

Healthwatch North Tyneside Policies and Procedures

Enter and view policy

January 2024

1. Introduction

This policy sets out the approach and code of conduct that Healthwatch North Tyneside (HWNT) Authorised 'enter and view' Representatives are expected to adhere to when visiting health and social care service provider premises. This document is a combination of good practice recommendations and legal regulations.

Enter and View visits are only one way of gathering information about a service. Visits can be completed with the agreement of provider without calling on Enter and View powers. Where this is the case, this policy should be used as a best practice guide.

HWNT should make a formal decision to use our Enter & View powers and must have a clear understanding of why it deems it necessary to enter and view a particular care setting. For example, it may be that a visit is prompted by feedback from local service users, patients, their carers and families, which suggests common concerns about performance or aspects of provision.

Before a visit, the HWNT Board or project working group should consider the aims and structure of the visit and the kind of information it might be helpful for the care provider to have prior to the proposed visit. Consideration should also be given to how the findings will be shared with the public, commissioners, regulators & stakeholders in a timely manner.

2. Authorised Representative Volunteers

All visits will be authorised by the Healthwatch North Tyneside Board and can be completed by Authorised Representatives who are volunteers or members of staff.

All Authorised Representative volunteers will have satisfactorily passed an enhanced Disclosure and Barring Service (DBS) check within the last 3 years, will have demonstrated a set of competencies agreed by the HWNT Board and staff team, will have been trained and will follow the national Healthwatch England good practice guidelines.

All Authorised Representative volunteers will sign an individual statement. This statement will spell out their role including the importance of practising the Nolan Principles (Appendix 1) and guaranteeing confidentiality at all times.

Authorised Representatives will present a letter from HWNT at all visits to show that they have been authorised by HWNT. This authorisation will be task specific and time limited.

Authorised Representatives are bound by HWNT's Confidentiality Policy and Code of Conduct at all times. All findings from visits are confidential within HWNT until they are shared with stakeholders and/or the public.

Healthwatch North Tyneside will publish a list of Authorised Representatives on its website and must keep this up to date.

3. Format of visits

The legislation allows for both announced and unannounced visits. If the visit is 'announced', the Healthwatch North Tyneside team will let care providers know about the reasons for the visit via a formal email or letter, which will also set out the practical aspects in advance;

HWNT will provide the following information prior to the visit:

- a. a suggested date and time of the visit and how long it will last;
- b. the information that has prompted the visit (note that any patient and user feedback should be anonymised);
- c. the purpose of the visit;
- d. the shape and format of the planned visit, for example:
 - identification of staff, service users, and user forums that Authorised Representatives would like to meet;
 - the number and nature of discussions or meetings to take place and whether special requirements will be necessary, such as communication aids or special access to buildings;
 - the types of activities and service areas Authorised Representatives would like to access and observe;
 - whether Authorised Representatives have explanatory leaflets about Healthwatch North Tyneside (including contact information) available for distribution during the visit; and
 - whether it would be helpful for staff or service users to accompany Authorised Representative volunteers during the visit;
- e. names of the Authorised Representatives attending the visit;
- f. reassurance that draft findings resulting from the visit will be shared with the provider, together with, where appropriate, relevant residents, users, patients, carers and families or people whose feedback had prompted the visit, prior to them being finalised and shared more widely;

Whilst the legislation allows for unannounced visits, careful consideration should be given before one is undertaken. The duty to allow entry does not apply in circumstances where a visit is not reasonable and proportionate or would compromise the privacy or dignity of patients and Authorised Representatives should be aware that they run the risk of being refused entry on those grounds. HWNT will propose to those being visited that this policy will be treated as the agreed protocol for the visit, and a copy of this document given for information

The numbers of Authorised Representatives attending a visit should be proportionate to the size of the establishment wherever possible. Some Enter and View settings - for example small care homes will need careful consideration of the Authorised Representatives involved in the visit as large numbers of visitors may unnerve residents and could compromise their privacy and dignity.

4. Personal conduct

It is very important that Authorised Representatives have regard to the HWNT Code of Conduct and behave in a responsible, reasonable and proportionate manner as befits their role.

Authorised Representatives are expected to be open and honest about any potential conflict of interest in them visiting a particular setting or service and inform the project lead at the earliest opportunity. Please see our Conflict of interest policy.

Specifically during a visit, Authorised Representatives are expected to:

- a. treat staff, service users, residents, patients, their carers and families fairly and courteously, and with sensitivity and respect;
- b. ensure that the dignity and privacy of service users, residents, patients, carers, families and staff are maintained at all times;
- c. be as unobtrusive as possible, and inform staff on duty about what they are doing as they move within buildings;
- d. value people as individuals, respecting the different and diverse people they meet;
- e. exhibit no discriminatory behaviour;
- f. have respect for individual confidentiality, not disclosing confidential or sensitive information unless there is a genuine and urgent concern about the safety and wellbeing of a user, resident or patient, or if the individual concerned consents to the sharing of the information; (Authorised Representatives receive training in safeguarding vulnerable adults which includes what to do if they identify an issue of this kind)
- g. cooperate with requests from staff, users, residents, patients carers and their families if necessary, and comply with all operational or health and safety requirements;
- h. avoid interrupting the effective delivery of health or social care provision;
- i. refrain from making unreasonable demands on staff, users and patients or disrupting services outside the agreed visiting schedule;
- j. recognise that user, resident or patient needs should always take priority; and
- k. be guided by staff where operational constraints may deem visiting activities inappropriate or mean that staff are unable to meet the requests of the Authorised Representatives.

Whilst our role during the visit is to collect feedback on services , there is no requirement for users, residents, patients, carers and families to engage with Authorised Representatives during visits. They are also free to make a comment or complaint if they are unhappy with any aspect of the visit, including the conduct of the Authorised Representatives, and our representative must provide information on how to do this if requested.

5. Safety on visits

Authorised Representatives will have received a Health and Safety briefing prior to any activity, and the establishment manager on duty also asked for any additional health and safety issues on that day. HWNT's Health and Safety policy must be followed at all times.

No volunteers are expected to work alone and a minimum of two representatives of Healthwatch North Tyneside are expected to participate in each visit.

Authorised Representatives are not entitled to enter excluded premises. This includes:

- a. parts of a care home which are not communal areas, unless invited by the person being interviewed
- b. children's care services;
- c. premises or parts of premises used as residential accommodation for employees of services-providers;
- d. premises which are occupied by one or more persons as their home and which at least one of those persons occupies under a tenancy or a licence; in respect of any premises, or parts of premises, if the presence of an authorised representative on those premises, or those parts of premises, would compromise:
 - (i) the effective provision of care services, or
 - (ii) the privacy or dignity of any person;
- e. in respect of any premises, or parts of premises, at any time when care services are not being provided on those premises or those parts of premises.

An authorised 'enter and view' visit may be terminated by the service provider:

- a. if, in the opinion of the services-provider, the authorised volunteer is not acting reasonably and proportionately;
- b. if an authorised volunteer does not provide the services-provider with evidence that the representative is authorised.

Conduct or behaviour which could lead to entry being refused or a visit being terminated:

- a. the Authorised Representative acts in such a way as to compromise the effective provision of services or the privacy or dignity of any person. For example being present when someone is being washed or dressed, getting in the way of a

- consultation, holding up the serving of a meal, or the administration of medication;
- b. the provider judges that the Authorised Representative is not acting in a way which is reasonable or proportionate. For example making repeated visits, regularly undertaking unannounced visits, presenting a large number of representatives at a small facility; or
- c. the Authorised Representative does not provide evidence that he or she is to enter and view services (as specified in the legislation).

7. Reporting

Authorised Representatives should record their findings in writing following the visit in line with the agreed format and expectations. Authorised Representatives should also make clear the source of their information and evidence and the weight assigned to it taking care always to respect confidentiality by anonymising individuals and not disclosing personal information. Such sources could include:

- Authorised Representatives' observations
- discussions with staff
- discussions with users
- comments from carers or relatives
- structured interviews
- documentation provided by staff and the proprietor

Following a visit HWNT will inform the provider of that service of their findings, setting out detailed and constructive observations and comments. Where it is appropriate and feasible, HWNT may wish to send the findings to service-users who were involved in the visit.

Findings should offer a balanced assessment of the service and, where appropriate, make recommendations for improvement. As with their own documentation of the visit, the findings should be drawn from a range of sources and those sources should be made clear, albeit anonymised. In all cases, a copy of the draft findings and any recommendations will be sent to the provider giving them the opportunity to check for factual accuracy and to allow for any recommendations to be considered.

HWNT will allow providers two working weeks to respond or another agreed and reasonable period of time. Where the provider raises issues or concerns about the content of the draft, HWNT and relevant Authorised Representatives should consider carefully what has been said, and decide whether the draft should be amended. Healthwatch North Tyneside will share the final version with the provider.

All draft reports will be reviewed to the HWNT Board and where appropriate Authorised Representatives will be invited to attend a board meeting to discuss their findings.

8. Sharing findings

HWNT will share its findings with the following organisations where appropriate:

- Health Overview and Scrutiny – in appropriate circumstances such as when services fail to respond, if it fits into the overview and scrutiny programme
- Commissioners of services – principal audience for information gathered by Healthwatch North Tyneside to inform commissioners of local community preferences
- Healthwatch England – to share good practice
- Healthwatch England and Care regulators – when serious concerns about patient safety are raised about the quality of care
- Other statutory bodies – such as Health and Safety Executive, Foods Standards Agency
- Local authority safeguarding officer or police if criminal activity or abuse is suspected

HWNT will normally publish the final report on its website and share it with those interviewed in an appropriate timescale and in the most appropriate manner for the individual situation.

If this is not to be done for any reason a clear recorded rationale must be attached to the report in HWNT files

9. Policy Review

This policy will be reviewed every 3 years unless deemed necessary by the Board to review this earlier.

Appendix 1 – Nolan principles

1. **Selflessness** - Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family or their friends.
2. **Integrity** - Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.
3. **Objectivity** - In carrying out public business including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.
4. **Accountability** - Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
5. **Openness** - Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands
6. **Honesty** - Holders of public office have a duty to declare any private interest relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
7. **Leadership** - Holders of public office should promote and support these principles by leadership and example.

Authorised Representatives will have all signed their agreement to be guided by the Nolan principles.

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