

# LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 14: Patient and Public Involvement in Health and Social Care**

##### **Consultation about health services**

##### *Section 233: Duty to involve users of health services*

553. This section amends section 242 of the National Health Service Act 2006 (“the 2006 Act”) which sets out the current duty to involve and consult users of health services. This section also inserts new sections 242A and 242B into the 2006 Act.
554. **Section 242** applies to Strategic Health Authorities, Primary Care Trusts, NHS trusts and NHS foundation trusts. However, the amendments do not change how section 242 applies to NHS trusts all or most of whose hospitals, establishments and facilities are located in Wales. The amendments do alter how section 242 applies to the rest of the bodies to which the section applies, and the bodies to which the amendments do apply are referred to as “relevant English bodies”. The amendments replace the existing duty imposed by section 242 on relevant English bodies with a new duty to make arrangements to involve the users of health services.
555. The new section 242(1B) provides that relevant English bodies must involve (whether by consultation or provision of information, or in other ways) users of health services in the planning of the provision of services, the development and consideration of proposals for change in the way services are provided and decisions affecting the operation of services. In relation to the development and consideration of proposals for changes to services, or decisions affecting the operation of those services, the duty to involve will arise only where the proposal for change to, or decision affecting the operation of, services would have an impact on the range, or manner of delivery, of services received by the user.
556. New section 242(1G) provides that a relevant English body must have regard to any guidance issued by the Secretary of State as to the discharge of its new duty under that section.
557. New section 242A confers a duty on the Secretary of State to make regulations requiring a Strategic Health Authority to make arrangements to ensure that users of health services are involved in matters specified in regulations. In complying with this duty a Strategic Health Authority must have regard to any guidance issued by the Secretary of State, about how the duty to involve should be carried out and when and how often that involvement should occur.
558. New section 242B gives the Secretary of State the power to make regulations enabling Strategic Health Authorities to give directions, in certain circumstances, to Primary Care Trusts in relation to arrangements that the Primary Care Trust might make for

*These notes refer to the Local Government and Public Involvement in  
Health Act 2007 (c.28) which received Royal Assent on 30 October 2007*

the involvement of patients and the public in accordance with section 242. Those circumstances are where the Strategic Health Authority will be making arrangements for involvement.