



## 2009 CHAPTER 1

### *Patient representation and public involvement*

#### **The Patient and Client Council**

**16.—**(1) There shall be a body corporate to be known as the Patient and Client Council.

(2) Schedule 4 applies in relation to the Patient and Client Council.

#### **Functions of the Patient and Client Council**

**17.—**(1) The Patient and Client Council has the following functions as respects the provision of health and social care in Northern Ireland—

- (a) representing the interests of the public;
- (b) promoting involvement of the public;
- (c) providing assistance (by way of representation or otherwise) to individuals making or intending to make a complaint relating to health and social care for which a body to which this section applies is responsible;
- (d) promoting the provision by bodies to which this section applies of advice and information to the public about the design, commissioning and delivery of health and social care;
- (e) such other functions as may be prescribed.

(2) In exercising its functions under subsection (1)(a), the Patient and Client Council must—

- (a) consult the public about matters relating to health and social care; and
- (b) report the views of those consulted to the Department (where it appears to the Council appropriate to do so) and to any other body to which this

section applies appearing to have an interest in the subject matter of the consultation.

(3) In exercising its functions under subsection (1)(b), the Patient and Client Council shall promote the involvement of the public in consultations or processes leading (or potentially leading) to decisions by a body to which this section applies which would or might affect (whether directly or not) the health and social well-being of the public.

(4) In exercising its functions under subsection (1)(c), the Patient and Client Council shall arrange, to such extent as it considers necessary to meet all reasonable requirements, for the provision (by way of representation or otherwise) of assistance to individuals making or intending to make a complaint of a prescribed description.

(5) The Patient and Client Council shall—

- (a) undertake research and conduct investigations into the best methods and practices for consulting the public about, and involving them in, matters relating to health and social care; and
- (b) provide advice regarding those methods and practices to bodies to which this section applies.

(6) The Patient and Client Council must publish any report under subsection (2)(b) in such manner as the Department may direct.

(7) In this section “the public” includes individuals, a group or community of people and a section of the public, however selected.

(8) This section and sections 18 and 19 apply to—

- (a) the Department;
- (b) the Regional Board;
- (c) the Regional Agency;
- (d) HSC trusts; and
- (e) special agencies.

(9) For the purposes of this section and sections 18 to 20 a body is responsible for health and social care—

- (a) if the body provides or will provide that care to individuals; or
- (b) if another person provides, or will provide, that care to individuals—
  - (i) at that body’s direction;
  - (ii) on its behalf; or
  - (iii) in accordance with an agreement or arrangements made by that body with that other person;

and references to the provision of care include references to the provision of care jointly with another person.

**Duty to co-operate with the Patient and Client Council**

**18.**—(1) A body to which this section applies must co-operate with the Patient and Client Council in the exercise by the Council of its functions.

(2) In particular, such a body must—

- (a) consult the Patient and Client Council with respect to such matters, and on such occasions, as the body considers appropriate, having regard to the functions of the Council;
- (b) furnish to the Council, subject to such conditions as the body may specify, such information as the Council considers necessary to enable it properly to exercise its functions; and
- (c) have regard to advice provided by the Council under section 17(5)(b).

(3) Regulations may make provision authorising members of the Patient and Client Council to enter, for the purposes of any of the Council's functions, premises of a kind described in subsection (4).

(4) Those premises are—

- (a) any premises controlled by a body to which this section applies or by a person providing primary medical services or general dental, pharmaceutical or ophthalmic services under Part 2 or 6 of the Order of 1972; and
- (b) premises of such other description as may be prescribed.

(5) Any power of entry conferred by regulations under subsection (3) is exercisable only so far as is necessary for the purpose of enabling the Patient and Client Council to exercise its functions, and is subject to such conditions as may be prescribed.

(6) A body to which this section applies shall have due regard to any views expressed by the Patient and Client Council regarding health and social care for which that body is responsible.

**Public involvement and consultation**

**19.**—(1) Each body to which this section applies must take such steps as it considers appropriate—

- (a) to promulgate information about the health and social care for which it is responsible;
- (b) to obtain information about—
  - (i) the needs of persons to whom that care is being or may be provided; and
  - (ii) the efficacy of that care;
- (c) to encourage and assist persons to whom that care is being or may be provided—

- (i) to avail of that care in an appropriate manner, having regard to the need to use resources in the most economic, efficient and effective way; and
  - (ii) to maintain and improve their own health and social well-being.
- (2) In particular, each body to which this section applies must, before the end of the period of 9 months beginning with the day appointed for the coming into operation of this section, or, if later, the establishment of the body concerned—
  - (a) prepare a consultation scheme in accordance with section 20; and
  - (b) in the case of a health and social care body, submit the scheme to the Department.
- (3) The Department may direct any health and social care body to which this section applies to submit a revised scheme to it.
- (4) The Department may, after consulting the Patient and Client Council, approve a consultation scheme submitted to it under this section with or without amendments.

#### **Public involvement: consultation schemes**

- 20.**—(1) A consultation scheme must make it clear how the body to which the scheme is to apply will make arrangements with a view to securing, as respects health and social care for which it is responsible, that the following are (directly or through representatives) involved in and consulted on the matters mentioned in subsection (2), namely—
- (a) the Patient and Client Council;
  - (b) persons to whom that care is being or may be provided; and
  - (c) the carers of such persons (that is to say the individuals who provide a substantial amount of care on a regular basis for such persons but who are not employed to do so by a health and social care body).
- (2) Those matters are—
- (a) the planning of the provision of that care;
  - (b) the development and consideration of proposals for changes in the way that care is provided; and
  - (c) decisions to be made by that body affecting the provision of that care.
- (3) The consultation scheme must provide for the body to which it is to apply—
- (a) to have due regard to any comments submitted to it in response to the consultation; and
  - (b) to prepare a written statement which—
    - (i) summarises the comments received; and

(ii) sets out the body's response to those comments.

(4) The consultation scheme must provide that the body to which it is to apply shall take such steps as in its opinion will give adequate publicity to the statement.