



8th January 2013

To: The Clerk
Secondary Legislation Scrutiny Committee
House of Lords
London SW1A 0PW

Rutland LINK
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Dear Sirs,

REF: SI 3094 National Health Service,-NHS Bodies and Local Authorities (Partnership Arrangements, Care Trusts, Public Health and Local Healthwatch) Regulations 2012 (Negative procedure) laid on the 17th December 2012

I would be very grateful if you would pass onto the Secondary Legislation Scrutiny Committee the concerns of Rutland Local Involvement Network about the aforementioned Regulations which relate to the structure and governance of Local Healthwatch. Our concern is that the SI does not deliver the policy intentions of impartiality and independence for Local Healthwatch promised by the Secretary of State for Health. Many of our concerns are dealt with fully in the submission dated 31st December 2012 from our colleagues at the National Association of LINKs Members (NALM) and we recommend their submission to the Committee. In addition to the concerns raised in NALM's submission we have an additional concern detailed below.

The SI in describing "lay involvement" in Local Healthwatch makes clear the exclusion of health & social care professionals who are regulated as shown but allows involvement from health & social care staff who are not regulated in this way:

Section 34.

(1) "health or social care professional" means (subject to paragraph (2)) an individual who is a member of a profession regulated by a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002(3) (the Professional Standards Authority for Health and Social Care);

(2) In the definition of "health or social care professional" in paragraph (1), the reference to a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002 is to be read as including a reference to the Health and Care Professions Council(15), or a regulatory body within section 25(3)(j) of that Act(16), so far as it has functions relating to—

- (a) the social work profession in England; or
- (b) social care workers in England.

The concerns raised by the use of these definitions have largely been dealt with in NALM's submission, however there is a further consideration:

The definition used would exclude many people who may well be regulated as described although not working professionally within health or social care. Examples would include those working outside of health and social care or the recently retired who currently bring great energy, knowledge and professionalism. It is suggested the regulations should be clear that providing you are not obtaining financial benefit in a health or social care capacity you can be active within Healthwatch and it should also be clear that anyone obtaining financial benefit in any capacity even in a non-professional role should be excluded.

I hope you will consider this issue and those contained in NALM's submission during your deliberations on the Local Healthwatch Regulations.

Yours sincerely

Rutland LINK (Chair)