**Healthwatch Telford and Wrekin**

**Decision Making Policy**

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| Index Ref | PP5 |
| Date Approved by Board | 26-March-2018 |
| Date of Staff Consultation | 15-March-2018 |
| Number of Pages |  |
| Number of Appendices | None |
| Issue Number | 2 |
| Date of First Issue |  |
| Date of Next Revision | 01 April 2019 |
| Date of Last Revision | 30 March 2018 |

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# Policy Background

Good decision-making processes that are clear, effective and transparent are essential to good governance, and are a requirement for a local Healthwatch when making ‘relevant decisions’. This policy will provide clarity of where and what decisions are taken within the scope of this policy, by whom and whose responsibility it is to action. This will include ensuring that key strategic decisions are evidence-based, transparent, lead to real outcomes, and are made in a consistent and fair way.

# Policy

Healthwatch Welford and Wrekin (HWT&W) will ensure that the way it makes relevant decisions and the outcome of any decisions made meet Healthwatch statutory functions and expectations, the expectations of good governance, and are made in the interests of the people of Telford and Wrekin. Adherence to this policy is essential to ensure that Healthwatch remains a trustworthy and credible organisation able to fulfill its purpose.

## Legal Framework

As a company limited by guarantee and a Local Healthwatch organisation, decision-making within Healthwatch Telford and Wrekin is governed by the following:

* The NHS Bodies and Local Authorities (Regulation 40, Partnership Arrangements, Care Trusts, Public Health and Local Healthwatch) Regulations 2012
* The Local Government and Public Involvement Act 2007, amended by the Health and Social Care Act 2012
* The 2006 Companies Act
* The 2012 Health and Social Care Act
* Healthwatch Telford and Wrekin Ltd Articles of Association

HWT&W shall act in accordance with the legislation – “Understanding the Legislation: An overview of the legal requirements for local Healthwatch’, August 2013”.

The policy and supporting procedures must include:

* Provision as to who may make ‘relevant decisions’
* Provision for involving ‘lay persons’ or volunteers in such decisions
* Provision for dealing with breaches of any procedure referred to in the two previous points, which should include circumstances in which a breach would be referred to the local authority commissioning the HW service.

## Scope

This policy applies to all HWT&W employees and volunteers, including the Board of HWT&W Ltd. The policy relates to any relevant decisions using resources, powers, or property (e.g. Logo) attached to the contract for HWT&W. For the purposes of this policy and in compliance with the legal framework, ‘relevant decisions’ include:

* How HWT&W undertakes activities – planning and agreeing the statutory activities work programme;
* Which health and care services are to be considered/covered for the activity and scope of the work programme;
* Committing resources (e.g. spending money, committing staff and volunteer time);
* Requesting information (e.g. from suppliers or Commissioners);
* Referring a report or recommendation to a service provider or commissioner of services;
* Selecting premises and service provider for HWT&W to undertake enter and view visits, and when those premises are to be visited;
* Whether to refer a matter directly to an overview and scrutiny committee;
* Whether to report a matter to another person or organisation;
* Decisions about subcontracting;

## Exclusions to this Policy

This policy applies to the making of “relevant-decisions” and does not apply to internal governance, business or administrative activity decisions, nor the office functions that may be required to carry out exploratory work, priority assessments and/or identifying resources, prior to making any of the relevant decisions.

# Responsibilities

Overall accountability for decision making in HWT&W resides with the Board of Directors. The Board’s role is:

* Setting and ensuring the delivery of the overall strategy;
* Stewardship and accountability for the delivery of the strategy;
* Governance and assurance.

Board directors are volunteers, except the Healthwatch Managing Director who is paid a stipend for staff management and operational management responsibilities. ‘Relevant decisions’ will be made at Board Meetings held in public. When it is necessary to decide at other times, the relevant decision(s) will be ratified at the subsequent Board meeting in Public.

HWT&W Board has delegated some responsibilities to committees of the Board (or a task group) to facilitate its effectiveness. Such committees are chaired by a Board member of HWT&W, and membership includes a combination of board directors and staff, and may include volunteers and external representation, depending on the business of the meeting and committee ‘Terms of Reference’. Committees established include: Finance and Income committee, and Enter and View committee. Committees enable the business of HWT&W to be taken forwards in an efficient and timely manner. The Board may delegate responsibility for making relevant decisions to a committee as documented in the Committee Terms of Reference or when specifically requested to do so by the Board. The Committee Terms of Reference clarifies the circumstances in which the committee may make relevant decisions on behalf of the Board, or refer them to the Board.

# Recording and Publishing Decisions

Relevant decisions made will be recorded in minutes or notes of the meeting at which the decision was made. Minutes of committee meetings are recorded including any relevant decisions made, and are made available to all Board members.

Decisions made or ratified at Board meetings held in public are recorded within the minutes, and published on the HWT&W website.

# Appeals Against Decisions

The Board of HWT&W will reconsider a decision when an issue, change of circumstances, or new evidence arises, which might prompt the Board to reach a different decision.

# Breach in Decision Making

There may also be times when an extraordinary and/or urgent event necessitates that this policy is knowingly breached because there is neither time to seek wider involvement in the decision, or the matter is too sensitive to do so.

Where for whatever the reason a decision is taken without Board approval, or if a decision is taken in the name of HWT&W without authorization in the manner set out in this policy and procedures, then the Board will determine what action is needed. This may be to approve the relevant decision retrospectively, or to reverse the decision. If the breach is considered to have compromised or breached the Contract between Healthwatch and the T&W Council, it will be reported to the Contract Commissioner and further action agreed.

# Decision - Making Procedures

All relevant decisions will be based on a thorough understanding of the following:

* Whether the decision is related to the role of HWT&W
* What problem, potential problem or need the decision will address
* What evidence there is to justify making the decision
* What the decision needs to accomplish (e.g. outcomes and impact)
* What are the risks in making the decision

Most of the relevant decisions approved by the Board will be applicable to the work of HWT&W, and will be discussed as part of the annual or periodic planning cycles, and when agreed included in the HWT&W workplan. These will include gathering evidence, research, priority setting, monitoring, and reporting outcomes. HWT&W will use a variety of approaches and mechanisms to involve members of the public to identify which health and social care issues, or areas of interest, to investigate.

## Breach of decision-making process

The following actions will be taken when a breach to the decision process is reported, or identified:

* Anyone identifying a potential breach must report this to the Managing Director of HWT&W, who will immediately notify the Board Chair.
* The Managing Director will review whether a breach has occurred and will report to the Chair in writing within 5 working days.
* If the breach is related to the Contract, then the Managing Director and Chair will notify the T&W Council commissioner.
* The Managing Director will prepare written report for the Board explaining the breach that occurred, the nature of the breach(es) and what decision(s) was/were affected; recommended actions may be provided for Board consideration.
* The Managing Director and Board will review remedial actions to prevent reoccurrence in the circumstances where the breach occurred.
* Any reversal or remedial action will be approved by the Board, and updated report subsequently published on the HWY&W website.