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**healthwatch**

Rt Hon Jeremy Hunt MP  
Secretary of State  
Department of Health  
Richmond House  
79 Whitehall  
London SW1A 2NS

cc. Simon Stevens, Chief Executive, NHS England  
cc. Cllr David Sparks OBE, Chair, Local Government Association

20<sup>th</sup> August 2014

Dear Secretary of State,

Thank you for responding to my letter and advisory note of 16<sup>th</sup> July about the potential impact of the Draft Legislative Reform (Clinical Commissioning Groups) Order 2014 (the LRO).

I very much appreciate your swift and considered response to the note and welcome your commitment to ensuring that the new joint committee arrangements enable decision makers to be accountable to their local communities.

We will be happy to work with your officials and NHS England colleagues to consider the additional guidance, materials and resources that may be needed.

But, notwithstanding the level of internal and parliamentary scrutiny that the LRO has been through, I do not yet share your confidence that the new joint committee arrangements will address our concerns about transparency and accountability.

Your confidence seems to be based on two premises. Firstly, that Clinical Commissioning Groups (CCGs) have sufficiently met the level of assurance required for involving local Healthwatch and the community in decision making. Secondly, that CCGs are following the legislation and statutory guidance to engage the public meaningfully in commissioning decisions.

Our evidence from local Healthwatch suggests that these premises may be based on incomplete information and need to be tested by NHS England. To this end, I am going to write to Simon Stevens at NHS England to request an assessment of the assurance of Clinical Commissioning Groups (CCGs) involvement of local Healthwatch and the public in decisions about service change, as set out under the CCG Assurance Framework and Operational Guidance - under s.45A (5/6) of the Health and Social Care Act 2008 and in relation to s. 14Z8 of the National Health Service Act 2006 as amended by the Health & Social Care Act 2012 (s.181 and s.26 respectively).



It is my understanding that this information is routinely collected by NHS England as part of CCG assurance reporting. In particular, I will be asking for assurance of the delivery of *Domain 2*, which asks whether '*patients and the public actively engaged and involved*' in decision making.

In addition to this, I will ask NHS England to assess CCGs compliance with the legislation and statutory guidance on public involvement.

I will ask for both of these assessments to be sent to you directly and request that they are returned before Parliament debates the statutory instrument following the summer recess.

Healthwatch England will continue to work with NHS England to support local Healthwatch in affected areas and to build understanding across the network about how they can meaningfully engage with the CCG assurance process. This will also enable them to fulfil their statutory functions relating to assessing the sufficiency of public involvement in local decision making.

I will of course continue to make you and Simon aware of any concerns that arise from this work about CCGs '*having transparent arrangements in place to feed patient and public insights into CCG decision making, including evidence from local Healthwatch, patient feedback, complaints and concerns*' - as set out under *Domain 2*.

Finally, your offer to consider the ways that the Department-funded Local Government Association programme could be strengthened is very welcome and my team will be in contact with the Department and Cllr David Sparks to explore this further. I will be asking them to consider an additional focus on ensuring local Healthwatch and other Health and Wellbeing Board partners have the knowledge and resources available to them to hold CCGs working in joint committees to account.

Thank you once again for your response to my initial advisory note and I look forward to hearing your thoughts on these reflections.

As ever, do not hesitate to contact me if you require any further information and advice on this matter.

Kind regards,

Anna Bradley  
Chair, Healthwatch England