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Mr Malcolm Alexander
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Received 4/5/2013

Dear Malcolm,

Thank you for your letter of 28 March to Earl Howe, co-signed by Ruth Marsden on behalf of your group, expressing concern about the Healthwatch regulations. The letter has been passed to me to respond as the lead Minister in this area. Thank you also for enclosing a copy of your earlier letter to me, to which I have already responded.

I appreciate NALM's view that the regulations for local Healthwatch organisations place severe constraints on campaigning and that the regulations are confusing, and it was helpful to meet to discuss your concerns. I would like to reiterate the Department's position as follows:

- we do not expect local Healthwatch organisations to be constrained from fulfilling their role as consumer champion for health and social care service users;
- local Healthwatch organisations can campaign to bring about improvements to local services and policies based on robust evidence and feedback gathered from the local community; and
- the regulations seek to ensure that the activities of local Healthwatch organisations are not influenced by political considerations, but are based on robust evidence.

We do, however, recognise that there have been some concerns about the interpretation of the local Healthwatch regulations around the issue of campaigning. It is worth explaining that regulations by their nature are technical, and use legal phrasing and wording that is often more precise than the common usage of language. It was for these reasons that we worked in partnership with the Local Government Association to publish further clarification on these

regulations in the document *Local Healthwatch Regulations Explained*, which can be viewed online at:

http://www.local.gov.uk/c/document_library/get_file?uuid=63371855-2af6-4c97-a9da-fbcc37f1d44e&groupId=10171.

Healthwatch England have also published a resource to support local Healthwatch organisations to understand what these regulations mean for them to avoid confusion - *Interpreting the local Healthwatch regulations: information for local Healthwatch* can be viewed online at:


http://www.healthwatch.co.uk/sites/default/files/understanding_local_healthwatch_regulations_0.pdf

As we have already explained, I can reassure you that the regulations do not prevent local Healthwatch organisations from following up concerns raised by patients, the public and users of services and using their views and experiences as evidence on which to speak out about local services and policies. I would also like to reiterate that these regulations are not new, but are based upon existing legislation for social enterprises in receipt of public funding.

You will be interested to know that, as committed to at the meeting you attended on 13 March, we are currently seeking advice from our lawyers and will be reviewing the issue accordingly. We will update attendees of that meeting of any further decisions on this issue in due course. In addition, as committed to at that meeting, my officials will continue to work closely with the Local Government Association and Healthwatch England to support the local Healthwatch network, and will keep me updated if situations arise where local Healthwatch organisations are constrained from speaking out.

The final note of the meeting will be circulated to attendees shortly and I have attached it here for your information.

I hope this reply is helpful.

Yan Sweedy,

NORMAN LAMB