



National Health Service Reform and Health Care Professions Act 2002

2002 CHAPTER 17

PART 1

NATIONAL HEALTH SERVICE, ETC

Patient and public involvement

20 The Commission for Patient and Public Involvement in Health

- (1) There shall be a body corporate to be known as the Commission for Patient and Public Involvement in Health (“the Commission”) to exercise the functions set out in subsections (2) to (5) (in addition to its function of appointing members of Patients' Forums).
- (2) The Commission has the following functions—
 - (a) advising the Secretary of State, and such bodies as may be prescribed, about arrangements for public involvement in, and consultation on, matters relating to the health service in England,
 - (b) advising the Secretary of State, and such bodies as may be prescribed, about arrangements for the provision in England of independent advocacy services,
 - (c) representing to the Secretary of State and such bodies as may be prescribed, and advising him and them on, the views, as respects the arrangements referred to in paragraphs (a) and (b), of Patients' Forums and those voluntary organisations and other bodies appearing to the Commission to represent the interests of patients of the health service in England and their carers,
 - (d) providing staff to Patients' Forums established for Primary Care Trusts, and advice and assistance to Patients' Forums and facilitating the co-ordination of their activities,
 - (e) advising and assisting providers of independent advocacy services in England,
 - (f) setting quality standards relating to any aspect of —

Status: This is the original version (as it was originally enacted).

- (i) the way Patients' Forums exercise their functions, and
 - (ii) the services provided by independent advocacy services in England, monitoring how successfully they meet those standards, and making recommendations to them about how to improve their performance against those standards,
 - (g) such other functions in relation to England as may be prescribed.
- (3) It is also the function of the Commission to promote the involvement of members of the public in England in consultations or processes leading (or potentially leading) to decisions by those mentioned in subsection (4), or the formulation of policies by them, which would or might affect (whether directly or not) the health of those members of the public.
- (4) The decisions in question are those made by—
- (a) health service bodies,
 - (b) other public bodies, and
 - (c) others providing services to the public or a section of the public.
- (5) It is also the function of the Commission—
- (a) to review the annual reports of Patients' Forums made under section 18, and
 - (b) to make, to the Secretary of State or to such other persons or bodies as the Commission thinks fit, such reports or recommendations as the Commission thinks fit concerning any matters arising from those annual reports.
- (6) If the Commission—
- (a) becomes aware in the course of exercising its functions of any matter connected with the health service in England which in its opinion gives rise to concerns about the safety or welfare of patients, and
 - (b) is not satisfied that the matter is being dealt with, or about the way it is being dealt with,
- the Commission must report the matter to whichever person or body it considers most appropriate (or, if it considers it appropriate to do so, to more than one person or body).
- (7) Bodies to whom the Commission might report a matter include—
- (a) the regulatory body for the profession of a person working in the health service,
 - (b) the Commission for Health Improvement.
- (8) The Commission may make such charges as it thinks fit for the provision of advice and other services (but this is subject to any prescribed limitation).
- (9) The Secretary of State may by regulations make further provision in relation to the Commission.
- (10) The regulations may, in particular, make provision as to the provision of information (including descriptions of information which are or are not to be provided) to the Commission by a Strategic Health Authority, a Special Health Authority, an NHS trust, a Primary Care Trust, a Patients' Forum or a provider of independent advocacy services.
- (11) Schedule 6 (which makes further provision about the Commission) is to have effect.
- (12) In this section—

“carer” and “patient” have the same meaning as in section 15,

“the health service” has the same meaning as in the 1977 Act, except that it includes services provided in pursuance of section 31 arrangements in relation to the exercise of health-related functions of a local authority,

“health service bodies” means Strategic Health Authorities, Primary Care Trusts and NHS trusts,

“independent advocacy services” means services provided under section 19A of the 1977 Act (independent advocacy services),

“prescribed” means prescribed by regulations made by the Secretary of State,

“section 31 arrangements” means arrangements under regulations under section 31 of the 1999 Act (arrangements between NHS bodies and local authorities).