



Health and Social Care Act 2012

2012 CHAPTER 7

PART 5

PUBLIC INVOLVEMENT AND LOCAL GOVERNMENT

CHAPTER 1

PUBLIC INVOLVEMENT

Local Healthwatch organisations

183 Local authority arrangements

- (1) Section 222 of the Local Government and Public Involvement in Health Act 2007 (arrangements under section 221 of that Act) is amended as follows.
- (2) For subsection (2) substitute—
 - “(2) The arrangements must be made with a body corporate which—
 - (a) is a social enterprise, and
 - (b) satisfies such criteria as may be prescribed by regulations made by the Secretary of State.
 - (2A) For so long as the arrangements are in force, the body with which they are made—
 - (a) has the function of carrying on in A’s area the activities specified in section 221(2), and
 - (b) is to be known as the “Local Healthwatch organisation” for A’s area.
 - (2B) But the arrangements may authorise the Local Healthwatch organisation to make, in pursuance of those arrangements, arrangements (“Local Healthwatch arrangements”) with a person (other than A) for that person—

Status: This is the original version (as it was originally enacted).

- (a) to assist the organisation in carrying on in A’s area some or all of the activities, or
 - (b) (subject to provision made under section 223(2)(e)) to carry on in A’s area some (but not all) of the activities on the organisation’s behalf.”
- (3) In subsection (3), for the words from the beginning to “who is not” substitute “None of the following is capable of being a Local Healthwatch organisation”.
- (4) For subsection (4) substitute—
- “(4) The arrangements must secure the result that Local Healthwatch arrangements will not be made with a body of a description specified in subsection (3) or with the National Health Service Commissioning Board.”
- (5) For subsection (5) substitute—
- “(5) The arrangements may (in particular) make provision as respects co-operation between the Local Healthwatch organisation for the area and one or more other Local Healthwatch organisations.”
- (6) After subsection (7) insert—
- “(7A) A must exercise its functions under this Part so as to secure that the arrangements—
- (a) operate effectively, and
 - (b) represent value for money.
- (7B) A must publish a report of its findings in seeking to secure the objective mentioned in subsection (7A).”
- (7) For subsection (8) substitute—
- “(8) For the purposes of this section, a body is a social enterprise if—
- (a) a person might reasonably consider that it acts for the benefit of the community in England, and
 - (b) it satisfies such criteria as may be prescribed by regulations made by the Secretary of State.
- (9) Regulations made by the Secretary of State may provide that activities of a prescribed description are to be treated as being, or as not being, activities which a person might reasonably consider to be activities carried on for the benefit of the community in England.
- (10) In subsections (8) and (9), “community” includes a section of the community; and regulations made by the Secretary of State may make provision about what does, does not or may constitute a section of the community.”
- (8) For the title to section 222 substitute “Local Healthwatch organisations”.
- (9) After section 222 insert—

“222A Local authority arrangements: conflicts of interest

- (1) In making arrangements under section 221(1), a local authority must have regard to any conflicts guidance issued by the Secretary of State.

Status: This is the original version (as it was originally enacted).

- (2) Arrangements under section 221(1) must require the Local Healthwatch organisation, in exercising its function of carrying on the activities specified in section 221(2) or in making Local Healthwatch arrangements, to have regard to any conflicts guidance issued by the Secretary of State.
- (3) In this section, “conflicts guidance” means guidance about managing conflicts between—
 - (a) the making of arrangements under section 221(1), and
 - (b) the carrying-on of the activities specified in section 221(2).
- (4) In this section, “Local Healthwatch arrangements” has the meaning given by section 222.”