



Health and Social Care Act 2012

2012 CHAPTER 7

PART 5

PUBLIC INVOLVEMENT AND LOCAL GOVERNMENT

CHAPTER 1

PUBLIC INVOLVEMENT

Local Healthwatch organisations

182 Activities relating to local care services

- (1) Section 221 of the Local Government and Public Involvement in Health Act 2007 (health services and social services) is amended as follows.
- (2) In subsection (2)—
 - (a) in each of paragraphs (a) to (c), before “people” insert “local”, and
 - (b) omit the “and” preceding paragraph (d).
- (3) At the end of that paragraph, insert “and to the Healthwatch England committee of the Care Quality Commission.”
- (4) After that paragraph insert—
 - “(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

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- (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.”
- (5) In subsection (3), after “(2)(b)” insert “and (f)”.
- (6) After that subsection insert—
- “(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.”
- (7) After subsection (3A) insert—
- “(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.”
- (8) In subsection (6), after the definition of “local care services” insert—
- ““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
- who are (taken together) representative of the people mentioned in paragraphs (a) to (c);”.
- (9) In the title to section 221, omit “: local involvement networks”.
- (10) For the cross-heading preceding that section substitute “Local arrangements”.
- (11) After section 45C of the Health and Social Care Act 2008 (inserted by section 181(4)), insert—

“45D Granting licence to use trade mark

- (1) The Commission may grant a Local Healthwatch organisation a licence authorising the use, in relation to the carrying-on of activities under arrangements made under section 221(1) of the Local Government and Public Involvement in Health Act 2007, of a registered trade mark of which the Commission is the proprietor.
- (2) A licence under this section may not provide for the grant of a sub-licence by the licensee other than a sub-licence authorising the use of the mark by a Local Healthwatch contractor in relation to the carrying-on of activities under Local Healthwatch arrangements.
- (3) In this section—

“Local Healthwatch arrangements” has the meaning given by section 222 of the Local Government and Public Involvement in Health Act 2007,

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“Local Healthwatch contractor” has the meaning given by section 223 of that Act, and

“registered trade mark” and “use” have the same meaning as in the Trade Marks Act 1994.”