

Health and Social Care Act 2001 (s11 & s12)

Public involvement and consultation

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(1) It is the duty of every body to which this section applies to make arrangements with a view to securing, as respects health services for which it is responsible, that persons to whom those services are being or may be provided are, directly or through representatives, involved in and consulted on-

- (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.

(2) This section applies to-

- (a) Health Authorities,
- (b) Primary Care Trusts, and
- (c) NHS trusts.

(3) For the purposes of this section a body is responsible for health services-

- (a) if the body provides or is to provide those services to individuals, or
- (b) if another person provides, or is to provide, those services to individuals-
 - (i) at that body's direction,
 - (ii) on its behalf, or
 - (iii) in accordance with an agreement or arrangements made by that body with that other person;

and references in this section to the provision of services include references to the provision of services jointly with another person.

Independent advocacy services

12 Independent advocacy services

After section 19 of the 1977 Act there shall be inserted-

"19A Independent advocacy services

(1) It is the duty of the Secretary of State to arrange, to such extent as he considers necessary to meet all reasonable requirements, for the provision of independent advocacy services.

(2) "Independent advocacy services" are services providing assistance (by way of representation or otherwise) to individuals making or intending to make-

(a) a complaint under a procedure operated by a health service body or independent provider,

(b) a complaint to the Health Service Commissioner for England or the Health Service Commissioner for Wales,

(c) a complaint of a prescribed description which relates to the provision of services as part of the health service and-

(i) is made under a procedure of a prescribed description, or

(ii) gives rise, or may give rise, to proceedings of a prescribed description.

(3) In subsection (2)-

"health service body" means a body which, under section 2(1) or (2) of the Health Service Commissioners Act 1993, is subject to investigation by the Health Service Commissioner for England or the Health Service Commissioner for Wales;

"independent provider" means a person who, under section 2B(1) or (2) of that Act, is subject to such investigation.

(4) The Secretary of State may make such other arrangements as he thinks fit for the provision of assistance to individuals in connection with complaints relating to the provision of services as part of the health service.

(5) In making arrangements under this section the Secretary of State must have regard to the principle that the provision of services under the arrangements should, so far as practicable, be independent of any person who is the subject of a relevant complaint or is involved in investigating or adjudicating on such a complaint.

(6) The Secretary of State may make payments to any person in pursuance of arrangements under this section."