

Decision Making Policy & Procedure

1. Why have a Decision-Making Policy & Procedure?

As part of Healthwatch Luton's (hereafter HWL) approach to good governance it is essential that there are in place clear, effective, transparent decision-making processes. This policy will provide clarity of where and what decisions are taken, by whom and whose responsibility it is to action. This will include ensuring that key strategic decisions are evidenced based, transparent and lead to real outcomes. This policy is a statement of intent and will be implemented as a procedure.

2. What is the Legal Framework?

HWL is a company limited by guarantee and not having a share capital. In accordance with **The Companies Act 2006**, the Board of Directors are responsible for decision making as set out in the company's **Articles of Association**.

Regulation 40, The NHS Bodies and Local Authorities (Partnership Arrangements, Care Trusts, Public Health and Local Healthwatch) Regulations 2012 state that each local Healthwatch must have a procedure for making **relevant decisions**, specifically to include:

- Provision as to who may make decisions
- Provision for involving lay persons or volunteers (known as affiliates and active affiliates) in such decisions
- Provision for dealing with breaches of any procedure referred to in the previous two previous points which should include circumstances in which a breach would be referred to the Local Authority

3. What is the definition of relevant decisions?

Relevant decisions include:

- When to escalate issues to Healthwatch England and/or the Care Quality Commission and other regulators
- Which health and social care services HWL is looking at covering with its activities
- The resources HWL will commit to these activities whether financial or staff or volunteer time
- Whether to request information from commissioners and providers
- Whether to make a report or a recommendation to a service provider
- Which premises to Enter and View and when those premises are to be visited
- Whether to refer a matter to an overview and scrutiny committee
- Whether to report a matter concerning HWL's activities to another person
- Any decisions about subcontracting

Relevant decisions do NOT include day to day administrative activity or other internal office functions that may be required to carry out exploratory work, priority assessments and/or identifying resources prior to making any of the above decisions.

4. What is the procedure for making relevant decisions?

Relevant decisions will be made by the Board of Directors of HWL or by those to whom the Directors delegate decisions, in accordance with the company's Articles of Association.

The following processes will be used by HWL for involving members of the public in making relevant decisions:

- Board meetings in public
- Project Group /Workstreams

- Stakeholder and community engagement activities
- Focus groups
- Surveys, questionnaires and consultations

A relevant decision will be recorded in the minutes or notes of the meeting at which the decision was made and published on HWL's website. The note will reflect the reasons for the decision.

Most relevant decisions will be made at HWL Board meetings in public. When it is necessary to make a decision at other times, they will be ratified at the subsequent Board meeting in public. If for whatever reason a decision is taken without Board approval, the Board will determine what action is needed to approve the relevant decision retrospectively or to reverse the decision.

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

- Whether the decision is related to the role of HWL
- What problem, or potential problem, 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 decisions approved by the Board will be applicable to the work of HWL and will be discussed as part of the annual planning cycle and, when agreed, included in the work plan. This will include gathering evidence, research, priority setting, monitoring processes and reporting outcomes.

A key feature of this process is involving members of the public to identify which health and social care issues or areas of interest to

investigate. In order to do so HWL will use a basic scoring tool based on the following decision making principles in order to help prioritise its workload:

- How much evidence is available about the issue? (1 being limited evidence from limited sources, 4 being well researched with a range of evidence from a range of robust sources)
- Is the issue going to impact on lots of people? (1 being relatively little,

4

being community wide likely to affect large numbers)

- What is the impact on people and community groups who experience health inequalities and who feel their voice is seldom heard? (1 being relatively little, 4 likely to affect large numbers of those seldom heard)
- Does the issue help HWL to have a positive influence on health and social care services? (1 being unlikely to, 4 being highly likely to)
- Does the issue align with local strategies and needs assessments such as the Wellbeing Strategy? (1 being little alignment, and 4 being significant alignment)
- Is the issue already being dealt with effectively by someone else? (1 being dealt with satisfactorily by someone else, 4 not being dealt with at all)

5. What will happen if there is a breach in the relevant decision-making process?

There may 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. In this case the following action will be taken:

- As soon as anyone identifies a possible breach, they must report it to the CEO of HWL, who will immediately notify the Chair of the Board of Directors
- The CEO will review whether or not a breach has occurred and will report to the Chair in writing within 5 working days
- If appropriate to do so they will notify the commissioning officer at Luton Borough Council once the assessment is complete and the report has been submitted to the Chair
- The CEO will prepare a written report for the Board of Directors explaining:
 - If a breach of the decision-making process has occurred

- If so, the nature of the breach/breaches and what decision(s) was/were affected
- Any remedial action to prevent a reoccurrence in circumstances where a breach has occurred
- The Directors will approve a final report which will subsequently be published on HWL's website.

Policy created: March 2018

Amended: June 2022

Review date: May 2023