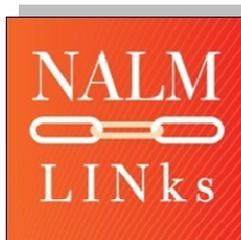


**Public and Patient Involvement in Health and
Social Care**

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National Association of LINKs Members

HUNT GAGS LOCAL HEALTHWATCH

Secretary of State Jeremy Hunt, whilst stepping up pressure on NHS bosses to end legal gags on NHS whistleblowers, has introduced legal gags on Healthwatch bodies, to prevent them campaigning for better and safer services. Institutional 'self-defensiveness', condemned at Mid Staffs and North Lincs Hospitals, is fresh on the statute book for LHW, 'the public's champion' in the NHS and social care.

Local Healthwatch (LHW), new organisations designed to safeguard NHS and social care services, are being gagged by government even before their doors open April 1st 2013. Regulations published by the Department of Health and agreed by Parliament, prevent LHW from leading campaigns for changes to health and social care policies and legislation. The Regulations restrain Local Healthwatch from campaigning to influence the policies of all local authorities, Clinical Commissioning Groups, the NHS and the Department of Health. Jeremy Hunt's assault on the effectiveness of LHW follows massive budget cuts by some local authorities and loss of independence for LHW, by making it accountable to local authorities; the very organisations they were set up to monitor.

The draconian Regulations prevent Local Healthwatch leading:
"The promotion of, or opposition to, changes in policy adopted by any governmental or public authority in relation to any matter."

Lord Collins at the debate on these Regulations on February 5th said:

Healthwatch needs the trust and confidence of the public. To win that trust and to become an effective organisation for patients, it must have independence from the providers, commissioners and regulators of health services, because a patient's complaint may involve the need to challenge any or all three of those interests...My real concern is that, when local Healthwatch eventually opens its doors, it will be bound and gagged by these regulations.

Malcolm Alexander, Chair of NALM said:

Only relentless public campaigning exposed the scandal of Mid Staffordshire Hospital. These Regulations place unreasonable limits on the freedom of communities to campaign through Local Healthwatch for policies that improve local care. The Government's decision to gag Local Healthwatch and undermine its fundamental rights, coincides with the publication of the Francis Report on Mid Staffordshire Hospital. The Regulations critically undermine and disempower service users, who are entitled to a powerful local watchdog to promote safer and more effective local services.

Ruth Marsden, Vice Chair of NALM, said:

Isn't the body-count already high enough? This government is posturing, not listening.

Notes for editors:

- 1) Malcolm Alexander is Chair of the National Association of LINKs Members. He can be contacted on: 0208 809 6551 or 07817505193 or NALM2008@aol.com
- 2) Ruth Marsden is the Vice Chair of the National Association of LINKs Members. She can be contacted on: 01482 849 980 or 07807519933 or ruth@myford.karoo.co.uk
- 3) NALM is the national organisation of Local Involvement Network members and was formed on April 1st 2009. NALM aims to stimulate more powerful approaches to public and user involvement and build grass roots movements that can influence local and government policy on health and social care.
- 4) LHW Regulations can be found at:
<http://www.legislation.gov.uk/ukxi/2012/3094/contents/made>
- 5) The parliamentary debate in the Lords on February 5th 2013, led by Lord Collins can be seen at:

<http://www.publications.parliament.uk/pa/ld201213/ldhansrd/text/130205-0002.htm#13020573000422>
- 6) Local Healthwatch (LHW) is a new being set up by government from April 1st 2013 to be the **voice** of local people and to make sure that health and social care services are designed to meet the needs of patients, social care users and carers. It was intended to be a powerful and influential body, led by local people and intended to influence and challenge the effectiveness of health and social care services and ensure that action is taken when services fail to meet local need.
- 7) "governmental authority" includes—
 - (a) any national, regional or local government in the United Kingdom or elsewhere, including any organ or agency of any such government;
 - (c) any organisation which is able to make rules or adopt decisions which are legally binding on any governmental authority falling within paragraph (a) or (b) of this definition;
- 8) "public authority" includes— any person whose functions are functions of a public nature;

LHW will have a duty to monitoring services, obtaining the views of people about their experiences of care, make and recommendations about how services should be improved, to persons responsible for commissioning, providing, managing or scrutinising local care services. end