



Health and Social Care (Quality and Engagement) (Wales) Act 2020

2020 asc 1

VALID FROM 01/04/2022

PART 4

THE CITIZEN VOICE BODY FOR HEALTH AND SOCIAL CARE

Establishment and general objective etc. of Citizen Voice Body

12 Establishment of Citizen Voice Body

- (1) The Citizen Voice Body for Health and Social Care, Wales (referred to in this Part as “the Citizen Voice Body”) is established as a body corporate.
- (2) Schedule 1 makes provision about the Citizen Voice Body's constitution and related matters.

VALID FROM 01/04/2023

13 General objective

- (1) The Citizen Voice Body's general objective, in exercising its functions, is to represent the interests of the public in respect of health services and social services.
- (2) For the purposes of achieving that objective, the Citizen Voice Body must seek the views of the public, in whatever way it thinks appropriate, in respect of health services and social services.
- (3) In making arrangements to comply with subsection (2), the Citizen Voice Body must in particular have regard to the importance of ensuring, where appropriate,

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face-to-face engagement between its staff, or any other persons acting on its behalf, and any individuals from whom views are being sought.

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14 Public awareness and statement of policy

- (1) The Citizen Voice Body must take steps to promote public awareness of its general objective and of its functions.
- (2) The Citizen Voice Body must prepare and publish a statement of its policy setting out how it proposes to—
 - (a) promote awareness of its functions, and
 - (b) seek the views of the public for the purposes of its general objective.
- (3) The statement of policy must in particular specify how, in exercising its functions, the Citizen Voice Body proposes to ensure that—
 - (a) the Body represents the interests of people in all parts of Wales,
 - (b) the Body is accessible to people throughout Wales, and
 - (c) members of the Body's staff and any other persons acting on the Body's behalf are able to engage effectively with people throughout Wales.

VALID FROM 01/04/2023

Making representations

15 Representations to public bodies

- (1) The Citizen Voice Body may make representations to a person mentioned in subsection (2) about anything it considers relevant to the provision of a health service or the provision of social services.
- (2) The persons are—
 - (a) a local authority;
 - (b) an NHS body.
- (3) A person to whom representations under subsection (1) are made must have regard to the representations in exercising any function to which the representations relate.
- (4) The Welsh Ministers must issue guidance to the persons mentioned in subsection (2), in relation to representations made under this section.
- (5) Those persons must have regard to the guidance.

16 Advocacy services etc. in respect of complaints about services

- (1) The Citizen Voice Body may provide assistance (by way of representation or otherwise) to any individual making, or intending to make a complaint to which any of the following subsections applies.

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- (2) This subsection applies to any complaint in respect of which, by virtue of section 187 of the 2006 Act, the Welsh Ministers are required to arrange for the provision of independent advocacy services.
- (3) This subsection applies to any complaint under regulations under section 171 of the 2014 Act (complaints about social services).
- (4) This subsection applies to any complaint to a service provider in respect of a regulated service (within the meaning of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2)).
- (5) This subsection applies to any complaint to the Public Services Ombudsman for Wales which relates to—
 - (a) a local authority's social services functions;
 - (b) a matter to which, by virtue of section 42(1)(a) and (b) of the Public Services Ombudsman (Wales) Act 2019 (anaw 3), Part 5 of that Act applies (investigations by Ombudsman in relation to action taken by care home providers or domiciliary care providers).
- (6) The Citizen Voice Body may also provide assistance (by way of representation or otherwise) to an individual making, or intending to make a complaint capable of being considered as representations under section 174 of the 2014 Act (representations relating to certain children etc.); but this is subject to subsection (7).
- (7) The Citizen Voice Body may not provide assistance under subsection (6) to an individual if the individual is eligible for assistance in relation to the complaint by virtue of arrangements made under section 178(1)(a) of the 2014 Act (duty of local authorities to arrange assistance for children in respect of representations falling within section 174 of the 2014 Act).
- (8) In exercising its functions under this section, the Citizen Voice Body must have regard to the importance of ensuring, where appropriate, face-to-face engagement between its staff, or any other persons acting on its behalf, and any individuals to whom any assistance under this section is being or may be provided.
- (9) In this section, “2014 Act” means the Social Services and Well-being (Wales) Act 2014 (anaw 4).

VALID FROM 01/04/2023

Duties imposed on certain public bodies in respect of Citizen Voice Body

17 Duty to promote awareness of activities of Citizen Voice Body

- (1) A person mentioned in subsection (2) must make arrangements to bring the activities of the Citizen Voice Body to the attention of people who are receiving, or may receive, health services or social services provided by or on behalf of the person.
- (2) The persons are—
 - (a) a local authority;

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- (b) an NHS body.

18 Duty to supply information to Citizen Voice Body

- (1) A person mentioned in subsection (2) must supply the Citizen Voice Body with such information as the Citizen Voice Body reasonably requests for the purpose of carrying out its functions.
- (2) The persons are—
 - (a) a local authority;
 - (b) an NHS body.
- (3) Nothing in this section requires or permits any disclosure of information which is prohibited by any enactment or other rule of law.
- (4) A person who refuses to disclose information in response to a request made under subsection (1) must give the Citizen Voice Body its reasons in writing for not disclosing the information.

Access to premises by Citizen Voice Body: duty to have regard to code of practice

19 Code of practice on access to premises

- (1) The Welsh Ministers must prepare and publish a code of practice about—
 - (a) requests made by the Citizen Voice Body for access to premises for the purpose of seeking the views of individuals in respect of health services or social services, and
 - (b) where access to those premises has been agreed, engagement with individuals at those premises for that purpose.
- (2) “Premises” in subsection (1) means any premises at which health services or social services are being provided.
- (3) The Citizen Voice Body must have regard to the code.
- (4) Each local authority and NHS body must have regard to the code (so far as the code is relevant) in exercising any function that relates to the provision of health services or social services.
- (5) In preparing the code the Welsh Ministers must consult—
 - (a) the Citizen Voice Body;
 - (b) each local authority;
 - (c) each NHS body;
 - (d) such other persons as the Welsh Ministers consider appropriate.

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Co-operation in the exercise of functions

20 Co-operation between the Body, local authorities and NHS bodies

- (1) The Citizen Voice Body, local authorities and NHS bodies must make arrangements to co-operate with a view to supporting each other in the exercise of their relevant functions.
- (2) For the purposes of subsection (1) “relevant functions”—
 - (a) in relation to the Body, means its functions under sections 13(2) and 14(1);
 - (b) in relation to local authorities and NHS bodies, means their functions under section 17(1).

Interpretation of this Part

21 Meaning of “health services” and “social services”

- (1) References in this Part to health services are to services provided (whether in Wales or elsewhere) under or by virtue of the 2006 Act, for or in connection with—
 - (a) the prevention, diagnosis or treatment of illness;
 - (b) the promotion and protection of public health.
- (2) In subsection (1), “illness” has the meaning given in section 206 of the 2006 Act.
- (3) References in this Part to social services are to services provided in the exercise of a local authority's social services functions.
- (4) In subsection (3), “social services functions”, in relation to a local authority, has the same meaning as it has for the purposes of the Social Services and Well-being (Wales) Act 2014 (anaw 4) (see, in particular, section 143 of that Act).

22 Meaning of other terms

In this Part—

“local authority” (“*awdurdod lleol*”) means a council for a county or county borough in Wales;

“NHS body” (“*corff GIG*”) means—

- (a) a Local Health Board;
- (b) an NHS trust;
- (c) a Special Health Authority;

“Special Health Authority” (“*Awdurdod Iechyd Arbennig*”) means a body established under section 22 of the 2006 Act; but does not include any cross-border Special Health Authority (within the meaning of section 8A(5) of the 2006 Act).

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Abolition of Community Health Councils etc.

23 Abolition of Community Health Councils, and connected matters

- (1) Section 182 of the 2006 Act, which provides for the continuance or establishment of Community Health Councils for areas in Wales, is repealed, and those Community Health Councils are abolished.
- (2) Schedule 10 to the 2006 Act, which makes further provision about Community Health Councils, is also repealed.
- (3) Schedule 2 makes provision relating to the transfer of property, rights and liabilities, in connection with the abolition of Community Health Councils.

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