service

**Template agreement**

**This is an example governance framework that you can use between a host organisation and a local Healthwatch service to define respective roles and responsibilities. You should use this as a guide to develop your agreement locally which is particular to your locality. This is a guide/example only.**

Contracts to deliver the following local Healthwatch service have been commissioned by their respective Local Authority Commissioning Teams and are held by [Name of Host]:

* Healthwatch [xxx].
* Healthwatch [xxx].
* Healthwatch [xxx].

This document outlines the governance framework between each local Healthwatch service (local Healthwatch) and [Name of Host]; it is for guidance and does not represent a legal contract.

As contract holder, [Name of Host] has corporate legal responsibility for delivering each local Healthwatch service contract and for achieving the Key Performance Indicators agreed upon with the local authority issuing the contract.

To support [Name of Host] in delivering the Healthwatch contract, each local Healthwatch has a local decision-making group consisting of volunteers and lay people, which has delegated decision-making authority to develop local priorities within their local authority areas. The local decision-making group do not have Trustee status and are sometimes referred to as ‘Advisory Board’ and ‘Steering Group’. For simplicity this document will use the name ‘Local decision-making group’.

The purpose of this document is to explain how each of the local Healthwatch local decision-making group will operate with the contract holder, [Name of Host], to help provide assurance that each local Healthwatch meets its obligations to act as an independent consumer champion for Health and Social Care services on behalf of the population it serves.

**Strategy**

[Name of Host] will sign the Trademark Licence Agreement with Healthwatch England, which outlines conditions to use the Healthwatch name and logo.

[Name of Host] delegates decision-making authority to the local decision-making group of each local Healthwatch in accordance with adopted Decision-Making policy. This empowers each local Healthwatch to set the strategic direction for their own local priorities.

Each Healthwatch service is responsible for undertaking the following:

* Production of an Annual Report, based on activity from April to March each year, in accordance with statutory guidance. Local Healthwatch will ensure the publication of the final Report in line with Healthwatch England guidance by 30 June.
* It is a statutory requirement to publish and comply with a Decision-Making Policy which meets the guidance provided by Healthwatch England.
* Holding local decision-making group meetings in public concerning their activities and updating progress with their work plan. The minutes of such meetings must be made publicly available.
* Sharing intelligence and insight with Healthwatch England following statutory guidance.
* Undertaking a self-assessment of the Quality Framework in line with the guidance provided by Healthwatch England, including periodic reviews. Where areas involve [Name of Host] responsibilities, they will be involved in the self-assessment.
* Public and media statements will be given by designated trained personnel only. Statements will be evidence-based, factual and aligned with work plan objectives.

**Code of conduct**

The Seven Principles of Public Life, also known as the Nolan Principles, will apply to all those working and volunteering for each local Healthwatch. To reflect this ethos, each local Healthwatch service will have adopted its own Code of Conduct policy in line with the guidance provided by Healthwatch England.

As part of the induction programme, volunteers will sign a Volunteering Agreement, and this includes members of the Local Decision-Making Group. The respective agreements outline what volunteers can expect from local Healthwatch and what local Healthwatch hope for from volunteers. Ultimately this agreement is with the host organisation.

Local decision-making group members will also be guided by specific code of conduct related to their role. This will define the boundaries of the role and what is expected in terms of behaviours.

**Data protection**

As the host organisation, [Name of Host] will provide the Data Protection Officer (DPO) role for each local Healthwatch service. The DPO will support each local Healthwatch in accordance with current guidance provided by the Information Commissioner's Office (ICO), including:

* Monitoring compliance with the UK GDPR and other data protection laws, data protection policies, awareness-raising, training, and audits.
* Providing advice and information on data protection obligations, considering Healthwatch England guidance.
* Monitoring of the Data Protection Impact Assessment process.
* Contact point for the ICO.

Each local Healthwatch will raise any issues and concerns with the DPO.

**Financial data**

[Name of Host] is the legal entity for each local Healthwatch, and the local Healthwatch must not enter into any contract without the agreement and involvement of [Name of Host]. Local Healthwatch are not legal entities and have no authority to enter contracts.

As contract holder, [Name of Host] has budget accountability. Each Lead Officer will have reviews where required individually with [Name of Host] Finance Team to ensure monitoring of expenditure to the projected budget.

[Name of Host] Finance Team will produce reports as required by each Local Authority Commissioning Team to support the contract review process.

Lead Officers will provide each local decision-making group with sufficient financial information throughout the year to enable the Advisory Board to understand what funding is available to them within the contract to spend on activities relating to their local Healthwatch service work plan.

Local Healthwatch will follow the procurement process outlined in [Name of Host] policies.

[Name of Host] has organisational responsibility to ensure audited accounts are filed in accordance with Charity Commission and/or Companies House guidelines.

**Health and Safety**

Each local Healthwatch will follow the policies and procedures provided by [Name of Host] regarding Health and Safety. [Name of Host] will provide training to local Healthwatch staff to promote awareness of individual and team responsibilities.

Each local Healthwatch will undertake Venue Checklists and Risk Assessments for their activities in line with [Name of Host] policy and procedure. Risk activity by each local Healthwatch will be agile and consider the need to reflect current circumstances at the time of their creation, for example, the need to undertake specific COVID-19-related risk assessments and venue checklists, as guided by [Name of Host].

[Name of Host] will maintain an organisational Risk Register, the contents of which will be shared with Healthwatch local decision-making group where there is an identified risk which impacts the activity of the local Healthwatch or upon request.

[Name of Host] will maintain a Business Continuity Plan (BCP) for the entire organisation. Each local Healthwatch Lead Officer is responsible for developing their local plan, based on the [Name of Host] template, to reflect local needs and ensure that any information relating to their business area is kept up to date. Lead Officers will have a copy of the BCP pertaining to their area.

**Human resources**

Each local Healthwatch will follow the policies and procedures provided by [Name of Host] for staff management. All payroll activity will be undertaken by [Name of Host], and staff members in each local Healthwatch will provide the necessary information to enable this activity.

Staff appraisals and supervisions will be undertaken or delegated by the Lead Officer in accordance with [Name of Host] procedures. The line management of each Lead Officer will be conducted by [Specified person within Name of Host]. Training and development will be overseen within [Name of Host] supervision and appraisal process, and any development opportunities offered by Healthwatch England will be included within that framework.

If the decision-making body has a formal Chair, the position will be appointed through a transparent recruitment process. In the event of any action required to remove the Chair, an investigation would be led by the CEO of [Name of Host] regarding the respective local decision-making body as appropriate, in accordance with [Name of Host] Procedure.

[Specified person within Name of Host] will undertake reviews with each Chair on a mutually agreed frequency. On the same basis, the Lead Officer (and Chair, where agreed) will undertake reviews with each member of the decision-making body.

Each local decision-making body have guidance for recruiting members including the Chair if applicable. Any changes to these should be reviewed on a maximum three yearly basis and must be agreed with [Name of Host].

Volunteer reviews will be undertaken by a team member designated by each Lead Officer. All volunteer positions, including local decision-making group members, are subject to [Name of Host] Volunteer Management Procedures should any action be required to remove volunteers from their posts.

**Operational Governance**

Each local Healthwatch decision making body should be guided by a Terms of Reference for the operational running. The bullet points below are guidance for what this could include.

**Who can be a member of the local decision-making body:**

Members should live or work in the Local Authority area covered by each local Healthwatch. Members should reflect the diversity of each local Healthwatch community, and the skills required to deliver its work plan shall be sought.

* **How many:** A minimum of three members, maximum 10, with the minimum three being quorate subject to the Chair or Vice Chair being present if applicable.
* **How long:** Members, including the Chair and Vice Chair positions, shall serve a term of three years from the date of joining. Members shall serve at most three consecutive three-year terms. Members shall serve staggered terms to balance continuity with a new perspective.
* **Attendance:** Should any member miss more than two consecutive meetings, the Chair will review their membership (should this relate to the Chair, the CEO of [Name of Host] will undertake the review).
* **The number of local decision-making meetings:** The number of meetings shall be at least 6 per year, with at least one development session per year in addition to the agreed schedule of meetings.
* **Where:** Meetings will be held in accessible venues within the local authority area served by each local Healthwatch. Where face-to-face meetings are not possible, virtual meetings will be held via the relevant video technology such as Zoom.
* **Agenda:** The agenda and supporting papers will be emailed to each member at least five days before the meeting. Paper copies will be supplied upon request.
* **Meetings in public:** Meetings should be open to the public. Where there are confidential matters on the agenda, part of the meeting may be closed to the public to protect that confidentiality. The notice and time of the meetings will be published at least three days in advance on the local Healthwatch website and at the venue where appropriate. A copy of the agenda and supporting papers can be provided to attendees where confidentiality allows. Each local Healthwatch will have a process outlining the protocols, such as how questions can be asked at meetings held in public.
* **Decision making:** Decisions must follow the statutory guidance provided by Healthwatch England and noted in the minutes, which must be published on each local Healthwatch website.
* **Vice Chair:** The position of Vice Chair will be sought from existing members with an agreed internal process for appointment.
* **Voting:** Where it is necessary for votes to be cast, then any decision will be based upon a majority vote. In the event of a tied vote, the Chair will have the casting vote.
* **Conflicts of interest:** A register of interests of all members is maintained and publicly available on the Healthwatch website. Declaration of interests will be made at the start of every meeting.
* **Resignation:** A member may resign at any time by filing a written resignation with the Chair.

**Policies and procedures**

To reflect the independent nature of Healthwatch, each local Healthwatch should adhere to a set of governing documents in line with Healthwatch England guidance for the following:

* + Code of conduct.
  + Complaints.
  + Conflict of interest.
  + Decision-making.
  + Volunteering.

Local Healthwatch will follow [Name of Host] policies for all areas unless a mutual agreement is reached and agreed with [Name of Host]. These policies and procedures must meet the needs and regulations of what a Healthwatch must do.

**Volunteers**

Healthwatch England has provided a suite of resources to support the volunteering function within local Healthwatch. [Name of Host] will support compatibility between the volunteering pack (including Agreement, Expenses Policy, Guide, Handbook, Policy, and Role Descriptions) provided by Healthwatch England and [Name of Host] volunteering policy and procedures.

Local Healthwatch will follow [Name of Host] policies and procedures for managing volunteers (Local Decision-Making Group members are included within the volunteer category), which encompass recruitment through to leaving the organisation, including all steps in between, such as induction, training, behaviour management and recognition.

In accordance with the Trademark Licence, all volunteering documentation will be appropriately branded to reflect the status of each local Healthwatch to ensure clarity around the independent nature of Healthwatch. Declarations of interest will be completed by volunteers where appropriate.

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| **Approved by HWX Local Decision-Making Group** | |
| **Date** |  |
| **Review date** |  |
| **Approved by Chief Executive Officer, Host** | |
| **Date** |  |
| **Review date** |  |