
WELSH STATUTORY INSTRUMENTS

2010 No. 288

**The Community Health Councils (Constitution,
Membership and Procedures) (Wales) Regulations 2010**

PART IV

Consultation of Councils by relevant health service bodies

27.—(1) It is the duty of each relevant Local Health Board and NHS Trust in Wales (in this regulation referred to as “relevant Welsh NHS body”) in respect of health services for which it is responsible, to involve a Council 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;

and it is incumbent upon each relevant Welsh NHS body to consult a Council at the inception and throughout any such planning, development, consideration or decision-making process in accordance with any guidance which may be issued by the Welsh Ministers.

(2) It is the duty of each relevant Strategic Health Authority, Primary Care Trust and NHS Trust in England (in this regulation referred to as “a relevant English NHS body”) in respect of health services for which it is responsible, to consult with a Council when—

- (a) planning the provision of those services;
- (b) developing and considering proposals for changes in the way those services are provided; and
- (c) making decisions affecting the operation of those services;

and it is incumbent upon each relevant English NHS body to consult a Council at the inception and throughout any such planning, development, consideration or decision-making process.

(3) Where a relevant Welsh or English NHS body has under consideration any proposal for a substantial development of the health service in the district of a Council, or for a substantial variation in the provision of such a service, it must consult that Council at the inception and throughout any such consideration or variation process.

(4) Paragraphs (1), (2) and (3) do not apply in respect of proposals to establish a Local Health Board, an NHS Trust or a relevant English NHS body nor to proposals to vary or revoke a Local Health Board Order, an NHS Trust Establishment Order or an Order establishing an English NHS body.

(5) Paragraphs (1), (2) and (3) do not apply to any proposals on which the relevant Welsh or English health service body is satisfied that, in the interests of the health service or because of a risk to safety or welfare of patients or staff, a decision has to be taken without allowing for consultation; but in such case, the relevant Local Health Board, Strategic Health Authority, Primary Care Trust and NHS Trust must notify the Council immediately of the decision taken and the reason why no consultation has taken place.

(6) A Council which has been consulted by a relevant Welsh or English NHS body pursuant to paragraphs (1), (2) and (3) may make comments on the proposal consulted on by such date as may be specified by the relevant health service body.

(7) In any case where a Council is not satisfied that—

- (a) consultation on any proposal referred to in paragraphs (1), (2) and (3) has been adequate in relation to content or time allowed; or
- (b) consultation on any proposal referred to in paragraphs (1),(2) and (3) has been adequate with regard to a Council being consulted at the inception of any such proposal; or
- (c) consultation on any proposal referred to in paragraphs (1), (2) and (3) has been adequate in relation to the frequency with which a Council is consulted throughout the proposal and decision-making process; or
- (d) where paragraph (5) applies, the reason given by the relevant health service body is adequate,

it may report to the Welsh Ministers in writing and the Welsh Ministers may require the relevant Welsh NHS body, and request the relevant English NHS body to carry out such consultation, or further consultation, with a Council as they consider appropriate.

(8) Where further consultation has been required under paragraph (7), the relevant Welsh NHS body must, having regard to the outcome of such consultation, reconsider any decision it has taken in relation to the proposal in question.

(9) In any case where a Council considers that a proposal submitted under paragraphs (1) and (3) by a relevant Local Health Board would not be in the interests of the health service in its district, it may report to the Welsh Ministers in writing and the Welsh Ministers may make a final decision on the proposal and require the relevant Local Health Board to take such action, or desist from taking such action, as the Welsh Ministers may direct.