

Addendum to Government response to the NHS Future Forum report: Briefing notes on amendments to the Health and Social Care Bill to cover the Government amendments tabled on Thursday 7th July 2011

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Maximising patient and public involvement

Amendment 230. Government response paragraph 4.41.

56A. This amendment introduces a duty to have regard to local HealthWatch findings. It amends clause 180, to insert a new sub-section (3A) into section 221 of the Local Government and Public Involvement in Health Act 2007, placing a duty on those responsible for commissioning, providing, managing or scrutinising local care services, and HealthWatch England, to have regard to views, recommendations and reports submitted to them by local HealthWatch organisations. The amendment does not create a duty on any of these persons directly to act on any views, recommendations or reports from local HealthWatch, but does mean that they will need to be able to demonstrate that proper consideration has been given to them in exercising functions relating to care services.

Amendment 231 and 232. Government response paragraph 4.39.

56B. These amendments are designed to ensure that local HealthWatch organisations, and those exercising functions on their behalf or assisting them in exercising functions, are representative of people in their area and those receiving services (including carers). In both amendments, the phrase “people to whom care services are being provided or may be provided” includes carers, as does “people who live in the local HealthWatch’s area”.

56C. Amendment 231 introduces a duty on the Secretary of State, when exercising his regulation-making powers in respect of local HealthWatch membership, to include provision regarding the representativeness of local HealthWatch members. That provision must require that the person with responsibility for appointing local HealthWatch members acts with a view to securing that the membership is representative of people living in the local HealthWatch’s area, of people who are being or who may be provided with care services in the local HealthWatch’s area, and of people from the local HealthWatch’s area who are being provided with care services in any place.

56D. Amendment 232 places a duty on local HealthWatch in making certain arrangements to “act with a view to securing that, so far as appropriate, the persons with whom it makes the arrangements (taken together) are representative” of people living in the local HealthWatch’s area, of people who are being or who may be provided with care services in the local HealthWatch’s area, and of people from the local HealthWatch’s area who are being provided with care services in any place. The “persons with whom it makes arrangements” are local HealthWatch members, staff, committees, sub-committees and other persons. The “arrangements” are arrangements for the exercise of functions on local HealthWatch’s behalf or for assistance with the exercise of functions.