

Local Healthwatch

Governance and involvement of councillors



Healthwatch is the new independent consumer champion for both health and social care. It will exist in two distinct forms – local Healthwatch (LHW), at local level, and Healthwatch England (HWE), at national level.

The aim of LHW will be to give citizens and communities a stronger voice to influence and challenge how health and social care services are provided within their locality.

This sheet provides a response to an increasingly common question about the involvement of councillors in the governance of LHW.

Question: Can serving councillors be either chairs or board members of local Healthwatch organisations?

The legislation covering LHW does not specifically disbar councillors from being involved in LHWOs although the Local Government and Public Involvement in Health Act 2007 (as amended by the Health and Social Care Act 2012, section 222(1) read with section 222(3) in relation to arrangements made under section 221(1)) does prevent local authorities from running LHWOs.

In addition to this, the NHS Bodies and Local Authorities (Partnership, Care Trusts, Public Health and Local Healthwatch) Regulations 2012 excludes political activity.

This is explained in 7.16 of the Explanatory Memorandum:

‘Local Healthwatch organisations will satisfy the community interest test if they might reasonably be considered to act for the benefit of the community in England. For this purpose, political activities will not be treated as being carried on for the benefit of the community unless they can be regarded as incidental to other activities carried on for the benefit of the community’.

These aspects of the legislation could present a number of actual or perceived conflicts of interest both for the individuals and the authority if councillors are part of the governance of LHWOs. Not only from the public, councillors from other parties may oppose the idea now or challenge their actions in the future.

Firstly the independence of Local Healthwatch (LHW) is already questioned by some because it is commissioned by the local authority. If it is led by a councillor then the perception of independence may be further compromised.

It may be helpful to think about how you would deal with a parallel situation such as the letting of a residential care contract to an organisation chaired by a currently serving councillor. There could be a perceived conflict of interest in the eyes of the community if not an actual one.

Secondly there is a potential difficulty in managing relationships and conflicts of interest for both the individual and the LHW in relation to both the Health and Wellbeing Board (HWB) and Overview and Scrutiny (OSC).

If, for example, the individual has a seat on the HWB in another capacity then there is an obvious problem and even if they have the LHW seat occupied by a colleague, LHW could be seen as having two votes at the table. In relation to OSC, LHW has the right to report to OSC and require reply. This again could be problematic either if the individual sits on the OSC or is seen as challenging their colleagues who are in that role.

Further down the line having elected members as part of the governance of LHW could potentially raise communications and public relations issues for both the LHW and local authority.

For this reason a number of local authorities co-creating their LHW have excluded elected members from the governance through the memorandum and articles of the new organisation.

As with all of this it is down to local determination and if it is an independent organisation then it ultimately decides who can and cannot be on its board. If local authorities are to have a say, then they can do this through the set up/commissioning process and thereafter through their contract monitoring arrangements.

Can serving councillors join LHW as a volunteer or lay member?

LHW is designed to be inclusive and representative of the community it serves so if a local councillor wishes to join LHW as a lay member or volunteer the legislation permits this. Indeed, through their role as community champions local councillors may be well placed to offer insight and expertise about how to influence local decision making. In turn, this could support the development of LHW into a credible local voice.

But the local councillors' role in relation to this, and the benefits that such a relationship could forge, should be clearly articulated in the LHWOs' governance arrangements and published procedures. LHWOs that can demonstrate and evidence that robust local intelligence drives the work they do and their ability to influence improved local outcomes will enable them to embrace local councillors as volunteers or lay members.

Further information

The NHS Bodies and Local Authorities (Partnership Arrangements, Care Trusts, Public Health and Local Healthwatch) Regulations 2012 can be found at: <http://tinyurl.com/aysbto4>

The explanatory memorandum can be found at: <http://tinyurl.com/bvafum4>



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