

Memorandum of Understanding between
Healthwatch Bracknell Forest
and
the Bracknell and Ascot Clinical Commissioning Group

Version Control

- 1 Authors draft
- 2 CCG amended draft
- 3 HWBF amended draft
4. HWBF(BFC KN-Comments) amended draft
5. CCG/HWBF amended final

Version	Detail	Date	Author
1.0	Created	22/08/13	Kieth Naylor, BFC
2.0	Amended	30/08/13	Mary Purnell, BACCG
3.0	Amended	02/09/13	Chris Taylor, HWBF
4.0	Amended	05/09/13	Chris Taylor, HWBF
5.0	Typo's Amended	10/09/13	C. Gradowski (CCG) Chris Taylor, HWBF

1. Purpose of this Document

- 1.1 This memorandum of understanding document (“Protocol”) sets out the respective commitments between Healthwatch Bracknell Forest (“HWBF”) and the Bracknell and Ascot Clinical Commissioning Group (“CCG”)
- 1.2 The aim of this Protocol is to support both bodies to operate effectively, be clear about their respective functions, inter-relationships and roles and responsibilities and set out how aims, objectives, principles and values can be aligned to delivery a shared and joint ambition for improving health outcomes and reducing health inequalities for local people in Bracknell Forest (“local people”)
- 1.3 This Protocol does not set out the responsibilities of either body in relation to their roles and responsibilities on the Bracknell Forest Health and Wellbeing Board (“the Board”) which are set out in the working arrangements for Board

2. Scope and Extent

- 2.1 Unless where stipulated as a statutory requirement, agreement of this Protocol is not intended to be a binding contract and is intended to show commitment to the respective aims of each partner body in accordance with the aims, objectives and principles as described below.

3. CCG

- 3.1 The purpose of the CCG is to: commission local outcome based, cost-effective services for the health benefit of our population now and in the future
- 3.2 It does this by:
 - 3.2.1 developing integrated solutions
 - 3.2.2 pooling resources to deliver them
- 3.3 This must be directed by:
 - 3.3.1 the joint strategic needs assessment (JSNA)
 - 3.3.2 the joint health and wellbeing strategy (JHWS)
 - 3.3.3 the CCG Commissioning Plan
 - 3.3.4 the use of Section 75 agreements and other mechanisms to pool resources can be maximised to deliver the priorities identified in the points above

4. HWBF

- 4.1 HWBF is the independent consumer champion for patients, carers and all people using or intending to use health and social care services. It is relevant to people of all ages, from birth to old age.
- 4.2 It is created by the Health and Social Care Act 2012 (“the Act”) and is commissioned in line with an agreed specification set out by Bracknell Forest Borough Council and must first and foremost deliver its statutory functions and contractual obligations
- 4.3 HWBF is to be the respected, authoritative, influential, credible, visible representative and champion of the public and patient voice for health and social care. As such, the Service can be divided into three core functions:
 - a. Signposting and information provision - Providing advice and information (signposting) about services and support for making informed choices
 - b. Evidence and insight - Improving services by gathering views and making them known
 - c. Community engagement - Strengthening the collective voice of local people
- 4.4 HWBF supports “local people” as defined in the Act as:
 - a. People who live in the local authority area
 - b. People to whom care services are being provided or may be provided in the local authority area
 - c. People from the local authority area to whom care services are being provided in any place (out of area placements)
- 4.5 As an independent organisation under a statutory obligation to operate as a social enterprise, HWBF may commission or contract or be commissioned or contracted to work with organisations that support its charitable or organisational objectives.

5. The relationship between HWBF and the CCG

- 5.1 HWBF and the CCG are distinct and separate executive bodies
- 5.2 HWBF and the CCG also have distinct and complementary roles in improving health outcomes and reducing health inequalities for the population of Bracknell Forest which are prescribed in the Health and Social Care Act 2012 (“the Act”)

6. Principles of working together

- 6.1 HWBF and the CCG are joint and equal partners with Bracknell Forest Borough Council and the Health and Wellbeing Board respective roles and responsibilities are set out in other documents.
- 6.2 However, in all instances and as a matter of principle, HWBF and the CCG will work together to develop the health and social care economy under a legal Duty to Integrate by:
 - 6.2.1 identifying, creating and enhancing relationships between existing or new partners, agencies and providers of services so that they may work in a joined up and integrated manner
 - 6.2.2 ensuring effective multi-agency and multi-sector contribution to identifying local needs, priorities and resources to deliver solutions
 - 6.2.3 addressing gaps in skills, knowledge and experience and develop common and shared understanding of priorities and issues relating to respective partner agencies in order to bring about effective and respectful communication
 - 6.2.4 identifying and maximising the use of any function, service or asset that may have an impact on health outcomes
 - 6.2.5 accessing and exchanging data, information and intelligence in compliance with relevant legislation and advising upon the respective functions of each body upon request
 - 6.2.6 focussing on early intervention and prevention within an overall understanding of a life-course approach to provision
 - 6.2.7 ensuring the voice of patients and the public are heard in health and social care commissioning
 - 6.2.8 wherever possible seek resolution of issues with each other before escalating outside respective bodies

7. Legal Responsibilities of HWBF to the CCG

- 7.1 For the purposes of undertaking its statutory functions and achieving the overarching objectives set out in 4.3 above, under Statutory Instrument 2012:3094, “The NHS Bodies and Local Authorities (Partnership Arrangements, Care Trusts, Public Health and Local Healthwatch) Regulations 2012” (“the 2012 regulations”), HWBF can, in accordance with its published policies, position statements or procedures:
- 7.1.1 Request information from the CCG
 - 7.1.2 Undertake Enter and View activities by Authorised Representatives of the premises owned or controlled or commissioned or contracted by the CCG
 - 7.1.3 Refer a report or recommendation to the CCG for services owned or controlled or commissioned or contracted by the CCG
 - 7.1.4 Refer matters relating to the CCG or services owned or controlled or commissioned or contracted by the CCG to the Health Overview and Scrutiny function of Bracknell Forest Borough Council
 - 7.1.5 Refer matters relating to the CCG or services owned or controlled or commissioned or contracted by the CCG to other relevant bodies such as Healthwatch England and the Care Quality Commission for the purpose of aggregating data and information to inform policy, procedure, regulation, monitoring, audit, etc.
 - 7.1.6 Will review the CCG Commissioning Plan in accordance with, and other documents as specified in the Board Terms of Reference and Working Arrangements to assess alignment with the Joint Health and Wellbeing Strategy in the spirit of, Section 26 of the Act
 - 7.1.7 Engage as necessary with the Board or the CCG to review the Quality Accounts of the following health organisations:
 - a. Heatherwood and Wexham Park Hospitals NHS FT
 - b. Royal Berkshire NHS FT
 - c. Berkshire Healthcare NHS FT
 - d. West London mental health NHS FT
 - e. Frimley Park Hospital NHS FT
 - f. South Central Ambulance Services NHS FT
 - g. Other providers as may be appropriate and agreed by both parties

8. Legal Responsibility of the CCG to HWBF

8.1 The CCG shall:

- 8.1.1 use knowledge of best practice and capability to create a culture, infrastructure and processes to ensure that patients, carers and communities – including marginalised groups – are involved as key partners throughout the commissioning process. This includes using patient feedback to shape services
- 8.1.2 act as broker with NHS England for services commissioned by NHS England in Bracknell Forest or for the benefit of local people
- 8.1.3 respond to requests for information, reports and recommendations and other responsibilities as set out in 7 above within statutory timescales, where applicable, and which will be clearly stated.

9. Local Agreement as to the Responsibilities of HWBF to the CCG

9.1 In consideration of 4.3 above, HWBF and the CCG had agreed at a meeting on 14 June 2013 to:

- 9.1.1 share communications and engagement strategies to allow for comment
- 9.1.2 consider alignment of communications and engagement activity where there is common interest and potential to do so
- 9.1.3 share and maintain up-to-date contact information on communications and engagement contacts and leads
- 9.1.4 determine and agree the information that the CCG should give to HWBF for provision to the public to fulfil its advice and signposting responsibilities
- 9.1.5 determine the information that HWBF should give to the CCG for provision to the public
- 9.1.6 for the purposes of the 9.1.4 and 9.1.5 above, information includes messages or media in hard and soft copy on such things as health promotion or improvement programmes, meeting schedules, contact information, policies and procedures and such other things as agreed related to the functions of HWBF and the CCG
- 9.1.7 against policies set down by Healthwatch England consider, agree or deny requests from the CCG for evidence and reports from the Healthwatch England Hub relating to functions of the CCG
- 9.1.8 HWBF and the CCG will consider, discuss, agree or refuse with reasons, the use of respective media channels for the promotion of promotional messages or campaigns
- 9.1.9 CCG will determine if and how HWBF can bid for innovation funding and will provide support to applications where there is joint agreement

9.1.10 Work with the CCG to establish protocols as to how HWBF will work with Patient Reference Groups in the Bracknell Forest Council area

10. Legal responsibilities to each other

- 10.1 As equal and joint members of the Board, either may request information from the other in accordance with the provisions of section 199 of the Act
- 10.2 Each will comply with information requests issued by the other
- 10.3 Each will work equally and jointly to:
 - a. Produce a joint strategic needs assessment (JSNA)
 - b. Produce a joint health and wellbeing strategy (JHWS)
 - c. Identify how the use of Section 75 agreements and other mechanisms to pool resources can be maximised to deliver the priorities identified in the points above
 - d. Secure the necessary information for the delivery of (a), (b) and (c) above
- 10.4 will establish, oversee, monitor the work of any strategic sub-groups for which they are responsible as agreed by the CCG
- 10.5 will participate in any strategic sub-groups to which they are nominated by the CCG
- 10.6 Each will consider the support that can be offered to the other for the delivery of respective functions and objectives and will agree commissioning arrangements, including contracting, costs and other payments subject to capacity and resources and requirements of 4.2 above

11. Evaluation and review

11.1 HWBF and the CCG will review the terms and implementation of this Protocol as necessary but no later than the 12 month anniversary of the agreement of this Protocol

For the HWBF

For the CCG

Signature _____

Signature _____

Position _____

Position _____

Date _____

Date _____