**Commissioning an effective local Healthwatch**

**Healthwatch England regional manager feedback form**

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| **Date** |  | **Regional manager** |  |
| **Local authority** |  |
| **Aspect of Healthwatch provision** | **Checklist**  | **Included?** | **Comments / suggested amends** |
| **Set up** |  |  |
| Contracting with a social enterprise | Service specification should set out the requirement for the local authority to contract with a social enterprise.This will be set out in governing documents (memorandum and articles; constitution). Most Healthwatch providers are companies limited by guarantee with charitable status, community interest companies or charitable incorporated organisations.Requirement for provider to state legal entity on Healthwatch website (e.g. company name, number and registered address). |  |  |
| Provision of s 221 statutory activities | Set out full list of s 221 statutory activities in service specification. Link to outcomes. Should include the requirement to provide Healthwatch England with the intelligence and insight we need to perform effectively.  |  |  |
| Healthwatch England issues a trademark licence to Healthwatch provider | Provider must meet and operate under terms of trademark licence.  |  |  |
| Sub-contracting of Healthwatch functions and ensure that sub-contractors operate under the Healthwatch England trademark licence and terms | See above. |  |  |
| **Public function requirements** |  |  |
| GDPR obligations, including appointment of a data protection officer. Provider to register with ICO and notify about Healthwatch functions  | We recommend stating in the service specification who will be the data controller for the Healthwatch contract.  |  |  |
| Freedom of Information Act | Service specification should confirm that Healthwatch themselves can be subject to FOI requests and they need to meet obligations for the Information Commissioner’s Office publication scheme in relation to their statutory activities.  |  |  |
| Public sector equality duty | Service specification should confirm that Healthwatch has a duty under the Equality Act 2010 and the State’s obligations under the Human Rights Act 1998.[[1]](#footnote-2) Service specification should also set out how Healthwatch will meet their public duties under the Equality Act and how they will be effective at reaching and working with protected characteristic groups and other seldom heard sections of their community. |   |  |
| Operate to Nolan principles | Service specification should stipulate this.  |  |  |
| Operate in compliance with all legislation and regulations | Refer potential providers to Healthwatch England’s [A Guide to Running a Healthwatch](https://network.healthwatch.co.uk/guidance/2020-02-12/guide-running-healthwatch). |  |  |
| **Transparency: decision-making** |  |  |
| Healthwatch publishes its decision-making policy for making relevant decisions | Service specification should stipulate the publication of a decision-making policy on website and adherence to Guide to Running a Healthwatch in respect of:* Involvement of lay people and volunteers
* Holding meetings in public
* Spending
* Priorities and process for arriving at them

Service specification should also set out the requirement for Healthwatch to:* Publish minutes of meetings on its website
* Report any breaches in decision-making procedures to the local authority
* Provide transparency on income and expenditure under the Healthwatch brand
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| **Enter and View** |  |  |
| Discretionary power of entry with certain requirements  | Service specification should **not** stipulate requirements to deliver Enter and View. This is because Enter and View is a method for gathering information rather than a statutory Healthwatch activity. Healthwatch should use their decision-making process to determine whether they deploy their Enter and View powers. Service specification should stipulate that the provider will adhere to legal requirements on Enter and View and follows Healthwatch England guidance. |  |  |
| **Policies** |  |  |
| Conflict of interest | Service specification should set out the requirement for Healthwatch to have a policy and maintain a register on its website.  |  |  |
| Other key policies which should be in place | Safeguarding, confidentiality and data protection and security. Cyber security (websites, emails etc.) |  |  |
| **Other considerations** |  |  |
| Shared values  | Service specification should ask for the Healthwatch shared values to be embraced, published and acted upon. The shared values are:Equity, collaboration, independence, truth and impact.[Our shared values](https://network.healthwatch.co.uk/values) |  |  |
| Independence of voice and action. This is core to Healthwatch in terms of their decision-making, representing views and making reports and recommendations to health and care providers  | Consider whether terms set out in the service specification could prevent Healthwatch acting independently. |  |  |
| Independent Health Complaints Advocacy  | Service specification should make clear that Healthwatch and IHCA are separate services and that provision of IHCA alongside Healthwatch should not infringe Healthwatch England brand guidance. There should also be clarity about funding for Healthwatch and IHCA to enable providers to meet the requirement to report on finance in their Healthwatch annual report. |  |  |
| Transition arrangements | Service specification facilitates an effective transition between providers by setting out requirements on the provider at the beginning and the end of a contract. See details in our guide [When a Healthwatch changes provider](https://network.healthwatch.co.uk/guidance/2020-05-04/what-to-do-when-healthwatch-changes-provider). |  |  |
| **Quality assurance**  |
| Quality Framework | Service specification incorporates references to the use of the Healthwatch England Quality Framework as a self-assessment tool.  |  |  |
| **Measuring impact**  |
| Key performance indicators  | Service specification should describe a set of outcomes focussed key performance indicators which will be used to monitor the performance of the contract and place a requirement on Healthwatch to report on their outcomes and impact (also to people who have participated in their activity). |  |  |
| **Collaboration**  |
| Partnership between local Healthwatch and other system actors  | The service specification should incorporate a reference to the need for local Healthwatch to work together at a system wide level e.g. within an ICS footprint. The service specification should incorporate a reference to the need to collaborate with VCSE and other PPI groups in the local areas.  |  |  |
| Data sharing | Service specification should stipulate that the Healthwatch provider will make provision to be able to incorporate HWE’s data taxonomy and share its data with HWE under data sharing agreement. |  |   |
| **Equality, Diversity and Inclusion**  |
| Monitoring and accountability for EDI | Service specification should incorporate a requirement to gather and report on the demographic characteristics of board, staff, volunteers and people who local Healthwatch engage during their activities. Service specification should incorporate a requirement to carry out equality impact assessments during planning of significant activity and for governance oversight of mitigating action.  |  |  |

1. [Section 149 Equality Act 2000;](http://www.legislation.gov.uk/ukpga/2010/15/section/149) [Section 6 Human Rights Act 1998](http://www.legislation.gov.uk/ukpga/1998/42/section/6)  [↑](#footnote-ref-2)