



Local Government and Public Involvement in Health Act 2007

2007 CHAPTER 28

PART 14

PATIENT AND PUBLIC INVOLVEMENT IN HEALTH AND SOCIAL CARE

[^{F1}Local arrangements]

Textual Amendments

- F1** S. 221 cross-heading substituted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\), ss. 182\(10\), 306\(4\); S.I. 2013/160, art. 2\(2\)](#) (with arts. 7-9)

221 Health services and social services^{F2}...

- (1) Each local authority must make contractual arrangements for the purpose of ensuring that there are means by which the activities specified in subsection (2) for the local authority's area can be carried on in the area.
- (2) The activities for a local authority's area are—
 - (a) promoting, and supporting, the involvement of [^{F3}local] people in the commissioning, provision and scrutiny of local care services;
 - (b) enabling [^{F3}local] people to monitor for the purposes of their consideration of matters mentioned in subsection (3), and to review for those purposes, the commissioning and provision of local care services;
 - (c) obtaining the views of [^{F3}local] people about their needs for, and their experiences of, local care services; ^{F4}...
 - (d) making—
 - (i) views such as are mentioned in paragraph (c) known, and

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- (ii) reports and recommendations about how local care services could or ought to be improved,
- to persons responsible for commissioning, providing, managing or scrutinising local care services [^{F5}and to the Healthwatch England committee of the Care Quality Commission.].
- [^{F6}(e) providing advice and information about access to local care services and about choices that may be made with respect to aspects of those services;
- (f) reaching views on the matters mentioned in subsection (3) and making those views known to the Healthwatch England committee of the Care Quality Commission;
- (g) making recommendations to that committee to advise the Commission about special reviews or investigations to conduct (or, where the circumstances justify doing so, making such recommendations direct to the Commission);
- (h) making recommendations to that committee to publish reports under section 45C(3) of the Health and Social Care Act 2008 about particular matters; and
- (i) giving that committee such assistance as it may require to enable it to carry out its functions effectively, efficiently and economically.]
- (3) The matters referred to in subsection (2)(b) [^{F7}and (f)] are—
 - (a) the standard of provision of local care services;
 - (b) whether, and how, local care services could be improved;
 - (c) whether, and how, local care services ought to be improved.
- [^{F8}(3A) A person to whom views are made known or reports or recommendations are made under subsection (2)(d) must, in exercising any function relating to care services, have regard to the views, reports or recommendations.]
- [^{F9}(3B) Each local authority must ensure that only one set of arrangements under subsection (1) in relation to its area is in force at any one time.]
- (4) The Secretary of State may by regulations amend this section for the purpose of adding to the activities for the time being specified in subsection (2).
- (5) Before making regulations under this section, the Secretary of State must consult such persons as the Secretary of State considers appropriate.
- (6) In this section—
 - “care services” means—
 - (a) services provided as part of the health service in England; or
 - (b) services provided as part of the social services functions of a local authority;
 - “local care services”, in relation to a local authority, means—
 - (a) care services provided in the authority's area; and
 - (b) care services provided, in any place, for people from the area;
 - [^{F10}“local people”, in relation to a local authority, means—
 - (a) people who live in the local authority's area,
 - (b) people to whom care services are being or may be provided in that area,
 - (c) people from that area to whom care services are being provided in any place, and

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who are (taken together) representative of the people mentioned in paragraphs (a) to (c);]
“the health service” has the same meaning as in the National Health Service Act 2006 (c. 41);
“social services functions”, in relation to a local authority, has the same meaning as in the Local Authority Social Services Act 1970 (c. 42).

Textual Amendments

- F2** Words in s. 221 title omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 182(9)**, 306(4); [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-9](#))
- F3** Words in s. 221(2)(a)-(c) inserted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 182(2)(a)**, 306(4); [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-9](#))
- F4** Word in s. 221 omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 182(2)(b)**, 306(4); [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-9](#))
- F5** Words in s. 221(2)(d) inserted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 182(3)**, 306(4); [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-9](#))
- F6** S. 221(2)(e)-(i) inserted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 182(4)**, 306(4); [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-9](#))
- F7** Words in s. 221(3) inserted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 182(5)**, 306(4); [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-9](#))
- F8** S. 221(3A) inserted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 182(6)**, 306(4); [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-9](#))
- F9** S. 221(3B) inserted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 182(7)**, 306(4); [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-9](#))
- F10** Words in s. 221(6) inserted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 182(8)**, 306(4); [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-9](#))

Commencement Information

- I1** S. 221 in force at 1.4.2008 by [S.I. 2008/461](#), [art. 2\(3\)](#), [Sch.](#)

222 [F11]Local Healthwatch organisations]

(1) This section applies in relation to any particular arrangements made under section 221(1) by a local authority (“A”).

[F12](2) The arrangements must be made with a body corporate which—

- (a) is a social enterprise, and
- (b) satisfies such criteria as may be prescribed by regulations made by the Secretary of State.

(2A) For so long as the arrangements are in force, the body with which they are made—

- (a) has the function of carrying on in A's area the activities specified in section 221(2), and
- (b) is to be known as the “Local Healthwatch organisation” for A's area.

(2B) But the arrangements may authorise the Local Healthwatch organisation to make, in pursuance of those arrangements, arrangements (“Local Healthwatch arrangements”) with a person (other than A) for that person—

- (a) to assist the organisation in carrying on in A's area some or all of the activities,
- or

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- (b) (subject to provision made under section 223(2)(e)) to carry on in A's area some (but not all) of the activities on the organisation's behalf.]
- (3) [^{F13}None of the following is capable of being a Local Healthwatch organisation]—
- (a) a local authority;
 - (b) a National Health Service trust;
 - (c) an NHS foundation trust; [^{F14}or
 - [^{F15}(ca) an integrated care board;]]
 - [^{F16}(d)]
 - [^{F17}(e)]
- [^{F18}(3A) The arrangements must not be made with [^{F19}NHS England].]
- [^{F20}(4) The arrangements must secure the result that Local Healthwatch arrangements will not be made with a body of a description specified in subsection (3) or with [^{F19}NHS England].]
- [^{F21}(5) The arrangements may (in particular) make provision as respects co-operation between the Local Healthwatch organisation for the area and one or more other Local Healthwatch organisations.]
- (6) The arrangements may provide for the making of payments by A.
- (7) The arrangements must include the required provision about annual reports (see section 227).
- [^{F22}(7A) A must exercise its functions under this Part so as to secure that the arrangements—
- (a) operate effectively, and
 - (b) represent value for money.
- (7B) A must publish a report of its findings in seeking to secure the objective mentioned in subsection (7A).]
- [^{F23}(8) For the purposes of this section, a body is a social enterprise if—
- (a) a person might reasonably consider that it acts for the benefit of the community in England, and
 - (b) it satisfies such criteria as may be prescribed by regulations made by the Secretary of State.
- (9) Regulations made by the Secretary of State may provide that activities of a prescribed description are to be treated as being, or as not being, activities which a person might reasonably consider to be activities carried on for the benefit of the community in England.
- (10) In subsections (8) and (9), “community” includes a section of the community; and regulations made by the Secretary of State may make provision about what does, does not or may constitute a section of the community.]

Textual Amendments

- F11** S. 222 title substituted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 183(8)**, 306(1)(d)(4); [S.I. 2013/160](#), **art. 2(2)** (with **arts. 7-9**)

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- F12** S. 222(2)-(2B) substituted for s. 222(2) (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 183(2)**, 306(1)(d)(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F13** Words in s. 222(3) substituted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 183(3)**, 306(1)(d)(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F14** S. 222(3)(ca) and preceding word inserted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), **Sch. 5 para. 149(2)(a)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F15** S. 222(3)(ca) substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), **Sch. 4 para. 153**; S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- F16** S. 222(3)(d) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), **Sch. 5 para. 149(2)(b)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F17** S. 222(3)(e) and preceding word omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), **Sch. 5 para. 149(2)(c)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F18** S. 222(3A) inserted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), **Sch. 5 para. 149(3)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F19** Words in s. 222 substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), **Sch. 1 para. 1(1)(2)**; S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- F20** S. 222(4) substituted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 183(4)**, 306(1)(d)(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F21** S. 222(5) substituted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 183(5)**, 306(1)(d)(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F22** S. 222(7A)(7B) inserted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 183(6)**, 306(1)(d)(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F23** S. 222(8)-(10) substituted for s. 222(8) (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 183(7)**, 306(1)(d)(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)

Commencement Information

- I2** S. 222 in force at 1.4.2008 by [S.I. 2008/461](#), art. 2(3), **Sch.**

[^{F24}222A] Local authority arrangements: conflicts of interest

- (1) In making arrangements under section 221(1), a local authority must have regard to any conflicts guidance issued by the Secretary of State.
- (2) Arrangements under section 221(1) must require the Local Healthwatch organisation, in exercising its function of carrying on the activities specified in section 221(2) or in making Local Healthwatch arrangements, to have regard to any conflicts guidance issued by the Secretary of State.
- (3) In this section, “conflicts guidance” means guidance about managing conflicts between—
 - (a) the making of arrangements under section 221(1), and
 - (b) the carrying-on of the activities specified in section 221(2).
- (4) In this section, “Local Healthwatch arrangements” has the meaning given by section 222.]

Changes to legislation: There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, Part 14. (See end of Document for details)

Textual Amendments

F24 S. 222A inserted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by [Health and Social Care Act 2012 \(c. 7\)](#), ss. **183(9)**, 306(1)(d)(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)

223 Arrangements: power to make further provision

- (1) The Secretary of State must make regulations which provide that arrangements made under section 221(1) (“local authority arrangements”) must ^{F25}... [^{F25}include prescribed provision].
- [^{F26}(1A) The Secretary of State may make regulations which provide that local authority arrangements must require Local Healthwatch arrangements to include prescribed provision.]
- (2) The regulations may in particular provide that local authority arrangements ^{F27}... [^{F27}must include or (as the case may be) must require Local Healthwatch arrangements to include]—
 - (a) prescribed provision relating to the way in which certain decisions of ^{F28}... [^{F28}a Local Healthwatch organisation or a Local Healthwatch contractor] are to be taken;
 - (b) prescribed provision relating to the authorisation of individuals as authorised representatives within the meaning of section 225(5);
 - (c) prescribed provision relating to the use by ^{F29}... [^{F29}a Local Healthwatch organisation or a Local Healthwatch contractor] of money derived from the arrangements;
 - (d) prescribed provision relating to the consequences of contravention by ^{F29}... [^{F29}a Local Healthwatch organisation or a Local Healthwatch contractor] of any provision of the arrangements.[^{F30};
 - (e) prescribed provision relating to the activities which a Local Healthwatch contractor may not carry on on a Local Healthwatch organisation's behalf;
 - (f) prescribed provision relating to the obtaining by a Local Healthwatch organisation of a licence under section 45D of the Health and Social Care Act 2008 and the grant by the organisation to a Local Healthwatch contractor of a sub-licence;
 - (g) prescribed provision relating to the use by a Local Healthwatch organisation or a Local Healthwatch contractor of the trade mark to which a licence under that section relates;
 - (h) prescribed provision relating to the infringement of the trade mark to which a licence under that section relates;
 - (i) prescribed provision relating to the imposition of a requirement on a Local Healthwatch organisation to act with a view to securing that its Local Healthwatch contractors (taken together) are representative of—
 - (i) people who live in the local authority's area,
 - (ii) people to whom care services are being or may be provided in that area, and
 - (iii) people from that area to whom care services are being provided in any place.]

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[^{F31}(2A) The provision which may be prescribed in relation to a Local Healthwatch contractor includes provision that relates to the contractor—

- (a) only in so far as it assists the Local Healthwatch organisation in the carrying-on of activities specified in section 221(2);
- (b) only in so far as it carries on such activities on the organisation's behalf.

(2B) Regulations under this section may make provision which applies to all descriptions of Local Healthwatch contractor, which applies to all those descriptions subject to specified exceptions or which applies only to such of those descriptions as are prescribed.]

(3) In this section—

[^{F32}“care services” has the meaning given by section 221;]

^{F33} ...

^{F34} ...

(a)

(b) [^{F34}“Local Healthwatch arrangements” has the meaning given by section 222;]

[^{F35}“Local Healthwatch contractor”, in relation to a Local Healthwatch organisation, means a person with whom the organisation makes Local Healthwatch arrangements;]

“prescribed provision” means provision prescribed or of a description prescribed by the regulations.[^{F36};

trade mark”, and “use” and “infringement” in relation to a trade mark, each have the same meaning as in the Trade Marks Act 1994.]

Textual Amendments

- F25** Words in s. 223(1) substituted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 184(2)**, 306(1)(d)(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F26** S. 223(1A) inserted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 184(3)**, 306(1)(d)(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F27** Words in s. 223(2) substituted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 184(4)(a)**, 306(1)(d)(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F28** Words in s. 223(2)(a) substituted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 184(4)(b)**, 306(1)(d)(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F29** Words in s. 223(2)(c)(d) substituted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 184(4)(b)**, 306(1)(d)(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F30** S. 223(2)(e)-(i) inserted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 184(4)(c)**, 306(1)(d)(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F31** S. 223(2A)(2B) inserted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 184(5)**, 306(1)(d)(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)

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- F32** Words in s. 223(3) inserted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 184(6)(a)**, 306(1)(d)(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F33** Words in s. 223(3) omitted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 184(6)(b)**, 306(1)(d)(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F34** Words in s. 223(3) substituted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 184(6)(c)**, 306(1)(d)(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F35** Words in s. 223(3) inserted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 184(6)(d)**, 306(1)(d)(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F36** Words in s. 223(3) inserted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 184(6)(e)**, 306(1)(d)(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)

Commencement Information

- I3** S. 223 in force at 21.2.2008 by [S.I. 2008/461](#), **art. 2(1)(a)**

[^{F37} 223A Independent advocacy services

- (1) Each local authority must make such arrangements as it considers appropriate for the provision of independent advocacy services in relation to its area.
- (2) In this section, “independent advocacy services” means services providing assistance (by way of representation or otherwise) to persons making or intending to make—
 - (a) a complaint under a procedure operated by a health service body or independent provider;
 - (b) a complaint under section 113(1) or (2) of the Health and Social Care (Community Health and Standards) Act 2003;
 - (c) a complaint to the Health Service Commissioner for England;
 - (d) a complaint to the Public Services Ombudsman for Wales which relates to a Welsh health body;
 - (e) a complaint under section 73C(1) of the National Health Service Act 2006;
 - (f) a complaint to a Local Commissioner under Part 3 of the Local Government Act 1974 about a matter which could be the subject of a complaint under section 73C(1) of the National Health Service Act 2006; or
 - (g) a complaint of such description as the Secretary of State may by regulations prescribe which relates to the provision of services as part of the health service and—
 - (i) is made under a procedure of a description prescribed in the regulations, or
 - (ii) gives rise, or may give rise, to proceedings of a description prescribed in the regulations.
- (3) Each local authority may make such other arrangements as it considers appropriate for the provision of services in relation to its area providing assistance to individuals in connection with complaints relating to the provision of services as part of the health service.
- (4) Arrangements under this section may not provide for a person to make arrangements for the provision of services by a Local Healthwatch organisation.

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- (5) In making arrangements under this section, a local authority must have regard to the principle that the provision of services under the arrangements or arrangements made in pursuance of the arrangements should, so far as practicable, be independent of any person who is—
- (a) the subject of a relevant complaint; or
 - (b) involved in investigating or adjudicating on such a complaint.
- (6) A local authority may make payments to—
- (a) a person providing services under arrangements under this section;
 - (b) a person arranging for the provision of services in pursuance of arrangements under this section;
 - (c) a person providing services under arrangements made in pursuance of arrangements under this section.
- (7) The Secretary of State may by regulations make provision requiring a person providing services under arrangements under this section or arrangements made in pursuance of the arrangements to have cover against the risk of a claim in negligence arising out of the provision of the services.
- (8) The Secretary of State may give directions to a local authority about the exercise of its functions under this section.
- (9) A direction under subsection (8) may be varied or revoked.
- (10) In this section—
- “the health service” has the same meaning as in the National Health Service Act 2006;
 - “health service body” means—
 - (a) in relation to England, a body which, under section 2(1) of the Health Service Commissioners Act 1993, is subject to investigation by the Health Service Commissioner for England;
 - (b) in relation to Wales, a Welsh health service body (within the meaning of [^{F38}the Public Services Ombudsman (Wales) Act 2019]);
 - “independent provider” means—
 - (a) in relation to England, a person who, under section 2B(1) of the Health Service Commissioners Act 1993, is subject to investigation by the Health Service Commissioner for England;
 - (b) in relation to Wales, a person who is an independent provider in Wales (within the meaning of [^{F39}the Public Services Ombudsman (Wales) Act 2019]);
 - “Welsh health body” means—
 - (a) a Local Health Board,
 - (b) an NHS trust managing a hospital or other establishment or facility in Wales,
 - (c) a Special Health Authority not discharging functions only or mainly in England,
 - (d) an independent provider in Wales (within the meaning of [^{F40}the Public Services Ombudsman (Wales) Act 2019]),
 - (e) a family health service provider in Wales (within the meaning of that Act), or

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- (f) a person with functions conferred under section 113(2) of the Health and Social Care (Community Health and Standards) Act 2003.]

Textual Amendments

- F37** S. 223A inserted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 185(1)**, 306(1)(d)(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F38** Words in s. 223A(10) substituted (23.7.2019) by [Public Services Ombudsman \(Wales\) Act 2019 \(anaw 3\)](#), s. 77(1), **Sch. 5 para. 25(a)**; S.I. 2019/1096, reg. 2
- F39** Words in s. 223A(10) substituted (23.7.2019) by [Public Services Ombudsman \(Wales\) Act 2019 \(anaw 3\)](#), s. 77(1), **Sch. 5 para. 25(b)**; S.I. 2019/1096, reg. 2
- F40** Words in s. 223A(10) substituted (23.7.2019) by [Public Services Ombudsman \(Wales\) Act 2019 \(anaw 3\)](#), s. 77(1), **Sch. 5 para. 25(c)**; S.I. 2019/1096, reg. 2

224 Duties of ^{F41}responsible persons] to respond to ^{F42}Local Healthwatch organisations or contractors]

- (1) The Secretary of State may by regulations impose, on a ^{F43}responsible person], duties—

- (a) as respects responding to requests for information made to the ^{F43}responsible person] by ^{F44}a Local Healthwatch organisation or a Local Healthwatch contractor];
- (b) as respects dealing with reports or recommendations made to the ^{F43}responsible person] by ^{F44}a Local Healthwatch organisation or a Local Healthwatch contractor]; or
- (c) as respects dealing with reports or recommendations which, in accordance with any requirement imposed in regulations under paragraph (b), have been referred to the ^{F43}responsible person] by another ^{F43}responsible person].

- (2) In subsection (1) “^{F43}responsible person]” means—

- ^{F45}(za) ^{F46}NHS England];
- ^{F47}(zb) an integrated care board;]]
- ^{F48}(c)
 - (a) a National Health Service trust;
 - (b) an NHS foundation trust;
 - (d) a local authority; or
 - (e) a person prescribed by regulations made by the Secretary of State.

- ^{F49}(3) For the purposes of subsection (1), something is done by a Local Healthwatch organisation if it is done by that organisation—

- (a) in the carrying-on, under arrangements made under section 221(1), of activities specified in section 221(2), or
- (b) in compliance with a requirement imposed by virtue of section 223(2)(i).

- (3A) For the purposes of subsection (1), something is done by a Local Healthwatch contractor if it is done by that contractor in the carrying-on, under Local Healthwatch arrangements, of activities specified in section 221(2).]

- (4) Before making regulations under this section, the Secretary of State must consult such persons as the Secretary of State considers appropriate.

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[^{F50}(5) In this section—

“Local Healthwatch arrangements” has the meaning given by section 222;

“Local Healthwatch contractor” has the meaning given by section 223.]

Textual Amendments

- F41** Words in s. 224(2) title substituted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 5 para. 150\(d\)](#); [S.I. 2013/160](#), art. 2(2) (with arts. 7-9)
- F42** Words in s. 224 title substituted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), [ss. 186\(5\)](#), 306(4); [S.I. 2013/160](#), art. 2(2) (with arts. 7-9)
- F43** Words in s. 224 substituted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 5 para. 150\(a\)](#); [S.I. 2013/160](#), art. 2(2) (with arts. 7-9)
- F44** Words in s. 224(1)(a)(b) substituted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), [ss. 186\(2\)](#), 306(4); [S.I. 2013/160](#), art. 2(2) (with arts. 7-9)
- F45** S. 224(2)(za)(zb) inserted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 5 para. 150\(b\)](#); [S.I. 2013/160](#), art. 2(2) (with arts. 7-9)
- F46** Words in s. 224 substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), [Sch. 1 para. 1\(1\)\(2\)](#); [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with regs. 13, 29, 30)
- F47** [S. 224\(2\)\(zb\)](#) substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), [Sch. 4 para. 154](#); [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with regs. 13, 29, 30)
- F48** S. 224(2)(c) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 5 para. 150\(c\)](#); [S.I. 2013/160](#), art. 2(2) (with arts. 7-9)
- F49** S. 224(3)(3A) substituted for s. 224(3) (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), [ss. 186\(3\)](#), 306(4); [S.I. 2013/160](#), art. 2(2) (with arts. 7-9)
- F50** S. 224(5) inserted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), [ss. 186\(4\)](#), 306(4); [S.I. 2013/160](#), art. 2(2) (with arts. 7-9)

Commencement Information

- I4** S. 224 in force at 21.2.2008 by [S.I. 2008/461](#), [art. 2\(1\)\(b\)](#)

225 [^{F51}Duties of services-providers to allow entry by Local Healthwatch organisations or contractors]

- (1) The Secretary of State shall by regulations make provision for the purpose of imposing, on a services-provider, a duty to allow authorised representatives to enter and view, and observe the carrying-on of activities on, premises owned or controlled by the services-provider.
- (2) The provision that may be made by regulations under subsection (1) includes (in particular)—
 - (a) providing for a duty to apply in relation to premises owned or controlled by a services-provider only if, or not to apply in relation to any such premises if, the premises are of a particular description;
 - (b) providing for a duty, so far as applying in relation to any premises, to apply in relation to activities carried on on the premises only if, or not to apply in relation to any such activities if, the activities are of a particular description;
 - (c) conditions to be satisfied before a duty arises in a particular case;
 - (d) provision limiting the extent of a duty, whether generally or in particular cases;
 - (e) provision imposing, or authorising the imposition of, conditions and restrictions for the purposes of subsection (4)(b);

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- (f) provision as respects the authorisation of individuals for the purposes of this section by [^{F52}a Local Healthwatch organisation or a Local Healthwatch contractor].
- (3) Provision such as is mentioned in subsection (2)(d) may limit a duty by (in particular)
-
- (a) providing for a duty not to apply to an authorised representative if he is, or unless he is, of a particular description;
 - (b) limiting the number of authorised representatives to whom a duty applies in a particular case;
 - (c) limiting the hours during which a duty applies.
- (4) While an authorised representative is on any premises as a result of a services-provider having complied with a duty imposed under subsection (1)—
- (a) any viewing, or observation, carried out by the representative must be carried out for the purposes of the carrying-on, under arrangements made under section 221(1) [^{F53}or Local Healthwatch arrangements], of activities specified in section 221(2); and
 - (b) the representative must comply with any applicable conditions and restrictions imposed under subsection (1) for the purposes of this paragraph.
- (5) In this section “authorised representative” means an individual authorised for the purposes of this section, in accordance with any applicable provision in regulations under subsection (1), by [^{F54}a Local Healthwatch organisation or a Local Healthwatch contractor].
- [^{F55}(5A) In this section—
- “Local Healthwatch arrangements” has the meaning given by section 222;
- “Local Healthwatch contractor” has the meaning given by section 223.]
- ^{F56}(6)
- (7) In this section “services-provider” means—
- (a) a National Health Service trust;
 - (b) an NHS foundation trust;
 - ^{F57}(c)
 - (d) a local authority; or
 - (e) a person prescribed by regulations made by the Secretary of State.

Textual Amendments

- F51** S. 225 title substituted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 186(11)**, 306(4); S.I. 2013/160, [art. 2\(2\)](#) (with [arts. 7-9](#))
- F52** Words in s. 225(2)(f) substituted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 186(7)**, 306(4); S.I. 2013/160, [art. 2\(2\)](#) (with [arts. 7-9](#))
- F53** Words in s. 225(4)(a) inserted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 186(8)**, 306(4); S.I. 2013/160, [art. 2\(2\)](#) (with [arts. 7-9](#))
- F54** Words in s. 225(5) substituted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 186(7)**, 306(4); S.I. 2013/160, [art. 2\(2\)](#) (with [arts. 7-9](#))
- F55** S. 225(5A) inserted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 186(9)**, 306(4); S.I. 2013/160, [art. 2\(2\)](#) (with [arts. 7-9](#))

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- F56** S. 225(6) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 186(10)**, 306(4); [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))
- F57** S. 225(7)(c) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), **Sch. 5 para. 151**; [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

Commencement Information

- I5** S. 225 in force at 31.1.2008 by [S.I. 2008/172](#), **art. 2(1)(r)**

226 [^{F58}**Referrals of social care matters**]

- (1) Subsections (2) to (5) apply where [^{F59}a Local Healthwatch organisation or a Local Healthwatch contractor] refers a matter relating to social care services to an overview and scrutiny committee of a local authority.
- (2) The committee must—
 - (a) acknowledge receipt of the referral; and
 - (b) keep the referrer informed of the committee's actions in relation to the matter.
- (3) The committee must decide whether or not any of its powers is exercisable in relation to the matter referred.
- (4) If the committee concludes that any of those powers is exercisable in relation to the matter, the committee must decide whether or not to exercise that power in relation to the matter.
- (5) The committee, in exercising any of those powers in relation to the matter, must take into account any relevant information provided by [^{F60}a Local Healthwatch organisation or a Local Healthwatch contractor].
- (6) The Secretary of State may by regulations make provision as respects determining the time by which a duty under subsection (2)(a) is to be performed.
- [^{F61}(7) For the purposes of this section, something is done by a Local Healthwatch organisation if it is done by that organisation in the carrying-on, under arrangements made under section 221(1), of activities specified in section 221(2).
- (7A) For the purposes of this section, something is done by a Local Healthwatch contractor if it is done by that contractor in the carrying-on, under Local Healthwatch arrangements, of activities specified in section 221(2).]
- (8) In this section—

[^{F62}“Local Healthwatch arrangements” has the meaning given by section 222;
“Local Healthwatch contractor” has the meaning given by section 223;]
“overview and scrutiny committee”—

 - (a) in relation to a local authority which under Part 2 of the Local Government Act 2000 (c. 22) operates executive arrangements, means an overview and scrutiny committee of the authority within the meaning given by section 21(1) of that Act;
 - (b) in relation to a local authority which under Part 2 of that Act operates alternative arrangements, means a committee or sub-committee appointed under section 32(1)(b) of that Act;

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- (c) in relation to the Common Council of the City of London, means a committee established under section 10(1) of the Health and Social Care Act 2001 (c. 15); and
 - (d) in relation to the Council of the Isles of Scilly, means a committee which, by virtue of an order under section 265 of the Local Government Act 1972 (c. 70), is appointed by the Council under section 21(1) or 32(1) (b) of the Local Government Act 2000;
- “social care services” means services provided as part of the social services functions of a local authority;
- “social services functions”, in relation to a local authority, has the same meaning as in the Local Authority Social Services Act 1970 (c. 42).

Textual Amendments

- F58** S. 226 title substituted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 186(16)**, 306(4); [S.I. 2013/160, art. 2\(2\)](#) (with [arts. 7-9](#))
- F59** Words in s. 226(1) substituted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 186(13)**, 306(4); [S.I. 2013/160, art. 2\(2\)](#) (with [arts. 7-9](#))
- F60** Words in s. 226(5) substituted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 186(13)**, 306(4); [S.I. 2013/160, art. 2\(2\)](#) (with [arts. 7-9](#))
- F61** S. 226(7)(7A) substituted for s. 226(7) (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 186(14)**, 306(4); [S.I. 2013/160, art. 2\(2\)](#) (with [arts. 7-9](#))
- F62** Words in s. 226(8) inserted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 186(15)**, 306(4); [S.I. 2013/160, art. 2\(2\)](#) (with [arts. 7-9](#))

Commencement Information

- I6** S. 226(1)-(5)(7)(8) in force at 1.4.2008 by [S.I. 2008/461, art. 2\(3\)](#), [Sch.](#)
- I7** S. 226(6) in force at 21.2.2008 by [S.I. 2008/461, art. 2\(1\)\(c\)](#)

227 ^{F63}Local Healthwatch organisations: annual reports

- (1) Subsection (2) has effect for the purposes of section 222(7).
- (2) In relation to any arrangements made under section 221(1)^{F64}..., the “required provision about annual reports” is—
 - (a) provision—
 - (i) requiring^{F65}... the preparation by [^{F66}the Local Healthwatch organisation] for each financial year of a report in relation to the activities of [^{F67}the organisation] in the year (so far as they are activities specified in section 221(2) for the local authority's area and carried on [^{F68}under the arrangements or arrangements made] in pursuance of the arrangements);
 - ^{F69}(ii)
 - ^{F70}(iii)
 - (b) provision requiring that each such report must comply with the requirements mentioned in subsection (3);
 - (c) provision requiring each such report to be prepared by 30th June after the end of the financial year concerned; and
 - (d) provision requiring that, once such a report has been prepared—

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- (i) copies of it are to be made publicly available in such manner as the person preparing it, after having had regard to any guidance issued by the Secretary of State that may be in force at the time, considers appropriate; and
 - (ii) a copy of it is to be sent to each of the persons specified in subsection (4).
- (3) The requirements referred to in subsection (2)(b) are—
 - (a) that the report addresses, in particular, such matters as the Secretary of State may direct; ^{F71}and]
 - (b) that the report ^{F72}... includes—
 - (i) details of the amounts spent by ^{F73}the Local Healthwatch organisation in its capacity as such, and the amounts spent by its Local Healthwatch contractors in their capacity as such,] in the year concerned; and
 - (ii) details of what those amounts were spent on; ^{F74}...
 - ^{F74}(c)
- (4) The persons referred to in subsection (2)(d)(ii) are—
 - (a) the local authority;
 - ^{F75}(aa) ^{F76}[NHS England];
 - (ab) each ^{F77}[“integrated care board”, whose area or any part of whose area falls within the area of the local authority;]
 - ^{F78}(b)
 - (c) any overview and scrutiny committee of the local authority that is within subsection (5);
 - ^{F79}(ca) the Care Quality Commission;]
 - ^{F80}(cb) the Healthwatch England committee of the Care Quality Commission;]
 - (d) ^{F81}... and
 - (e) such other persons (if any) as the Secretary of State may direct.
- (5) An overview and scrutiny committee of the local authority is within this subsection—
 - (a) ^{F82}...if any activities of ^{F83}[the Local Healthwatch organisation] (so far as they are activities specified in section 221(2) and carried on ^{F84}under the arrangements made under section 221(1) or arrangements made] in pursuance of the arrangements) are relevant to the functions of the committee; ^{F85}...
 - ^{F85}(b)
- ^{F86}(6)
- ^{F86}(7)
- ^{F86}(8)
- (9) In this section—
 - “financial year” means a period of 12 months ending with 31st March;
 - ^{F87}“Local Healthwatch contractor” has the meaning given by section 223;]
 - “overview and scrutiny committee” has the meaning given by section 226(8).
- (10) Power to give directions for purposes of this section includes power to vary or revoke directions given in previous exercise of the power.

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- (11) Directions given, or guidance issued, for purposes of this section must be published in such manner as, in the opinion of the Secretary of State, is likely to bring them or it to the attention of the persons to whom they or it are applicable.

Textual Amendments

- F63** S. 227 title substituted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 187(9)**, 306(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F64** Words in s. 227(2) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 187(2)**, 306(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F65** Words in s. 227(2)(a)(i) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 187(3)(a)(i)**, 306(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F66** Words in s. 227(2)(a)(i) substituted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 187(3)(a)(ii)**, 306(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F67** Words in s. 227(2)(a)(i) substituted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 187(3)(a)(iii)**, 306(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F68** Words in s. 227(2)(a)(i) inserted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 187(3)(a)(iv)**, 306(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F69** S. 227(2)(a)(ii) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 187(3)(b)**, 306(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F70** S. 227(2)(iii) and preceding word omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 187(3)(c)**, 306(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F71** Word in s. 227(3)(a) inserted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 187(4)(a)**, 306(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F72** Words in s. 227(3)(b) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 187(4)(b)(i)**, 306(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F73** Words in s. 227(3)(b)(i) substituted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 187(4)(b)(ii)**, 306(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F74** S. 227(3)(c) and preceding word omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 187(4)(c)**, 306(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F75** S. 227(4)(aa)(ab) inserted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 187(5)(a)**, 306(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F76** Words in s. 227 substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), Sch. 1 para. 1(1)(2); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F77** Words in s. 227(4)(ab) substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), **Sch. 4 para. 155**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F78** Words in s. 227(4)(b) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), **Sch. 5 para. 152(a)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F79** S. 227(4)(ca) inserted (1.10.2008) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), **Sch. 5 para. 94**; S.I. 2008/2497, art. 2(q)(x)
- F80** S. 227(4)(cb) inserted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 187(5)(b)**, 306(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F81** S. 227(4)(d) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 187(5)(c)**, 306(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F82** Words in s. 227(5)(a) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 187(6)(a)(i)**, 306(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F83** Words in s. 227(5)(a) substituted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 187(6)(a)(ii)**, 306(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F84** Words in s. 227(5)(a) inserted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 187(6)(a)(iii)**, 306(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F85** S. 227(5)(b) and preceding word omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 187(6)(b)**, 306(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)

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- F86** S. 227(6)-(8) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), [ss. 187\(7\)](#), [306\(4\)](#); [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-9](#))
- F87** Words in s. 227(9) inserted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), [ss. 187\(8\)](#), [306\(4\)](#); [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-9](#))

Commencement Information

- I8** S. 227 in force at 1.4.2008 in so far as not already in force by [S.I. 2008/461](#), [art. 2\(3\)](#), [Sch.](#)
- I9** S. 227 in force at 10.3.2010 for specified purposes by [S.I. 2008/461](#), [art. 2\(2\)](#)

^{F88}228 Transitional arrangements

.....

Textual Amendments

- F88** S. 228 omitted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), [ss. 188\(10\)](#), [306\(1\)\(d\)\(4\)](#); [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-9](#))

229 Sections 221 to 228: interpretation and supplementary

- (1) For the purposes of sections 221 to 228, each of the following is a “local authority”—
- (a) a county council in England;
 - (b) a district council in England, other than a council for a district in a county for which there is a county council;
 - (c) a London borough council;
 - (d) the Common Council of the City of London; and
 - (e) the Council of the Isles of Scilly.
- (2) Any power of the Secretary of State to make regulations under sections 221 to 228 includes power to make incidental, supplementary, consequential, transitory or transitional provision or savings.

Commencement Information

- I10** S. 229 in force at 31.1.2008 by [S.I. 2008/172](#), [art. 2\(1\)\(s\)](#)

Abolition of Patients' Forums etc

230 Abolition of functions of Patients' Forums

- (1) The following provisions of the 2006 Act are omitted—
- sections 237(3) to (9) and 238 (functions of Patients' Forums);
 - section 239 (power to confer rights of entry on members of Patients' Forums);
 - and
 - section 241(3) and (4) (regulations about membership of Patients' Forums).
- (2) If subsection (1) comes into force on a day other than 1st April—

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- (a) section 240 of the 2006 Act (a Patients' Forum must prepare an annual report for each financial year), and regulation 4 of the Functions Regulations (a Patients' Forum must prepare annual accounts for each financial year), shall have effect as if the final reporting period of a Patients' Forum were a financial year; and
 - (b) regulation 4(3) of the Functions Regulations (accounts for a financial year to be copied to the Commission no later than 31st May after end of year) shall have effect in relation to the final reporting period of a Patients' Forum as if for “31st May” there were substituted “two months”.
- (3) A Patients' Forum, in its report under section 240 of the 2006 Act for its final reporting period, must (in particular) include details of anything being done by the Patients' Forum that was still in progress when subsection (1) came into force.
- (4) Section 240 of the 2006 Act does not require a Patients' Forum to prepare a report, and regulation 4 of the Functions Regulations does not require a Patients' Forum to prepare annual accounts, in relation to any time after the end of its final reporting period.
- (5) In subsections (2) to (4) “final reporting period”, in relation to a Patients' Forum, means the period—
- (a) ending with the coming into force of subsection (1); and
 - (b) beginning with the preceding 1st April.
- (6) In this section—
- “the 2006 Act” means the National Health Service Act 2006 (c. 41);
 - “the Functions Regulations” means the Patients' Forums (Functions) Regulations 2003 (S.I. 2003/2124).

Commencement Information

III S. 230 in force at 1.4.2008 by [S.I. 2008/461](#), [art. 2\(3\)](#), [Sch.](#)

231 Abolition of Patients' Forums

- (1) The following provisions of the National Health Service Act 2006 are omitted—
- section 237(1) and (2) (establishment of Patients' Forums and appointment of their members);
 - section 240 (Patients' Forums: annual reports); and
 - section 241(1) and (2) (power to make further provision about Patients' Forums).
- (2) The property, rights and liabilities of each Patients' Forum are by virtue of this subsection transferred to the Secretary of State for Health (including any property, rights and liabilities that would not otherwise be capable of being transferred).
- (3) Any legal proceedings relating to anything transferred under subsection (2) may be continued by or in relation to the Secretary of State for Health.

Commencement Information

II2 S. 231 in force at 1.4.2008 by [S.I. 2008/461](#), [art. 2\(3\)](#), [Sch.](#)

Changes to legislation: There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, Part 14. (See end of Document for details)

232 Abolition of Commission for Patient and Public Involvement in Health

- (1) The following provisions of the 2006 Act are omitted—
section 243 (establishment and functions of the Commission); and
Schedule 16 (further provision about the Commission).
- (2) The property, rights and liabilities of the Commission are by virtue of this subsection transferred to the Secretary of State for Health (including any property, rights and liabilities that would not otherwise be capable of being transferred).
- (3) Any legal proceedings relating to anything transferred under subsection (2) may be continued by or in relation to the Secretary of State for Health.
- (4) Subsection (5) applies if the Secretary of State is satisfied that the Commission has carried out, or has substantially carried out, its functions under section 243(5) of the 2006 Act (review by Commission of annual reports of Patients' Forums) in relation to the final reports of the Patients' Forums.
- (5) The Secretary of State may fix the period that is to be the Commission's final reporting period for the purposes of paragraphs 11 and 12 of Schedule 16 to the 2006 Act (Commission's annual report and accounts) by notifying that period to—
 - (a) the Commission; and
 - (b) the Comptroller and Auditor General.
- (6) Paragraphs 11 and 12 of Schedule 16 to the 2006 Act shall have effect as if the final reporting period notified under subsection (5) were a financial year.
- (7) Paragraphs 11(2) and 12(1) of Schedule 16 to the 2006 Act do not require the Commission to prepare annual accounts and reports in respect of any time after the end of the final reporting period notified under subsection (5).
- (8) The period notified under subsection (5)—
 - (a) must be a period beginning with 1st April in any year; and
 - (b) may be a period of, or longer or shorter than, 12 months.
- (9) In this section—
“the 2006 Act” means the National Health Service Act 2006 (c. 41);
“the Commission” means the Commission for Patient and Public Involvement in Health.

Commencement Information

- I13** S. 232(1) in force at 1.4.2008 for specified purposes by [S.I. 2008/461](#), [art. 2\(3\)](#), [Sch.](#)
- I14** S. 232(1) in force at 30.6.2008 in so far as not already in force by [S.I. 2008/461](#), [art. 2\(4\)\(a\)](#)
- I15** S. 232(2)-(9) in force at 30.6.2008 by [S.I. 2008/461](#), [art. 2\(4\)\(a\)](#)

Consultation about health services

233 Duty to involve users of health services

- (1) Section 242 of the National Health Service Act 2006 (public involvement and consultation) is amended as mentioned in subsections (2) to (4) below.

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(2) For subsection (1) (bodies to which section applies) substitute—

“(1) This section applies to—

- (a) relevant English bodies, and
- (b) relevant Welsh bodies.

(1A) In this section—

“relevant English body” means—

- (a) a Strategic Health Authority,
- (b) a Primary Care Trust,
- (c) an NHS trust that is not a relevant Welsh body, or
- (d) an NHS foundation trust;

“relevant Welsh body” means an NHS trust all or most of whose hospitals, establishments and facilities are in Wales.

(1B) Each relevant English body must make arrangements, as respects health services for which it is responsible, which secure that users of those services, whether directly or through representatives, are involved (whether by being consulted or provided with information, or in other ways) in—

- (a) the planning of the provision of those services,
- (b) the development and consideration of proposals for changes in the way those services are provided, and
- (c) decisions to be made by that body affecting the operation of those services.

(1C) Subsection (1B)(b) applies to a proposal only if implementation of the proposal would have an impact on—

- (a) the manner in which the services are delivered to users of those services, or
- (b) the range of health services available to those users.

(1D) Subsection (1B)(c) applies to a decision only if implementation of the decision (if made) would have an impact on—

- (a) the manner in which the services are delivered to users of those services, or
- (b) the range of health services available to those users.

(1E) The reference in each of subsections (1C)(a) and (1D)(a) to the delivery of services is to their delivery at the point when they are received by users.

(1F) For the purposes of subsections (1B) to (1E), a person is a “user” of any health services if the person is someone to whom those services are being or may be provided.

(1G) A relevant English body must have regard to any guidance given by the Secretary of State as to the discharge of the body's duty under subsection (1B).

(1H) The guidance mentioned in subsection (1G) includes (in particular)—

- (a) guidance given by the Secretary of State as to when, or how often, involvement under arrangements under subsection (1B) is to be carried out;

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- (b) guidance given by the Secretary of State as to the form to be taken by such involvement in any case specified by the guidance.”
- (3) In subsection (2) (each body to which section applies must make arrangements), for “body to which this section applies” substitute “ relevant Welsh body ”.
- (4) In subsection (5) (directions about arrangements under subsection (2)), for “subsection (2)” substitute “ this section ”.
- (5) After that section insert—

“242A Strategic Health Authorities: further duty to involve users

- (1) The Secretary of State must by regulations require each Strategic Health Authority to make arrangements which secure that health service users are, directly or through representatives, involved (whether by being consulted or provided with information, or in other ways) in prescribed matters.
- (2) In this section “health service users” means persons to whom health services are being or may be provided in the area of the Strategic Health Authority.
- (3) A Strategic Health Authority must have regard to any guidance given by the Secretary of State as to the discharge of the authority’s duty under regulations under this section.
- (4) The guidance mentioned in subsection (3) includes (in particular)—
 - (a) guidance given by the Secretary of State as to when, or how often, involvement under arrangements under the regulations is to be carried out;
 - (b) guidance given by the Secretary of State as to the form to be taken by such involvement in any case specified by the guidance.
- (5) Any duty of a Strategic Health Authority under regulations under this section is in addition to the authority’s duty under section 242(1B).

242B Directions in cases where Strategic Health Authority arranges involvement

- (1) The Secretary of State may make regulations enabling a Strategic Health Authority, in circumstances mentioned in subsection (2), to direct a Primary Care Trust that persons who would otherwise be involved in a particular matter under arrangements made by the Primary Care Trust under section 242 are not to be involved in that matter under those arrangements.
- (2) The circumstances referred to in subsection (1) are where the persons concerned are to be involved (whether by the Strategic Health Authority, by the Strategic Health Authority and the Primary Care Trust acting jointly, or otherwise) under arrangements made or to be made by the Strategic Health Authority.
- (3) Regulations under this section may include provision—
 - (a) for the consequences of compliance with a direction, including provision that a Primary Care Trust is not to be taken to have failed to comply with its duty under section 242(1B) by reason of compliance with a direction,

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- (b) enabling a direction to be given where involvement under arrangements made by the Primary Care Trust has already begun, and as to the provision that may be made by the direction in such a case,
- (c) requiring prescribed information to be provided by a Primary Care Trust to a Strategic Health Authority,
- (d) requiring prescribed information to be provided by a Strategic Health Authority to a Primary Care Trust,
- (e) enabling a Strategic Health Authority to direct a Primary Care Trust to act jointly with the Strategic Health Authority in carrying out involvement.”

Commencement Information

- I16** S. 233(1)-(4) in force at 3.11.2008 by [S.I. 2008/2434](#), [art. 2\(2\)\(a\)](#)
- I17** S. 233(5) in force at 26.9.2008 for specified purposes by [S.I. 2008/2434](#), [art. 2\(1\)](#)
- I18** S. 233(5) in force at 3.11.2008 for specified purposes by [S.I. 2008/2434](#), [art. 2\(2\)\(b\)](#)
- I19** S. 233(5) in force at 22.2.2010 in so far as not already in force by [S.I. 2010/112](#), [art. 3](#)

234 Reports on consultation

- (1) In Chapter 1 of Part 2 of the National Health Service Act 2006 (c. 41) (Strategic Health Authorities), after section 17 insert—

“17A Reports on consultation

- (1) Each Strategic Health Authority must, at such times as the Secretary of State may direct, prepare a report—
 - (a) on the consultation it has carried out, or proposes to carry out, before making commissioning decisions, and
 - (b) on the influence that the results of consultation have on its commissioning decisions.
- (2) In subsection (1) “commissioning decisions”, in relation to a Strategic Health Authority, means (subject to any directions under subsection (5)(e)) decisions as to the carrying-out of functions exercisable by it for the purpose of securing, by arrangement with any person or body, the provision of services as part of the health service.
- (3) Each Strategic Health Authority must also, at such times as the Secretary of State may direct, prepare a report—
 - (a) on any relevant consultation carried out by the authority, and
 - (b) on the influence that the results of any relevant consultation have had on such matters as may be specified in the direction.
- (4) In subsection (3) “relevant consultation” means consultation in relation to matters specified by the direction under that subsection.
- (5) The Secretary of State may give directions as to—
 - (a) the periods to be covered by reports under this section;
 - (b) the matters to be dealt with by reports under this section;
 - (c) the form and content of reports under this section;

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- (d) the publication of reports under this section;
 - (e) decisions that are to be treated as being, or that are to be treated as not being, commissioning decisions for the purposes of subsection (1).”
- (2) In Chapter 2 of Part 2 of the National Health Service Act 2006 (Primary Care Trusts), after section 24 insert—

“24A Report on consultation

- (1) Each Primary Care Trust must, at such times as the Secretary of State may direct, prepare a report—
 - (a) on the consultation carried out, or proposed to be carried out, before the making by the Primary Care Trust of commissioning decisions, and
 - (b) on the influence that the results of consultation have on its commissioning decisions.
- (2) In subsection (1) “commissioning decisions”, in relation to a Primary Care Trust, means (subject to any directions under subsection (3)(e)) decisions as to the carrying out of its functions under Parts 4 to 7.
- (3) The Secretary of State may give directions as to—
 - (a) the periods to be covered by reports under this section;
 - (b) the matters to be dealt with by reports under this section;
 - (c) the form and content of reports under this section;
 - (d) the publication of reports under this section;
 - (e) decisions that are to be treated as being, or that are to be treated as not being, commissioning decisions for the purposes of subsection (1).”

Commencement Information

I20 S. 234 in force at 3.11.2008 by [S.I. 2008/2434](#), [art. 2\(2\)\(c\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, Part 14.