

HEALTHWATCH PROGRAMME BOARD PAPER

Title: Update on Health and Social Care Bill 2011

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Purpose: This paper provides an update on the government amendments introduced to the Health and Social Care Bill following the Listening Exercise.

Links:

Desired outcome:

Circulation: At HWPB Members' discretion

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Issue

1. This paper provides a summary update on the government amendments to the Health and Social Care Bill 2011, following the NHS Future Forum's report from the Listening Exercise and the published Government's response.

Action required and timetable

2. The Board to note the update.

Background

3. The Government launched a listening exercise during April and May to 'pause, listen, reflect and improve' the proposals in the Health and Social Care Bill 2011. The NHS Future Forum was launched on 6 April as part of this and its members attended around 200 events and met more than 6,700 people face to face. In addition, more than 25,000 people submitted their views to the Forum via email with a further 4,000 sending in private comments, completed questionnaires or website responses.
4. The NHS Future Forum published its report on 13 June, to which the government published an initial response on 14 June accepting the Future Forum's core recommendation and that the Forum will continue to lead on listening in the NHS.

Discussion

5. The Government published its full response on 20 June and the following government amendments were introduced during re-committal stage of the Health and Social Care Bill in July.
6. For **HealthWatch England**, these are:
 - Introduce a new requirement for the Care Quality Commission to respond to advice from its HealthWatch England subcommittee;

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- Require the Secretary of State to consult HealthWatch England on the mandate to the NHS Commissioning Board;
- The NHS Commissioning Board, in consultation with Monitor, will set out guidance on how choice and competition should be applied to particular services, guided by the mandate set by Ministers, and following engagement with HealthWatch England.
- HealthWatch England will have the power to establish a citizens' panel, or equivalent arrangement, to look at how choice and competition are working, and inform HealthWatch's annual report to Parliament. This does not require any further amendment to the Bill.

7. For **Local HealthWatch organisations**, these are:

- Add an explicit requirement that local HealthWatch membership is representative of different users, including carers.
- Commissioners and providers will have a duty to have due regard to findings from local HealthWatch organisations.

8. For **local health and wellbeing boards**, these are:

- Health and wellbeing boards will have a stronger role in promoting joint commissioning and integrated provision between health, public health and social care. They can be the vehicle for “lead commissioning” for particular services, for example social care for people with long-term conditions – with pooled budgets and joint commissioning arrangements where the relevant functions are delegated to them.

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- Health and wellbeing boards will have a stronger role in leading on local public involvement.
- Health and wellbeing boards should be involved throughout the process as clinical commissioning groups develop their commissioning plans
- The views of the shadow health and wellbeing board will also be taken into account by the NHS Commissioning Board when they make decisions on establishment and authorisation of clinical commissioning groups.

Conclusion

9. The impact of the 'pause' on the parliamentary timetable is that dates planned for next spring will now fall to the autumn, at the earliest. For HealthWatch England and Local HealthWatch, the revised implementation date is October 2012.

10. This will allow local HealthWatch the opportunity to play a full role in clinical commissioning groups and health and wellbeing boards when they are set up. Local Authorities and local HealthWatch will take formal responsibility for commissioning NHS complaints advocacy from April 2013.

July 2011