

# Healthwatch Sunderland

## Enter and View Policy

### 1. What is Enter & View?

Healthwatch Sunderland have a legal power to visit health and social care services in Sunderland and see them in action. This power to Enter and View services offers a way for Healthwatch Sunderland to meet some of their statutory functions and allows us to identify what is working well with services and where they could be improved.

#### Healthwatch Sunderland statutory functions

- The legislative framework for Healthwatch Sunderland is split between what Healthwatch Sunderland must do (duties) and what they may do (powers). Healthwatch Sunderland have a power under the Local Government and Public Involvement in Health Act 2007 to carry out Enter and View visits
- Healthwatch Sunderland will consider how Enter and View activity links to the statutory functions in section 221 of the Local Government and Public Involvement in Health Act 2007.

The purpose of an Enter and View visit is to collect evidence-based feedback to highlight what's working well and what could be improved to make people's experiences better. Healthwatch Sunderland can use this evidence to make recommendations and inform changes both for individual services as well as system-wide.

#### During the visit, Healthwatch Sunderland will focus on:

- Observing how people experience the service through watching and listening
- Speaking to people using the service, their carers and relatives to find out more about their experiences and views
- Observing the nature and quality of services
- Reporting their findings to providers, regulators, the local authority, and NHS commissioners and quality assurers, the public, Healthwatch England and any other relevant partners based on what was found during the visit

### 2. Where does Enter & View Apply?

The legislation places a duty on health and social care providers to allow Authorised Representatives of Healthwatch Sunderland to carry out an Enter and View visit on premises where health and social care is publicly funded and delivered.

This includes:

- NHS Trusts.
- NHS Foundation Trusts.
- Local authorities.
- Primary medical services, such as GPs.
- Primary dental services, such as dentists.

- Primary Ophthalmic services, such as opticians.
- Pharmaceutical services, such as community pharmacists.
- Premises which are contracted by local authorities or the NHS to provide health or care services, such as adult social care homes and day-care centres.

### **3. Exclusions - Where 'Enter and View' does not apply**

These powers do not allow Healthwatch Sunderland to Enter and View local authorities' social services activity for people under the age of 18.

Health and social care providers do not have a duty to allow entry if:

- The visit compromises either the effective provision of a service or the privacy or dignity of any person.
- Where the part(s) of premises are used solely as accommodation for employees where health and social care services are not provided at the premises (such as offices) or where they are not being provided at the time of the visit (for example, when facilities and premises are closed).
- If, in the opinion of the provider of the service being visited, the authorised representative, in seeking to 'Enter and View' its premises, is not acting reasonably and proportionately.
- If the Authorised Representative does not provide evidence that they are authorised to carry out the visit.
- Where the care is being provided is a person's own home. This does not mean that an Authorised Representative cannot enter when invited by residents - it just means that there is no duty to allow Healthwatch Sunderland to enter.
- Where the premises are non-communal parts of care homes, e.g. a resident's bedroom. If a resident asks an Authorised Representative to come into their bedroom and Healthwatch Sunderland agrees to this, it is important that the Authorised Representative is operating within our safeguarding policies and procedures, and the situation has been risk assessed.
- If there are no people in receipt of publicly-funded services on the premises.

Reasonably and proportionately we consider this as part of our planning:

- The number of volunteers should be enough to undertake the visit without appearing excessive.
- We try and schedule the visit so that it does not coincide with mealtimes or activities and make sure that Authorised Representatives don't get in the way of any work being taken on the premises (unless the purpose of the visit is to observe mealtimes / activities).
- If the premises has an unexpected incident, an Enter and View visit may be an unhelpful distraction and obstruct work. We would consider rescheduling the visit.

- It is important that our Enter and View team behaves respectfully to patients and / or residents and to staff. This includes not being over-familiar or causing disruption.
- Members of the Enter and View team will put aside their personal opinions when talking to staff, residents or patients and avoid being seen as confrontational or judgemental.

#### **4. Who can carry out Enter & View?**

Under the legislation Healthwatch Sunderland must:

- Allow only Authorised Representatives to conduct a visit and then only for the purpose of carrying out the activities of Healthwatch Sunderland.
- Provide each Authorised Representative with written evidence of their authorisation, by issuing a name badge.
- We ensure the recruitment process makes provision for all Authorised Representatives to be checked by the Disclosure and Barring Service (DBS). Authorised Representatives are eligible for a standard check.
- We make publicly available, a comprehensive and up to date list of all our authorised representatives.

#### **5. The Purpose of Enter & View**

This part describes the arrangements for members of Healthwatch Sunderland's Enter and View Team to enter and view premises providing health and social care services within Sunderland for the purpose of observing services and service delivery.

In conjunction with the purpose of the visit and its aims the team will:

- Observe and assess the nature and quality of services.
- Obtain the views of people using those services.
- Validate evidence already collected.
- Gather information from staff, services users, family, friends and carers.
- Liaise with statutory organisations for example Care Quality Commission to ensure non-duplication of visits within the same time period.

Actions will be taken in response to any concerns that may arise as set out in the Escalation Policy.

#### **6. Announced visits as part of the Healthwatch Sunderland Work Plan**

Before the visit, Healthwatch Sunderland will provide written information to the service provider about the visit's purpose and its approximate duration. The visit itself will have a standard structure to ensure:

- Providers know the names of the Authorised Representatives involved.
- Staff and service users whom the Authorised Representatives wish to interview are identified.

- Providers know the activities the Authorised Representatives wish to observe.
- Consideration is given as to whether or not it would be beneficial for staff members or service users to accompany the Authorised Representatives and visits be conducted accordingly.
- Providers are informed that they will receive draft report of findings and recommendations prior to the final drafting and circulation of the final Enter and View report and will have a specified period in which to submit comments and check for accuracy.
- Providers are invited to submit written actions they will take in response to the draft report for inclusion in the final version.
- Providers know that, where appropriate, draft findings will be shared with relevant parties including any whose information may have led to the visit.

An Enter and View Factsheet will be sent to all providers (Appendix 1).

## **7. Unannounced visits**

Unannounced visits should not take place if any other approach could produce the information Healthwatch Sunderland is seeking. Unannounced visits must be in response to a concern highlighted by the community, such as reports of dirty premises, statistics showing high infection rates or spot checks to review aspects of service delivery such as waiting times for clinic attendances.

The rationale for undertaking such a visit must be documented by Healthwatch Sunderland, along with the reason for not addressing the situation in another way. Where Healthwatch Sunderland decides it is necessary to conduct an unannounced visit, they agree to provide the information above upon arrival.

## **8. Responding to reports and recommendations**

There are requirements for the service providers to respond to a Healthwatch Sunderland report and its recommendations.

How quickly the service needs to respond to the report or recommendations varies depending on whether it is a single provider or multiple providers.

- Single provider - the provider must respond within 20 days of the date of receipt of the report or recommendations. This can be extended to 30 days with the agreement of Healthwatch Sunderland.
- Multiple independent providers - the providers must respond within 30 days. This includes cases where Healthwatch Sunderland sends a report to one provider but that provider considers that other providers should be involved.

In both cases, Healthwatch Sunderland can agree a longer timescale with the provider(s) if necessary - but in all cases providers must:

- Acknowledge receipt of the request to respond to Healthwatch Sunderland
- Provide a response to Healthwatch Sunderland, outlining any action it intends to take, or why they will not be taking any action in relation to the report and its recommendations

- Provide the relevant body (the commissioner) with copies of the report or recommendation and accompanying explanation.

### **What to do if a provider doesn't respond**

As the first stage, Healthwatch will send a formal reminder of the requirement to respond, mentioning the legislation.

Where the provider is part of a larger organisation - for example, a care home that is part of a group - this reminder will also be copied to the head office. At this stage, although the deadline has passed, Healthwatch Sunderland will include a date for response after which the issue will be escalated.

If a response is not received, Healthwatch Sunderland will then notify:

- The commissioner(s) of the service
- The appropriate regulator(s).

**Approved by Healthwatch Sunderland Board of Directors**

**Date:** .....

**For Review**

**Date:** .....

**Responsible Officer**

.....

## APPENDIX 1

# ENTER AND VIEW - FACTSHEET FOR PROVIDERS

Healthwatch Sunderland has a responsibility to engage local people in monitoring health and social care facilities and Enter and View is Healthwatch Sunderland's power to look at specific providers of these services in order to assess service quality and, where appropriate, to recommend improvements.

Healthwatch Sunderland will only look at facilities in receipt of public funds and has no right of entry to premises that cater for the needs of people under the age of 18.

Unannounced visits will not take place unless a locally expressed concern - such as dirty premises, high infection rates or inordinate clinic waiting times - cannot otherwise be checked.

### **Where does Enter and View apply?**

The legislation places a duty on health and social care providers to allow Authorised Representatives of Healthwatch Sunderland to carry out an Enter and View visit on premises where health and social care is publicly funded and delivered.

This includes:

- NHS Trusts
- NHS Foundation Trusts
- Local authorities
- Primary medical services, such as GPs
- Primary dental services, such as dentists
- Primary Ophthalmic services, such as opticians
- Pharmaceutical services, such as community pharmacists
- Premises which are contracted by local authorities or the NHS to provide health or care services, such as adult social care homes and day-care centres

### **Who will undertake Enter and View visits?**

Only Authorised Representatives of Healthwatch Sunderland will undertake Enter and View activities and a minimum of two such representatives will conduct each visit.

Authorised Representatives will be recruited as volunteers by Healthwatch Sunderland according to a specific role description. We ensure the recruitment process makes provision for all Authorised Representatives to be checked by the Disclosure and Barring Service (DBS).

Authorised Representatives will be listed publicly on Healthwatch Sunderland's websites.

### **What can Service Providers expect of an announced Enter and View?**

Before the visit, Healthwatch Sunderland will provide written information to the service provider about the visit's purpose and its approximate duration. The visit itself will have a standard structure to ensure:

- Providers know the names of the Authorised Representatives involved
- Staff and service users whom the Authorised Representatives wish to interview are identified
- Providers know the activities the Authorised Representatives wish to observe
- Consideration is given as to whether or not it would be beneficial for staff members or service users to accompany the Authorised Representatives and visits be conducted accordingly
- Notice is given if any leaflets or other information about Healthwatch Sunderland will be distributed during the visit
- Providers are informed that they will receive draft report of findings and recommendations prior to the final drafting and circulation of the final Enter and View report and will have a specified period in which to submit comments
- Providers are invited to submit written actions they will take in response to the draft report for inclusion in the final version
- Providers know that, where appropriate, draft findings will be shared with relevant parties including any whose information may have led to the visit

### **Where Enter and View does not apply**

In certain circumstances Enter and View cannot proceed because:

- The visit compromises either the effective provision of a service or the privacy or dignity of any person.
- Where the part(s) of premises are used solely as accommodation for employees where health and social care services are not provided at the premises (such as offices) or where they are not being provided at the time of the visit (for example, when facilities and premises are closed).
- If, in the opinion of the provider of the service being visited, the authorised representative, in seeking to 'Enter and View' its premises, is not acting reasonably and proportionately.
- If the Authorised Representative does not provide evidence that they are authorised to carry out the visit.
- Where the care is being provided is a person's own home. This does not mean that an Authorised Representative cannot enter when invited by residents - it just means that there is no duty to allow Healthwatch Sunderland to enter.
- Where the premises are non-communal parts of care homes, e.g. a resident's bedroom. If a resident asks an Authorised Representative to come into their bedroom and Healthwatch Sunderland agrees to this, it is important that the Authorised Representative is operating within our safeguarding policies and procedures, and the situation has been risk assessed.
- If there are no people in receipt of publicly-funded services on the premises.

### **What happens after the Enter and View visit?**

There are requirements for the service providers to respond to a Healthwatch Sunderland report and its recommendations. How quickly the service needs to respond to the report or recommendations varies depending on whether it is a single provider or multiple providers.

- Single provider - the provider must respond within 20 days of the date of receipt of the report or recommendations. This can be extended to 30 days with the agreement of the Healthwatch Sunderland.
- Multiple independent providers - the providers must respond within 30 days. This includes cases where Healthwatch Sunderland sends a report to one provider but that provider considers that other providers should be involved.