



Delegated Decisions by Cabinet Member for Adult Social Care

***Tuesday, 17 December 2013 at 9.00 am
County Hall, New Road, Oxford***

Items for Decision

The items for decision under individual Cabinet Members' delegated powers are listed overleaf, with indicative timings, and the related reports are attached. Decisions taken will become effective at the end of the working day on Friday 27 December 2013 unless called in by that date for review by the appropriate Scrutiny Committee.

Copies of the reports are circulated (by e-mail) to all members of the County Council.

These proceedings are open to the public

A handwritten signature in black ink that reads "Peter G. Clark." with a horizontal line underneath.

Peter G. Clark
County Solicitor

December 2013

Contact Officer: Julie Dean
Tel: (01865) 815322; E-Mail: julie.dean@oxfordshire.gov.uk

Note: Date of next meeting: 28 January 2014

If you have any special requirements (such as a large print version of these papers or special access facilities) please contact the officer named on the front page, but please give as much notice as possible before the meeting.

Items for Decision

1. Declarations of Interest

2. Question from County Councillors

Any county councillor may, by giving notice to the Proper Officer by 9 am two working days before the meeting, ask a question on any matter in respect of the Cabinet Member's delegated powers.

The number of questions which may be asked by any councillor at any one meeting is limited to two (or one question with notice and a supplementary question at the meeting) and the time for questions will be limited to 30 minutes in total. As with questions at Council, any questions which remain unanswered at the end of this item will receive a written response.

Questions submitted prior to the agenda being despatched are shown below and will be the subject of a response from the appropriate Cabinet Member or such other councillor or officer as is determined by the Cabinet Member, and shall not be the subject of further debate at this meeting. Questions received after the despatch of the agenda, but before the deadline, will be shown on the Schedule of Addenda circulated at the meeting, together with any written response which is available at that time.

3. Petitions and Public Address

4. Exempt Item

In the event that any Member or officer wishes to discuss the information set out in Annex 1 to Item 4, the Cabinet Member for Adult Social Care will be invited to resolve to exclude the public for the consideration of that Annex by passing a resolution in relation to that item in the following terms:

"that the public be excluded during the consideration of Annex 1 since it is likely that if they were present during that discussion there would be a disclosure of "exempt" information as described in Part I of Schedule 12A to the Local Government Act, 1972 and specified below the item in the Agenda".

NOTE: The report does not contain exempt information and is available to the public. The exempt information is contained in the confidential annex.

THE RELEVANT ANNEX TO THE ITEM NAMED HAS NOT BEEN MADE PUBLIC AND SHOULD BE REGARDED AS 'CONFIDENTIAL' BY MEMBERS AND OFFICERS ENTITLED TO RECEIVE IT.

5. Healthwatch Oxfordshire (Pages 1 - 6)

Forward Plan Ref: 2013/112

Contact: Alison Partridge, Public Engagement Manager Tel: (01865) 328548

Report by Director for Social & Community Services (**CMDASC4**).

The information contained in Annex 1 is exempt in that it falls within the following prescribed category:

5 - Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings

It is considered that in this case the public interest in maintaining the exemption outweighs the public interest in disclosing the information, in that such disclosure would be to the detriment of the Council's ability properly to carry out its duties as a public authority and would distort the proper process of negotiations between the authority with another party for the purposes described and would prejudice the position of the authority in those negotiations and other negotiations of a similar nature in future.

Under the Health and Social Care Act 2012, all (top tier) Local Authorities were responsible for commissioning a Local Healthwatch by April 2013. The new organisation was established to be the independent 'consumer champion' for people of all ages using health and social care services. It replaced the Local Involvement Network (LINKs), and has a number of extended and statutory functions, as well as a seat on the Health and Wellbeing Board.

The report sets out the current process of inviting individuals and organisations to bid to deliver Healthwatch Oxfordshire from April 2014 and following a shortlisting process and interview process on 12 December 2013 A preferred provider will be recommended for approval to the Cabinet Member for Adult Social care on 17 December 2013 (**Annex 2** to follow).

The Cabinet Member for Adult Social Care is RECOMMENDED to accept the preferred provider as recommended and presented by the Director of Social and Community Services for the award of the grant for Healthwatch, following the interviews on 12th December 2013.

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Division(s): NA

CABINET MEMBER FOR ADULT SOCIAL CARE – 17 DECEMBER 2013

Healthwatch Oxfordshire

Report by Director for Social & Community Services

Introduction

Background

1. Under the Health and Social Care Act 2012, all (top tier) Local Authorities are responsible for commissioning a Local Healthwatch by April 2013. Local Healthwatch is the new independent consumer champion for people of all ages using health and social care services. It replaces the Local Involvement Network (LINK) and has a number of extended and statutory functions. There is a seat for a member of Healthwatch Oxfordshire on the Health and Wellbeing Board.
2. Healthwatch England was launched on 1st October 2012. It is hosted by the Care Quality Commission, but has independent statutory powers to act outside of Government influence. It provides national co-ordination of local issues of concern and a strong policy influence at a national level.
3. Healthwatch Oxfordshire is responsible for:
 - ensuring people are provided with or signposted to, information and advice about health and social care services
 - making the views and experiences of local people known to Healthwatch England and making recommendations regarding special reviews or investigations into areas of concern
 - promoting and supporting the involvement of people in monitoring, commissioning and provision of local health and social care services
 - obtaining the views of people about their needs and experience of local health and social care services and making these known to commissioners, providers and scrutiny committees.
4. Local Authorities were additionally responsible for commissioning the NHS Complaints Advocacy service from April 2013. In Oxfordshire this was commissioned regionally for one year. It is currently being tendered as part of a strategic approach to the commissioning of statutory advocacy services.

Exempt Information

5. Legal implications have been considered – a summary of that assessment and received advice is in **Annex 1**.

The public should therefore be excluded during consideration of the Annex because their discussion in public would be likely to lead to the disclosure to members of the public present of information in the following categories prescribed by Part 1 of Schedule 12A to the Local Government Act 1972 (as amended):

paragraph 5 – Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

6. Since it is considered that, in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information, in that disclosure would be to the detriment of the Council's ability carry out its duties as a public authority.

Healthwatch Oxfordshire 2013/14

7. None of the bids to deliver Healthwatch Oxfordshire from April 2013 met the specified requirements, and a Contract Exemption was agreed in March 2013, allowing an interim arrangement to extend the existing contract with Oxfordshire Rural Community Council to deliver Healthwatch for 1 year to March 31st 2014, taking forward the contract they held for the Local Involvement Network.
8. The total funding for Healthwatch from central government for 3 years is approximately £385,000 per annum. This is not a ring-fenced budget. Approximately £320,000 was allocated to Oxfordshire Rural Community Council to deliver Healthwatch Oxfordshire in 2013/14.

Commissioning Healthwatch Oxfordshire 2014-16

9. Following the 'failed procurement' a Healthwatch Reference Group was established, chaired by the Director for Social & Community Services. It invited key people to support the second phase of commissioning of Healthwatch Oxfordshire, given the determined ambition to secure a strong, robust and independent Healthwatch for Oxfordshire. A model emerged from discussions, which emphasised core characteristics required for Healthwatch to succeed in Oxfordshire. These included high-calibre influential leadership, and a lean infrastructure which drew on the breadth and depth of existing providers and networks in Oxfordshire. It additionally recommended the use of a Grant-in-Aid process rather than a formal contractual one, in order to maximise flexibility and creativity.
10. We are currently in the process of inviting individuals and organisations to bid to deliver Healthwatch Oxfordshire from April 2014. A number of routes are being used to generate interest, including through the South East Business Portal, networks and key contacts identified through the Healthwatch Reference Group and through a specialist Charity Recruitment Agency.
11. Following a shortlisting process, interviews will be held on 12 December 2013. A preferred provider will be recommended following these interviews and reported

to the Cabinet Member for Adult Social Care on 17 December 2013 (**Annex 2** to follow).

RECOMMENDATION

12. The Cabinet Member for Adult Social Care is RECOMMENDED to accept the preferred provider as recommended and presented by the Director of Social and Community Services for the award of the grant for Healthwatch, following the interviews on 12 December 2013.

JOHN JACKSON,
Director for Social & Community Services

Contact Officer: Alison Partridge, Public Engagement Manager; Tel: 01865 323322
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December 2013

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By virtue of paragraph(s) 5 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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