

Healthwatch Blackburn with Darwen

Constitution

Founding Principles: All participating in Healthwatch BwD activity shall do so based on the principles of Transparency, Independence, Engagement, Accountability, Accuracy, Respect, Fairness, Inclusivity, Honesty and shall ensure that any possible conflict of interest will be openly declared.

Remit of the Healthwatch BwD: To contribute to the improvement and shaping of Health and Social Care Services provided for the people of Blackburn with Darwen.

Way of Working

1. Decision Making

- a) A Healthwatch BwD Steering Group shall be appointed from a Public Meeting of the Healthwatch BwD with nominations submitted 10 working days before the meeting date. Any interests that might impact on decision making or reflect a conflict of interest must be declared with the nominations.
- b) Any resident of Blackburn with Darwen or representative of a community or voluntary group serving the area and participating in a Healthwatch BwD Public Meeting shall have full voting and participation rights at that meeting.
- c) The Steering Group shall be comprised of a maximum of 13 people and be representative of Blackburn with Darwen in terms of third sector organisations and individuals and shall be appointed for not less than one year. A non-voting place on the Steering Group shall be reserved for a representative of the Health Overview and Scrutiny Committee.
- d) The names of all Steering Group representatives and those authorised to act on behalf of the Healthwatch BwD shall be published.
- e) Any person resident in BwD or representing a third sector organisation serving BwD can be nominated or self nominated for election to the Steering Group.
- f) The Healthwatch BwD Steering Group shall have a Chair and Vice Chair directly elected from a Public Meeting and be appointed for at least one year.
- g) Nominations,(including self nomination) for Chair and Vice Chair positions should be submitted 10 working days before the meeting date. Any interests that might impact on decision making or reflect a conflict of interest must be declared with nominations.

- h) Further Steering Group positions might be included as and when the Steering Group decides. Such decisions must be agreed at a Healthwatch BwD Public Meeting with new positions open to nomination and election in the same way as Chair and Vice Chair.
- i) The Chair shall be responsible for facilitating the Healthwatch BwD Steering Group and Public Meetings and signing the Healthwatch BwD Annual Report. In absence of the Chair the Vice Chair shall be responsible for facilitating the Healthwatch BwD Steering Group meeting and Public Meetings.
- j) Decisions of the Steering Group shall be on a majority voting basis and subject to each meeting being quorate with a minimum of 40% of membership present and in the event of a split decision the Chair shall hold the deciding vote.
- k) All authorised Healthwatch BwD meetings shall have an agenda and any supporting papers circulated by the Healthwatch BwD Office (Host) at least 7 working days prior to the meeting.
- l) Items for inclusion on a Healthwatch BwDs meeting agenda may be submitted by any member of the public through the Healthwatch BwD Office (Host) for consideration but this must be done 15 working days before any meeting and accompanied by any supporting documentation
- m) All notes and minutes of meetings of the Healthwatch BwD will be published by the Healthwatch BwD Office within 5 working days of the meeting.
- n) All meetings of the Steering Group shall either be Public Meetings or Meetings Held in Public and shall be publicised by the Healthwatch BwD Office at least 20 working days in advance
- o) The Healthwatch BwD shall have a range of Task groups which can be convened for a time limited period to work on specific activities. Task Groups may also include joint working with other Healthwatch BwDs if relevant to the Care issue under consideration. Task Groups do not have the authority to make decisions and will refer their recommendations and reports to the main Healthwatch BwD Steering Group as appropriate
- p) The Steering Group shall hold responsibility for constituting Healthwatch BwD Task Groups to achieve the Healthwatch BwD Work Plan. The membership and remit of all Task Groups shall be published.
- q) Any resident of BwD or representative of a Third sector organisation serving BwD can be an authorised member of a Healthwatch BwD Task Group. Anyone interested in acting within a Healthwatch BwD Task Group should provide their names to the Steering Group through the Healthwatch BwD Office.
- r) Issues to be included in the Healthwatch BwD Work Plan shall be based on accurate information and identified through Public Consultation, with special effort being given to reaching and involving individuals, groups and communities which have been “easy to ignore” in the past. The Healthwatch BwD will ensure that the decisions it makes are reflective of the priorities of the local community and will evidence that wide consultation has taken place.
- s) The Healthwatch BwD Work Plan shall be agreed through a Public Meeting

- t) Use of the Healthwatch BwD name, powers and resources in relation to a health or social care issue shall be based on first gaining agreement for that issue to be included in the Healthwatch BwDs Work Plan.
- u) The Steering Group shall be responsible for ensuring the Work Plan is fully implemented and monitored
- v) Referral of an issue to the Overview and Scrutiny Committee shall only be made on an issue that is part of the Healthwatch BwD Work Plan and shall be made through the Healthwatch BwD Steering Group and in accordance with the protocol agreed with the Overview and Scrutiny Committee.
- w) All decisions and procedures of the Healthwatch BwD, including any changes in such procedures, shall be published.
- x) Decisions on making a report or recommendation to a Service Provider or anyone else shall be made by the Steering Group.
- y) The Steering Group shall be responsible for ensuring the Healthwatch BwD Annual Report and Finance Report is produced and presented at an AGM then circulated to all Stakeholders (this includes Primary Care Trusts, NHS Trusts (Hospitals), Blackburn with Darwen Local Authority and the Strategic Health Authority).

2. Expenses and Finance

- a) The Steering Group shall monitor and authorise spending of the Healthwatch BwD budget on behalf of the Healthwatch BwD, to ensure cost effective implementation of the Work Plan.
- b) The Healthwatch BwD budget and finance reports shall be provided on a monthly basis to members of the Steering group and circulated to all on the Healthwatch BwD contact list held by the Healthwatch BwD Office
- c) Individual expenses shall be paid for authorised activity only and in accordance with best practice on payment of volunteer expenses so that costs should not be a barrier to participation.
- d) Travel is currently payable at 40p/mile when a car is used otherwise public transport rates apply unless special circumstances apply. Taxi use must be agreed and pre-booked via the Healthwatch BwD Office and used only where appropriate (e.g. when public transport is unavailable). Authorised attendance at a full day event relating to the Work Plan of the BwD Healthwatch BwD, where lunch is not provided, can claim subsistence allowance as follows: Lunch – up to £5.00 / Dinner – up to £10.00.
- e) Where authorised Healthwatch BwD representatives are using their own resources on authorised Healthwatch BwD business, a contribution of 70% towards replacement cartridges and other miscellaneous costs can be paid. These payments will need to be agreed in advance with the Steering Group and noted in minutes of the meeting.
- f) Responsibilities to care for a child or an adult can be a barrier to participation. Therefore, Carer and childcare costs can be reimbursed to ensure Carers can attend authorised meetings to carry out authorised activity on behalf of the Healthwatch BwD.

- g) Claims for expenses must be accompanied by relevant receipts and claimed on a monthly basis by using the appropriate expenses form. Forms can be requested from the Healthwatch BwD Office
- h) Requests for expenses not covered by this document should be made to the Steering Group.
- i) Authorised Healthwatch BwD representatives are expected to follow agreed financial procedures at all times. No changes to local financial procedures may be made without approval through a Healthwatch BwD Public Meeting.
- j) Authorised representatives are expected to ensure that they use funds and resources entrusted to them for the purpose intended and in a reasonable and responsible manner.
- k) Any authorised Healthwatch BwD representative aware of potentially corrupt or fraudulent activities by other representatives in relation to Healthwatch BwD business has a duty to report this to the Healthwatch BwD Office.
- l) Authorised Healthwatch BwD representatives who receive gifts and/or hospitality should not place themselves under an obligation that might influence or be perceived to influence their future decisions or conduct in relation to Healthwatch BwD activity

3. Enter and View

- a) Enter and Viewing of health and social care services on behalf of the Healthwatch BwD shall be carried out only by authorised and CRB checked representatives of the Healthwatch BwD.
- b) The Steering Group shall approve and authorise individuals to represent the Healthwatch BwD for the purpose of Enter and Viewing Health and Social Care provider services in accordance with Guidance published by the NHS Centre for Excellence.
- c) All Healthwatch BwD representatives for Enter and View activities shall hold a current CRB check that is acceptable to the Healthwatch BwD as decided by the Steering Group following the endorsed practice of the CRB. The criminal record of a participant will be taken into account only when the conviction is relevant. Unless the nature of the work demands it, you will not be asked to disclose convictions that are ‘spent’ under the Rehabilitation of Offenders Act 1974. Having an ‘unspent’ conviction will not necessarily bar someone from being a participant. This will depend on the circumstances and background to the offence(s). Where a conviction has been disclosed in an individual’s application, a discussion will take place regarding the offence and its relevance to the participant.
- d) The Healthwatch BwD shall comply fully with the CRB code of practice and will not discriminate unfairly against any subject of a CRB disclosure on the basis of conviction or other information revealed.
- e) Anyone wanting to apply for a CRB check as a Healthwatch BwD representative should first be interviewed by a nominated member of the Steering Group to ensure they are fully aware of the application procedure and any implications for themselves.
- f) Authorised Healthwatch BwD representatives for the purpose of conducting an Enter and View visit shall carry Healthwatch BwDs authorisation clearly identifying them as an authorised and accredited Healthwatch BwD representative

- g) Entering and Viewing of health and social care providers on behalf of the Healthwatch BwD shall be as part of the Healthwatch BwD Work Plan.

4. Resolving Complaints and Disputes

- a) All persons undertaking Healthwatch BwDs activity shall abide by the Healthwatch BwDs Constitution while engaged on Healthwatch BwDs activity, including the Founding Principles. This Constitution should form the basis of any complaints against those engaged on authorised Healthwatch BwDs activity and the basis for resolving any disputes.
- b) All complaints about a person engaged on authorised Healthwatch BwD activity and in direct relation to that activity should be made in writing and shall at first be referred to the Steering Group to decide appropriate action informally, through communication, mediation and training as appropriate. If the matter is considered to be sufficiently serious that it might impact on the Healthwatch BwD Public Liability or for example, concerns financial irregularities in relation to the Healthwatch BwD this must be referred on to the Healthwatch BwD Office by the Steering Group.
- c) All complaints or disputes regarding the Healthwatch BwD Office (Host) should be made to the Steering Group in writing for consideration and investigation.
- d) The Steering Group will decide appropriate action in relation to a dispute or complaint made to them regarding the Healthwatch BwD Office performance and this might be through mediation, referral on to the Local Authority Officer responsible for contract monitoring or writing to the Carers Federation central office, depending on the nature, extent and seriousness of the complaint or if any dispute cannot be resolved internally.
- e) Any complainant shall receive a response to their complaint from either the Steering Group or Host, as appropriate, within 20 working days
- f) Any complaint regarding the performance of the Steering Group, including in relation to handling of CRB checks, should be made on the first instance to the Chair of the Steering Group who shall respond in writing within 20 working days. If the complainant is not satisfied with the response of the Chair then the complaint shall be referred to the Host who will respond within 20 working days.

5. Confidentiality

- a) Details in relation to complaints and disputes shall be treated with confidence by authorised Healthwatch BwD representatives dealing with these issues.
- b) Personal information that may be received by any authorised Healthwatch BwDs representative in the course of authorised activity on behalf of the Healthwatch BwD shall be treated with the highest standards of confidentiality and not passed to others
- c) The Data Protection Act shall govern all information dealt with by the Healthwatch BwD and representatives shall abide by this Act.
- d) The Healthwatch BwD shall comply with the CRB code regarding the secure storage, handling, use, retention & disposal of CRB disclosures and disclosure information and with its obligations under the Data Protection Act.

6. Communications and Training

- a) Comments and articles to the media on care issues shall only be made through the Steering Group in relation to authorised Healthwatch BwD activity. Any comment on care issues shall be accurate and factual, based on current knowledge and activity of the Healthwatch BwD and not simply a matter of personal opinion. All other comment shall not use the authority of the Healthwatch BwD name to gain publicity.
- b) Communications with NHS Trusts and other providers on care issues shall be through pathways agreed with each Trust and then as in 6a).
- c) Communications with other Healthwatch BwDs will be authorised by the Steering Group when in relation to achieving the Healthwatch BwD Work Plan or using the BwD Healthwatch BwD name
- d) Any representative of the Healthwatch BwD authorised to communicate with the media must have received media training.
- e) Anyone wanting to work on authorised Healthwatch BwD activity must be willing to participate in relevant training based on individual Training needs analysis conducted by the Healthwatch BwD Office.
- f) All necessary Training costs and related expenses shall be paid for through the Healthwatch BwD budget.

7. Changing the Healthwatch BwD Constitution

- a) This Constitution is open to review and change by a majority vote of the Steering Group followed by public consultation and agreement and final verification through vote at a Public Meeting.
- b) Any proposals to change the constitution from someone not a member of the Steering Group can be made in written submission to the Steering Group and then the process as in 7a) will be followed or:
- c) Proposed and voted on at a Public Meeting after which the process of open consultation and agreement shall be followed with no requirement for further final verification at a Public Meeting.