



# Local Government and Public Involvement in Health Act 2007

## 2007 CHAPTER 28

### PART 14

#### PATIENT AND PUBLIC INVOLVEMENT IN HEALTH AND SOCIAL CARE

##### *Local involvement networks*

#### **221 Health services and social services: local involvement networks**

- (1) Each local authority must make contractual arrangements for the purpose of ensuring that there are means by which the activities specified in subsection (2) for the local authority's area can be carried on in the area.
- (2) The activities for a local authority's area are—
  - (a) promoting, and supporting, the involvement of people in the commissioning, provision and scrutiny of local care services;
  - (b) enabling people to monitor for the purposes of their consideration of matters mentioned in subsection (3), and to review for those purposes, the commissioning and provision of local care services;
  - (c) obtaining the views of people about their needs for, and their experiences of, local care services; and
  - (d) making—
    - (i) views such as are mentioned in paragraph (c) known, and
    - (ii) reports and recommendations about how local care services could or ought to be improved,to persons responsible for commissioning, providing, managing or scrutinising local care services.
- (3) The matters referred to in subsection (2)(b) are—
  - (a) the standard of provision of local care services;

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- (b) whether, and how, local care services could be improved;
  - (c) whether, and how, local care services ought to be improved.
- (4) The Secretary of State may by regulations amend this section for the purpose of adding to the activities for the time being specified in subsection (2).
- (5) Before making regulations under this section, the Secretary of State must consult such persons as the Secretary of State considers appropriate.
- (6) In this section—
- “care services” means—
    - (a) services provided as part of the health service in England; or
    - (b) services provided as part of the social services functions of a local authority;
  - “local care services”, in relation to a local authority, means—
    - (a) care services provided in the authority's area; and
    - (b) care services provided, in any place, for people from the area;
  - “the health service” has the same meaning as in the National Health Service Act 2006 (c. 41);
  - “social services functions”, in relation to a local authority, has the same meaning as in the Local Authority Social Services Act 1970 (c. 42).

#### Commencement Information

**II** S. 221 in force at 1.4.2008 by S.I. 2008/461, art. 2(3), Sch.

## 222 Arrangements under section 221(1)

- (1) This section applies in relation to any particular arrangements made under section 221(1) by a local authority (“A”).
- (2) In this section, a reference to a “local involvement network” is to a person who, in pursuance of the arrangements, is to carry on in A's area activities specified in section 221(2) for that area.
- (3) The arrangements must be made with a person (“H”) who is not—
- (a) a local authority;
  - (b) a National Health Service trust;
  - (c) an NHS foundation trust;
  - (d) a Primary Care Trust; or
  - (e) a Strategic Health Authority.
- (4) The arrangements must secure the result that none of the following will be a local involvement network—
- (a) H;
  - (b) A;
  - (c) any other local authority;
  - (d) a National Health Service trust;
  - (e) an NHS foundation trust;
  - (f) a Primary Care Trust;

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- (g) a Strategic Health Authority.
- (5) The arrangements may (in particular) make provision as respects co-operation between a local involvement network and any English network or English networks.
- (6) The arrangements may provide for the making of payments by A.
- (7) The arrangements must include the required provision about annual reports (see section 227).
- (8) In this section “English network” means a person who, in pursuance of arrangements made under section 221(1) by any local authority, is to carry on activities specified in section 221(2).

#### Commencement Information

**I2** S. 222 in force at 1.4.2008 by S.I. 2008/461, art. 2(3), Sch.

### **223 Arrangements: power to make further provision**

- (1) The Secretary of State must make regulations which provide that arrangements made under section 221(1) (“local authority arrangements”) must require prescribed provision to be included in local involvement network arrangements.
- (2) The regulations may in particular provide that local authority arrangements must require local involvement network arrangements to include—
- (a) prescribed provision relating to the way in which certain decisions of a local involvement network are to be taken;
  - (b) prescribed provision relating to the authorisation of individuals as authorised representatives within the meaning of section 225(5);
  - (c) prescribed provision relating to the use by a local involvement network of money derived from the arrangements;
  - (d) prescribed provision relating to the consequences of contravention by a local involvement network of any provision of the arrangements.
- (3) In this section—
- “a local involvement network” means a person who is to carry on activities specified in section 221(2);
  - “local involvement network arrangements”, in relation to local authority arrangements, means arrangements—
    - (a) which are made in pursuance of the local authority arrangements; and
    - (b) under which a person is to carry on activities specified in section 221(2);
  - “prescribed provision” means provision prescribed or of a description prescribed by the regulations.

#### Commencement Information

**I3** S. 223 in force at 21.2.2008 by S.I. 2008/461, art. 2(1)(a)

*Status: Point in time view as at 01/04/2008.*

*Changes to legislation: There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, Cross Heading: Local involvement networks. (See end of Document for details)*

## 224 Duties of services-providers to respond to local involvement networks

- (1) The Secretary of State may by regulations impose, on a services-provider, duties—
  - (a) as respects responding to requests for information made to the services-provider by a local involvement network;
  - (b) as respects dealing with reports or recommendations made to the services-provider by a local involvement network; or
  - (c) as respects dealing with reports or recommendations which, in accordance with any requirement imposed in regulations under paragraph (b), have been referred to the services-provider by another services-provider.
- (2) In subsection (1) “services-provider” means—
  - (a) a National Health Service trust;
  - (b) an NHS foundation trust;
  - (c) a Primary Care Trust;
  - (d) a local authority; or
  - (e) a person prescribed by regulations made by the Secretary of State.
- (3) For the purposes of subsection (1), something is done by a local involvement network if—
  - (a) it is done by a person who, in pursuance of arrangements made under section 221(1), is to carry on activities specified in section 221(2); and
  - (b) it is done by that person in the carrying-on, under those arrangements, of activities so specified.
- (4) Before making regulations under this section, the Secretary of State must consult such persons as the Secretary of State considers appropriate.

### Commencement Information

**I4** S. 224 in force at 21.2.2008 by S.I. 2008/461, art. 2(1)(b)

## 225 Duties of services-providers to allow entry by local involvement networks

- (1) The Secretary of State shall by regulations make provision for the purpose of imposing, on a services-provider, a duty to allow authorised representatives to enter and view, and observe the carrying-on of activities on, premises owned or controlled by the services-provider.
- (2) The provision that may be made by regulations under subsection (1) includes (in particular)—
  - (a) providing for a duty to apply in relation to premises owned or controlled by a services-provider only if, or not to apply in relation to any such premises if, the premises are of a particular description;
  - (b) providing for a duty, so far as applying in relation to any premises, to apply in relation to activities carried on on the premises only if, or not to apply in relation to any such activities if, the activities are of a particular description;
  - (c) conditions to be satisfied before a duty arises in a particular case;
  - (d) provision limiting the extent of a duty, whether generally or in particular cases;
  - (e) provision imposing, or authorising the imposition of, conditions and restrictions for the purposes of subsection (4)(b);

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- (f) provision as respects the authorisation of individuals for the purposes of this section by a local involvement network.
- (3) Provision such as is mentioned in subsection (2)(d) may limit a duty by (in particular)
  - (a) providing for a duty not to apply to an authorised representative if he is, or unless he is, of a particular description;
  - (b) limiting the number of authorised representatives to whom a duty applies in a particular case;
  - (c) limiting the hours during which a duty applies.
- (4) While an authorised representative is on any premises as a result of a services-provider having complied with a duty imposed under subsection (1)—
  - (a) any viewing, or observation, carried out by the representative must be carried out for the purposes of the carrying-on, under arrangements made under section 221(1), of activities specified in section 221(2); and
  - (b) the representative must comply with any applicable conditions and restrictions imposed under subsection (1) for the purposes of this paragraph.
- (5) In this section “authorised representative” means an individual authorised for the purposes of this section, in accordance with any applicable provision in regulations under subsection (1), by a local involvement network.
- (6) In this section “local involvement network” means a person who, in pursuance of arrangements made under section 221(1), is to carry on activities specified in section 221(2).
- (7) In this section “services-provider” means—
  - (a) a National Health Service trust;
  - (b) an NHS foundation trust;
  - (c) a Primary Care Trust;
  - (d) a local authority; or
  - (e) a person prescribed by regulations made by the Secretary of State.

**Commencement Information**

**I5** S. 225 in force at 31.1.2008 by S.I. 2008/172, art. 2(1)(r)

**226 Local involvement networks: referrals of social care matters**

- (1) Subsections (2) to (5) apply where a local involvement network refers a matter relating to social care services to an overview and scrutiny committee of a local authority.
- (2) The committee must—
  - (a) acknowledge receipt of the referral; and
  - (b) keep the referrer informed of the committee's actions in relation to the matter.
- (3) The committee must decide whether or not any of its powers is exercisable in relation to the matter referred.

*Status: Point in time view as at 01/04/2008.*

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- (4) If the committee concludes that any of those powers is exercisable in relation to the matter, the committee must decide whether or not to exercise that power in relation to the matter.
- (5) The committee, in exercising any of those powers in relation to the matter, must take into account any relevant information provided by a local involvement network.
- (6) The Secretary of State may by regulations make provision as respects determining the time by which a duty under subsection (2)(a) is to be performed.
- (7) For the purposes of this section, something is done by a local involvement network if—
- (a) it is done by a person who, in pursuance of arrangements made under section 221(1), is to carry on activities specified in section 221(2); and
  - (b) it is done by that person in the carrying-on, under those arrangements, of activities so specified.
- (8) In this section—
- “overview and scrutiny committee”—
- (a) in relation to a local authority which under Part 2 of the Local Government Act 2000 (c. 22) operates executive arrangements, means an overview and scrutiny committee of the authority within the meaning given by section 21(1) of that Act;
  - (b) in relation to a local authority which under Part 2 of that Act operates alternative arrangements, means a committee or sub-committee appointed under section 32(1)(b) of that Act;
  - (c) in relation to the Common Council of the City of London, means a committee established under section 10(1) of the Health and Social Care Act 2001 (c. 15); and
  - (d) in relation to the Council of the Isles of Scilly, means a committee which, by virtue of an order under section 265 of the Local Government Act 1972 (c. 70), is appointed by the Council under section 21(1) or 32(1)(b) of the Local Government Act 2000;
- “social care services” means services provided as part of the social services functions of a local authority;
- “social services functions”, in relation to a local authority, has the same meaning as in the Local Authority Social Services Act 1970 (c. 42).

#### Commencement Information

- I6** S. 226(1)-(5)(7)(8) in force at 1.4.2008 by [S.I. 2008/461](#), [art. 2\(3\)](#), [Sch.](#)
- I7** S. 226(6) in force at 21.2.2008 by [S.I. 2008/461](#), [art. 2\(1\)\(c\)](#)

## 227 Local involvement networks: annual reports

- (1) Subsection (2) has effect for the purposes of section 222(7).
- (2) In relation to any arrangements made under section 221(1) by a local authority with another person (“H”), the “required provision about annual reports” is—
- (a) provision—

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- (i) requiring, for each local involvement network, the preparation by the network for each financial year of a report in relation to the activities of the network in the year (so far as they are activities specified in section 221(2) for the local authority's area and carried on in pursuance of the arrangements);
    - (ii) requiring the preparation by H of any report that is required, under provision included in the arrangements in pursuance of subparagraph (i), to be prepared by a local involvement network but is not prepared by the network; and
    - (iii) requiring the preparation by H, for each non-networked financial year, of a report in relation to the non-networked activities;
  - (b) provision requiring that each such report must comply with the requirements mentioned in subsection (3);
  - (c) provision requiring each such report to be prepared by 30th June after the end of the financial year concerned; and
  - (d) provision requiring that, once such a report has been prepared—
    - (i) copies of it are to be made publicly available in such manner as the person preparing it, after having had regard to any guidance issued by the Secretary of State that may be in force at the time, considers appropriate; and
    - (ii) a copy of it is to be sent to each of the persons specified in subsection (4).
- (3) The requirements referred to in subsection (2)(b) are—
  - (a) that the report addresses, in particular, such matters as the Secretary of State may direct;
  - (b) that the report, if it is a report required to be prepared by a local involvement network (even if actually prepared by H in compliance with provision included in the arrangements in pursuance of subsection (2)(a)(ii)), includes—
    - (i) details of the amounts spent by H in respect of the network in the year concerned; and
    - (ii) details of what those amounts were spent on; and
  - (c) that the report, if it is a report prepared by H in compliance with provision included in the arrangements in pursuance of subsection (2)(a)(iii), includes—
    - (i) details of the amounts spent by H in the year concerned in respect of the non-networked activities; and
    - (ii) details of what those amounts were spent on.
- (4) The persons referred to in subsection (2)(d)(ii) are—
  - (a) the local authority;
  - (b) each Primary Care Trust, and each Strategic Health Authority, any part of whose area falls within the area of the local authority;
  - (c) any overview and scrutiny committee of the local authority that is within subsection (5);
  - (d) the Secretary of State; and
  - (e) such other persons (if any) as the Secretary of State may direct.
- (5) An overview and scrutiny committee of the local authority is within this subsection—
  - (a) in the case of a report required to be prepared by a local involvement network (even if actually prepared by H in compliance with provision included in the

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- arrangements in pursuance of subsection (2)(a)(ii)), if any activities of the network (so far as they are activities specified in section 221(2) and carried on in pursuance of the arrangements) are relevant to the functions of the committee; and
- (b) in the case of a report prepared by H in compliance with provision included in the arrangements in pursuance of subsection (2)(a)(iii), if in the year concerned any of the non-networked activities are relevant to the functions of the committee.
- (6) In subsections (2) to (5) “the non-networked activities” means the activities specified in section 221(2) for the authority's area so far as they—
- (a) are activities for whose carrying-on in the authority's area the arrangements make provision; and
- (b) are not, under the arrangements, activities whose carrying-on is within the remit of a local involvement network.
- (7) For the purposes of subsection (2)(a)(iii), a financial year is “non-networked” if there is a time in the year when an activity falls (to any extent) within the definition of “the non-networked activities” given by subsection (6).
- (8) In subsections (2) to (7), a reference to a “local involvement network” is to a person who, in pursuance of the arrangements, is to carry on in the local authority's area activities specified in section 221(2) for that area.
- (9) In this section—
- “financial year” means a period of 12 months ending with 31st March;
- “overview and scrutiny committee” has the meaning given by section 226(8).
- (10) Power to give directions for purposes of this section includes power to vary or revoke directions given in previous exercise of the power.
- (11) Directions given, or guidance issued, for purposes of this section must be published in such manner as, in the opinion of the Secretary of State, is likely to bring them or it to the attention of the persons to whom they or it are applicable.

#### Commencement Information

**I8** S. 227 in force at 1.4.2008 in so far as not already in force by S.I. 2008/461, art. 2(3), Sch.

## 228 Transitional arrangements

- (1) When a local authority becomes subject to the duty in section 221(1), it also becomes subject to the following duty.
- (2) That duty (“the temporary duty”) is to ensure until the relevant time that there are means by which the activities specified in section 221(2) can be carried on in the local authority's area.
- (3) The Secretary of State may by regulations—
- (a) define “the relevant time” for the purposes of subsection (2);
- (b) make provision about the ways in which the temporary duty may or may not be complied with;



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- (c) impose on a services-provider duties as respects—
    - (i) responding to requests for information made by a relevant person;
    - (ii) dealing with reports or recommendations made by a relevant person;
  - (d) make provision for the purpose of imposing on a services-provider a duty to allow individuals authorised by relevant persons to enter and view, and observe the carrying-on of activities on, premises owned or controlled by the services-provider;
  - (e) make provision relating to the referral by a relevant person of matters relating to social care services to an overview and scrutiny committee of a local authority;
  - (f) make provision requiring a relevant person to prepare prescribed reports and to send them to prescribed persons;
  - (g) make provision about the publication of such reports.
- (4) Regulations under subsection (3)(d) may include—
- (a) provision corresponding to any provision that could be included in regulations under section 225(1) by virtue of section 225(2) or (3);
  - (b) provision corresponding to section 225(4).
- (5) Regulations under subsection (3)(e) may include provision corresponding to—
- (a) any provision of section 226(2) to (5);
  - (b) any provision that could be included in regulations under section 226(6).
- (6) References in subsection (3) to a “relevant person” are to be read as follows—
- (a) for the purposes of subsection (3)(c) and (e), a request, report, recommendation or referral is made by a “relevant person” if it is made by a person in carrying on section 221 activities in pursuance of temporary arrangements;
  - (b) for the purposes of subsection (3)(d), an individual is authorised by a “relevant person” if the individual is authorised for the purposes of regulations under subsection (3)(d), in accordance with any applicable provision of those regulations, by a person carrying on section 221 activities in pursuance of temporary arrangements;
  - (c) in subsection (3)(f) “relevant person” means—
    - (i) a person who is or has been carrying on section 221 activities in pursuance of temporary arrangements; or
    - (ii) a local authority which is or has been subject to the temporary duty.
- (7) In this section—
- “overview and scrutiny committee” has the same meaning as in section 226;
  - “section 221 activities” means activities specified in section 221(2);
  - “services-provider” means (subject to subsection (8))—
    - (a) a National Health Service trust;
    - (b) an NHS foundation trust;
    - (c) a Primary Care Trust; or
    - (d) a local authority;
  - “social care services” has the same meaning as in section 226;
  - “temporary arrangements” means the arrangements made by a local authority to comply with the temporary duty.

*Status: Point in time view as at 01/04/2008.*

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- (8) In subsection (3)(d) “services-provider” also includes a person prescribed by regulations made by the Secretary of State under section 225(7)(e).

**Commencement Information**

**I9** S. 228(1)(2) in force at 1.4.2008 by S.I. 2008/461, art. 2(3), Sch.

**I10** S. 228(3)-(8) in force at 21.2.2008 by S.I. 2008/461, art. 2(1)(d)

**229 Sections 221 to 228: interpretation and supplementary**

- (1) For the purposes of sections 221 to 228, each of the following is a “local authority”—
- (a) a county council in England;
  - (b) a district council in England, other than a council for a district in a county for which there is a county council;
  - (c) a London borough council;
  - (d) the Common Council of the City of London; and
  - (e) the Council of the Isles of Scilly.
- (2) Any power of the Secretary of State to make regulations under sections 221 to 228 includes power to make incidental, supplementary, consequential, transitory or transitional provision or savings.

**Commencement Information**

**I11** S. 229 in force at 31.1.2008 by S.I. 2008/172, art. 2(1)(s)

**Status:**

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**Changes to legislation:**

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