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## HEALTHWATCH REGULATIONS

Dear

We are writing to you concerning the Healthwatch Regulations debate, which took place in the House of Lords on February 5<sup>th</sup> 2013 (The NHS Bodies and Local Authorities (Partnership Arrangements, Care Trusts, Public Health and Local Healthwatch) Regulations 2012).

During the debate, many members of the House expressed concern about the confusing wording of Regulations, particularly with respect to campaigning by Local Healthwatch (LHW) (s36 of the Regulations). As you know, Earl Howe gave assurances that the government expects LHWs to be active campaigning organisations, in relation to influencing commissioning of health and social care services and, where appropriate effecting changes in policy and legislation, where such changes would improve services. The caveats are that the LHW must be able to show that it is properly representing local people when it leads campaigning activities and must not participate in party political activities. We agree with both of these caveats.

Since the debate on February 5<sup>th</sup>, Ministers have confirmed their view that the Regulations will enable LHW to campaign when it is appropriate to do so and written advice on campaigning has been provided by Healthwatch England and the Department of Health.

However, we are left with Regulations written in obscure, inaccessible language, which are extremely confusing to members of LHW and to the public – the very people for whom they are written (see below). The Regulations suggest severe restraint on campaigning, counter to the assurances given to you by Ministers, and the current wording would suggest that any major challenge to local authorities and the NHS would be extremely difficult. We are also concerned that a challenge by LHW concerning unsatisfactory local services, could be restrained, because local authorities are in control of LHW budgets, some of which have already suffered severe cuts, e.g. Manchester LHW has already had a 50% budget cut. In such

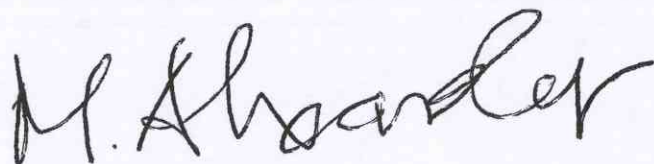
NATIONAL ASSOCIATION OF LINKs MEMBERS, Company limited by guarantee. Company registered in England. Company No. 06598770. Established for charitable purposes. Registered office: 6 GARDEN COURT HOLDEN ROAD, WOODSIDE PARK, N12 7DG.

circumstances, LHW would be very vulnerable to termination of its contract by a local authority, if they ran a campaign that challenged the local authority as a commissioner or provider of social care services.

Our purpose in writing to you is to ask if you would support a cross party approach to Ministers to support the rewriting of the Regulations in clear, transparent language that can be understood by lay people and which is consistent with the intentions and recent statements of Ministers.

I attach a short report on our recent meeting with Norman Lamb on this issue.

Yours sincerely

A handwritten signature in black ink that reads "M. Alexander". The signature is written in a cursive, flowing style.

Malcolm Alexander  
Chair

Ruth Marsden  
Vice Chair

## **The NHS Bodies and Local Authorities (Partnership Arrangements, Care Trusts, Public Health and Local Healthwatch) Regulations 2012**

36.—(1) For the purposes of section 222(9) of the 2007 Act (social enterprises: activities for the benefit of the community) and regulation 35(1)(b), the following activities are to be treated as not being activities which a person might reasonably consider to be activities carried on for the benefit of the community in England—

(a) the promotion of, or opposition to, changes in—

(i) any law applicable in the United Kingdom or elsewhere; or

(ii) the policy adopted by any governmental or public authority in relation to any matter;

(b) the promotion of, or opposition (including the promotion of changes) to, the policy which any governmental or public authority proposes to adopt in relation to any matter;

(c) activities which can reasonably be regarded as intended or likely to—

(i) provide or affect support (whether financial or otherwise) for a political party or political campaigning organisation; or

(ii) influence voters in relation to any election or referendum.

<http://www.legislation.gov.uk/uksi/2012/3094/contents/made>