
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision in relation to local involvement networks. These networks are provided for in the Local Government and Public Involvement in Health Act 2007 (c.28) (“the Act”). These Regulations also make provision in relation to the temporary duty to be imposed on local authorities under section 228 of the Act to make arrangements for activities under section 221(2) of the Act (“section 221 activities”) to be carried on.

Part 2 of these Regulations makes provision regarding local involvement networks. Regulations 2 and 3 impose a requirement on local authorities to ensure that local involvement network arrangements include certain provisions about local involvement networks’ procedures and decision-making. This includes who may be an authorised representative for the purposes of entering and viewing the premises of services-providers and how such a person may be authorised.

Regulation 4 sets out that a person carrying out local involvement network activities must notify the local authority that made the arrangements under which those activities are to be carried out as soon as that person carries on one of those activities.

Regulations 5 and 6 set out the duties to be imposed on services-providers where a local involvement network has made a recommendation or report to a services-provider.

Part 3 of these Regulations makes provision regarding the temporary duty to be imposed on local authorities under section 228 of the Act to make arrangements for section 221 activities to be carried on. Regulation 7 provides when this duty is to end. Regulations 8 and 9 set out how local authorities are to comply with the temporary duty. Regulations 10 to 14 provide that similar duties are imposed on services-providers in relation to responding to reports or recommendations by a person carrying on section 221 activities as a result of the temporary duty and allowing authorised representatives to enter and view their premises as apply in relation to a local involvement network.

Regulation 15 imposes a duty on a person who carried on section 221 activities as a result of the temporary duty to prepare a transitional report including details of the section 221 activities carried on.

Regulation 16 imposes a duty on an overview and scrutiny committee of a local authority to respond to a referral of a social care matter by a person who, as a result of the temporary duty, is carrying-on section 221 activities.

Regulation 17 sets out the time limit for an overview and scrutiny committee of a local authority to acknowledge receipt of a referral of a social care matter by a local involvement network.

Regulation 18 amends the Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002 (S.I. 2002/3048). The amendments set out how and when an overview and scrutiny committee of a local authority is to respond to a referral of a health matter by a local involvement network or a person who, as a result of the temporary duty, is carrying-on section 221 activities.

Regulation 19 and the Schedule make consequential amendments relating to the abolition of Patients’ Forums and the Commission for Public and Patient Involvement in Health and the establishment of local involvement networks. They also amend a reference to a Community Health Council.

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

A full Impact Assessment has been produced for this instrument and copies are available from the PPI Policy Team, Room 502A, Skipton House, 80 London Road, London SE1 6LH (email – ppimailbox@dh.gsi.gov.uk).