

# **Wiltshire Health and Adult Social Care (HASC) Select Committee and Wiltshire Involvement Network (WIN)**

## **Relationship and Referral Protocol**

*Please note: The 'Scrutiny Function' below is currently covered by the 'Health and Adult Social Care Select Committee'.*

1. The following are guidelines to govern the relationship between the scrutiny function at Wiltshire council (WC), and WIN, the local branch name for the Local Involvement Network (LINKs)
2. On a day-to-day basis it would be beneficial to all parties for there to be a relaxed and informal dialogue based on good relations and a common interest in the improvement of health and adult social care services in the County.
3. In terms of the Scrutiny function at WC, the first point of contact would be the Chair of the HASC Select Committee via a Senior Scrutiny Officer.
4. In terms of the LINK the first point of contact would be the Chair of WIN via HAP UK Ltd.

### Formal Dialogue

5. WIN and appropriate Scrutiny Councillors will meet together at least once per year for a discussion about the year ahead and to reflect on the previous year. This meeting will be hosted and administered alternatively between the Scrutiny function at WC and HAP UK Ltd. This meeting will also be used to consider the different work programmes for the forthcoming year.

### Work Programme Planning

6. At the meeting referred to above, work planning discussions will take place. Whilst the final decision over work items remain with each group such a dialogue could avoid duplication of effort. It could also ensure that the appropriate body undertakes work more suited to its skills. It is noted, however that some work items will be undertaken by both bodies such as consultation exercises. If appropriate, any evidence gathering on such issues could be undertaken in partnership although responses would come from each individual group.

### Referrals to Scrutiny from WIN

7. All referrals from WIN to Scrutiny shall be co-ordinated through the administration arrangements for WIN. Individual WIN members will not be able to make a referral without going through the central administration for WIN.

8. If WIN wishes to refer an item for the consideration of Scrutiny the following shall be provided:
  - a. A description of the item of work
  - b. Reasons why WIN thinks Scrutiny needs to consider the item of work
  - c. Why WIN thinks it more appropriate that Scrutiny considers the item of work rather than WIN considering it
  - d. Any evidence that WIN had already considered prior to the referral to Scrutiny
  - e. What other organisations WIN has approached for discussion on the item prior to the referral to Scrutiny.
9. WIN will receive an acknowledgement of the referral within 20 working days.
10. The HASC Select Committee, in discussion with other relevant Councillors and WIN, will then consider the referral and decide whether to undertake the piece of work. Should Scrutiny decide not to undertake the piece of work full reasons for this decision will be given to WIN. The decision will be final and as detailed in Statutory Instruction 528 all outcomes of WIN referrals to Scrutiny will be detailed in the WIN Annual Report.
11. Scrutiny will also list the details and outcomes of any referrals from WIN in its Annual Report.
12. WIN, under the Local Involvement Networks Regulations 2008, will also require to publish any decisions taken to refer a matter to Scrutiny at WC.

#### Referrals to WIN from Scrutiny

13. Although there is no statutory requirement for Scrutiny to be able to refer items of work to WIN a local practice of this being possible would be seen as good practice. A similar approach will be taken to that set out in paragraph 8 above.
14. Referrals from Scrutiny to WIN will also feature in both organisations Annual Reports.

#### Joint Working

15. Any joint working will be agreed on an issue basis and shall be informal in nature. Any recommendations shall come from each organisation independently.

#### Right of Entry and View

16. As detailed in the legislation framework for LINKs certain trained members will have the power of entry into some health and social care buildings. This is a power that Scrutiny does not have and as such it would be good practice for WIN to share the outcomes of such visits to Scrutiny. It will also be possible for Scrutiny to request WIN to undertake a visit on its behalf.

## Care Quality Commission (CQC) 0 Third Party Commentaries

17. The CQC are introducing a new mechanism for reporting 3<sup>rd</sup> party comments on Standards from 09/10. Previously, in order to best feed into this type of process WIN and Scrutiny responded separately, but liaised with one another to co-ordinate an appropriate response utilising the skills that the different functions have. It is expected that the principle of co-ordination outlined above will continue with the new system.

## Sharing of Information

18. Any Committee papers shall be shared between Scrutiny and WIN, including any Annual Reports produced.
19. WIN and the Scrutiny function will share between one another any reviews, recommendations and consultations response in relation to health or social care.

## Recommendations from WIN to Council

20. Recommendations from WIN to the Council need to be fed into the Council's executive function (i.e. relevant Cabinet Member and Service Director) and this process is not covered by this protocol. Recommendations from WIN to the Council should only be sent to Scrutiny for information although Scrutiny may wish to take the opportunity to comment.

## Review of the Protocol

21. The protocol will be reviewed on an annual basis and updated accordingly.

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Date: 9 September 2009

### Contact Details:

**WIN:** Phil Matthews, Chair. C/O HAP UK Limited, PO Box 3409, Melksham, SN12 7WS

**HASC Select Committee:** Mike Hewitt, Chair. C/O Democratic Services, Wiltshire Council. Trowbridge, BA14 6JN or

Caroline Pickford, Senior Scrutiny Officer, Wiltshire Council. (01225 713058)

[caroline.pickford@wiltshire.gov.uk](mailto:caroline.pickford@wiltshire.gov.uk)