

National Health Service Reform and Health Care Professions Bill

Establishment of Patients' Councils

Mr David Hinchcliffe
John Austin
Dr Doug Naysmith
Richard Taylor
Mr Charles Kennedy
Dr Evan Harris
Mr Paul Burstow
Sandra Gidley
Mr Andrew Stunnell

NC5

To move the following clause:-

- (1) The Secretary of State shall subject to subsection (2) below establish a body to be known as a Patients' Council ("Councils") in England in each area for which an overview and scrutiny committee has been established under section 7 of the Health and Social Care Act 2001(c15); each council shall be appointed from among members of the relevant Primary Care Trust Patients' Forums and NHS Trust Patients' Forums operating in that area and representatives from the relevant community interest groups.
- (2) Where it appears to the Secretary of State that there is a need to establish a Council for an area other than that represented by a local authority with overview and scrutiny functions, he shall, after local consultation, establish a Council for such other area as appears to him will meet the needs of the local community.
- (3) The functions of a Council are to represent the interests in the health service of the public in its district and in particular to –
 - (a) facilitate the co-ordination of the activities of member Patients' Forums including by the provision of staff and services to Patients' Forums,
 - (b) provide or make arrangements for the provision of services under section 19A of the NHS Act 1977 (independent advocacy services) at the direction of the Commission for Patient and Public Involvement in Health,
 - (c) represent to persons and bodies which exercise functions in its area (including in particular the overview and scrutiny committees and the joint overview and scrutiny committees mentioned in sections 7,8 and 10 of the Health and Social Care Act 2001) the views of members of the public in its area about matters affecting their health,
 - (d) advise the bodies mentioned in subsection (4) on involvement of the public in its area in consultations or processes leading (or potentially leading) to decisions by those bodies or the formulation of policies by

them, which would or might affect (whether directly or not) the health of those members of the public, monitor the effectiveness of this involvement and co-operate with the Commission for Patient and Public Involvement in Health in carrying out this function.”)

(4) The decisions in question at 3(d) are those made by –

- (a) health service bodies,
- (b) other public bodies, and
- (c) others providing services to the public or a section of the public.

(5) The Secretary of State shall following consultation with the Association of Community Health Councils for England and Wales, Community Health Councils, patients' and carers' organisations and the wider community, by regulation make the following provisions in relation to Councils and in particular provide as to –

- (a) the Patients' Forums and other community interest groups from which members of the Council are to be appointed,
- (b) any qualification or disqualification from membership,
- (c) terms of appointment,
- (d) the proceedings of a Council,
- (e) the discharge of any functions of a Council by a committee of the Council or by a joint committee appointed with another Council,
- (f) the circumstances in which Councils will co-operate with each other in the exercise of their functions and exercise functions jointly with one or more other Councils,
- (g) funding of Councils and the provision of staff, premises and other facilities,
- (h) the preparation and publication by a Council of annual accounts,
- (i) the provision of information (including descriptions of information which are or are not to be provided) to a Council by an NHS Trust, a Primary Care Trust, a Strategic Health Authority, the Commission for Patient and Public Involvement in Health, the relevant local authorities or a person providing independent advocacy services (within the meaning given by section 19A of the NHS Act 1977),
- (j) the provision of information by a Council to another person,
- (k) the preparation and publication of reports by Councils
- (l) the furnishing and publication by NHS trusts, Primary Care Trusts, Strategic Health Authorities and Overview and Scrutiny Committees of comments on reports or recommendations of Councils.
- (m) The referral of matters of a prescribed description to any overview and scrutiny committee, the relevant Strategic Health Authority, the Commission for Patient and Public Involvement in Health or the Secretary of State for Health.

- (6) The Regulations shall include provision applying or corresponding to any provision of Part 5A of the Local Government Act 1970 (c.70) (access to meetings and documents).
- (7) In section 21(10) of the Local Government Act 2000 (membership of overview and scrutiny committees) after the words "who are not members of the authority" there shall be inserted ("and shall include a person appointed by the relevant Patients' Council").
- (8) In paragraph 1 of Schedule 1 to the Health Authorities Act 1995 as amended by this Act after -
- “(c) a prescribed number of officers of the Health Authority” there shall be inserted -
- “(d) persons appointed by the relevant Patients’ Councils.”.’.