Healthwatch organisation to be a social enterprise.

## **7. STAKEHOLDER CONSULTATION**

- 7.1 Provider engagement will be carried out as part of the commissioning process.

## **8. SUSTAINABILITY / IMPACT ASSESSMENTS**

- 8.1 The Council is under significant financial pressures and will ensure that services commissioned are sustainable and have a positive impact on the wider community as well as service users.

## **9. OUTLINE PROCUREMENT STRATEGY AND CONTRACTING PROPOSALS**

- 9.1 **Estimated Contract Value** – £85,650 per annum
- 9.2 **Other Associated Costs** – N/A
- 9.3 **Proposed Contract Period** – 2 years + 1 year extension

9.4. The Council will procure Healthwatch services through a public tender. There is the possibility of other organisations such as Healthwatch organisations from neighbouring Local Authorities bidding to deliver the services.

9.5 The Service will be expected to measure and demonstrate success against the following Outcomes

- i) Ensuring that people who use services are directly involved in Healthwatch Bromley governance
- ii) Demonstrate how local residents have influenced decision making, prioritisation and recommendations
- iii) Regularly reviews activities to ensure that its services are delivered as efficiently as possible
- iv) Ensures that a wide range of health and social care forums facilitate feedback from service users and the public
- v) Collaboratively work on the Joint Strategic Needs Assessment and Health and wellbeing strategy
- vi) Enable residents to monitor and review the quality of services feeding back to commissioners and providers
- vii) Enable residents to access relevant information about health and social care services to increase choice and awareness regarding health and social care services
- viii) Highlighting and sharing issues raised through engagement, intelligence and enter and view visits with commissioners
- ix) Making certain that residents consider Bromley Healthwatch as a recognisable and trustworthy organisation that champions peoples interests and rights
- x) Making certain that commissioners, boards and the Voluntary and Community Sector use Healthwatch Bromley as an effective and independent means of implementing and instructing change

9.6. The evaluation criteria will be split on 60% price and 40% quality. The tenders will be evaluated on the following criteria:

	<b>Question</b>	<b>% of Total Score</b>
	Price	60%
	Quality total	40%
	<b>Comprised of</b>	
1.	Financial Resources & Contract Affordability	10%
2.	Service outcomes	20%
3.	Service provision in Bromley	20%
4.	Resource management	20%
5.	Service development and accessibility	15%
6.	Innovation and adding value	15%

## 10. POLICY CONSIDERATIONS

10.1 The Health and Social Care Act 2012 places a statutory duty on the Council to commission Healthwatch services. The requirements of this service include that it informs the Health and Wellbeing board and its strategy.

## 11. COMMISSIONING AND PROCUREMENT CONSIDERATIONS

11.1 Please see Section 9 of the Outline Procurement Strategy and Contracting Proposals

## 12. FINANCIAL CONSIDERATIONS

12.1 The current budget for this contract is £85,650 in 2017/18.

12.2 The current contract value has reduced over the last three years as follows:-

2015/16£140,650

2016/17£113,150

2017/18£ 85,650

12.3 This recognised the efficiencies being made in the signposting function and focussing on core activities.

12.4 Any efficiencies that may arise will be used to offset any savings and efficiency targets in ECHS as part of the medium term financial strategy. There are no expected increases.

## 13. LEGAL CONSIDERATIONS

13.1 The service is a “light touch” services under Schedule 3 of the Public Contracts Regulations 2015 and as the contract value is below the relevant threshold does not need to be procured in full compliance with the Regulations. However the contract does need to be competitively tendered in compliance with the Council’s Contract Procedure Rule 8.2. The Council will also need to comply with requirements concerning below threshold contracts set out in Part 4, Chapter 8 of the Regulations.

<b>Non-Applicable Sections:</b>	Personnel
Background Documents: (Access via Contact Officer)	N/A