



National Health Service (Wales) Act 2006

2006 CHAPTER 42

PART 13

MISCELLANEOUS

Independent advocacy services

187 Independent advocacy services

- (1) The Welsh Ministers must arrange, to such extent as they consider necessary to meet all reasonable requirements, for the provision of independent advocacy services.
- (2) “Independent advocacy services” are services providing assistance (by way of representation or otherwise) to individuals making or intending to make—
 - (a) a complaint under a procedure operated by a health service body [^{F1}, independent provider or independent palliative care provider],
 - (b) a complaint under section 113(1) or (2) of the Health and Social Care (Community Health and Standards) Act 2003 (c. 43),
 - (c) a complaint to the Health Service Commissioner for England ^{F2}...,
 - [^{F3}(ca) a complaint to the Public Services Ombudsman for Wales which relates to a health service body [^{F4}, family health service provider in Wales, independent provider] or independent palliative care provider,]
 - (d) a complaint of a prescribed description which relates to the provision of services as part of the health service and—
 - (i) is made under a procedure of a prescribed description, or
 - (ii) gives rise, or may give rise, to proceedings of a prescribed description.
- (3) In subsection (2)—
 - [^{F5}“ family health service provider in Wales ” has the same meaning as it has in the Public Services Ombudsman (Wales) Act 2019 (see, in particular, section 78 of that Act),]
 - “health service body” means—

Changes to legislation: National Health Service (Wales) Act 2006, Cross Heading: Independent advocacy services is up to date with all changes known to be in force on or before 22 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (a) in relation to England, a body which, under section 2(1) of the Health Service Commissioners Act 1993 (c. 46), is subject to investigation by the Health Service Commissioner for England,
 - (b) in relation to Wales, a Welsh health service body (within the meaning of [^{F6}the Public Services Ombudsman (Wales) Act 2019]),
 - [^{F7}“independent palliative care provider” means a person who is an independent palliative care provider (within the meaning given by [^{F8}section 64 of the Public Services Ombudsman (Wales) Act 2019]).]
 - “independent provider” means—
 - (a) in relation to England, a person who, under section 2B(1) of the Health Service Commissioners Act 1993, is subject to investigation by the Health Service Commissioner for England,
 - (b) in relation to Wales, a person who is an independent provider in Wales (within the meaning of [^{F9}the Public Services Ombudsman (Wales) Act 2019].
- (4) The Welsh Ministers may make such other arrangements as they consider appropriate for the provision of assistance to individuals in connection with complaints relating to the provision of services as part of the health service.
- (5) In making arrangements under this section the Welsh Ministers must have regard to the principle that the provision of services under the arrangements should, so far as practicable, be independent of any person who is—
- (a) the subject of a relevant complaint, or
 - (b) involved in investigating or adjudicating on such a complaint.
- (6) The Welsh Ministers may make payments to any person in pursuance of arrangements under this section.

Textual Amendments

- F1** Words in s. 187(2)(a) substituted (1.11.2014) by Social Services and Well-being (Wales) Act 2014 (anaw 4), **ss. 180(2)(a)**, 199(2); S.I. 2014/2718, art. 2(c)
- F2** Words in s. 187(2)(c) omitted (1.11.2014) by virtue of Social Services and Well-being (Wales) Act 2014 (anaw 4), **ss. 180(2)(b)**, 199(2); S.I. 2014/2718, art. 2(c)
- F3** S. 187(2)(ca) inserted (1.11.2014) by Social Services and Well-being (Wales) Act 2014 (anaw 4), **ss. 180(2)(c)**, 199(2); S.I. 2014/2718, art. 2(c)
- F4** Words in s. 187(2)(ca) inserted (1.4.2023) by Health and Social Care (Quality and Engagement) (Wales) Act 2020 (asc 1), s. 29(2), **Sch. 3 para. 18(a)**; S.I. 2023/370, art. 3(1)(t)
- F5** Words in s. 187(3) inserted (1.4.2023) by Health and Social Care (Quality and Engagement) (Wales) Act 2020 (asc 1), s. 29(2), **Sch. 3 para. 18(b)**; S.I. 2023/370, art. 3(1)(t)
- F6** Words in s. 187(3) substituted (23.7.2019) by Public Services Ombudsman (Wales) Act 2019 (anaw 3), s. 77(1), **Sch. 5 para. 22(a)**; S.I. 2019/1096, reg. 2
- F7** Words in s. 187(3) inserted (1.11.2014) by Social Services and Well-being (Wales) Act 2014 (anaw 4), **ss. 180(3)**, 199(2); S.I. 2014/2718, art. 2(c)
- F8** Words in s. 187(3) substituted (23.7.2019) by Public Services Ombudsman (Wales) Act 2019 (anaw 3), s. 77(1), **Sch. 5 para. 22(b)**; S.I. 2019/1096, reg. 2
- F9** Words in s. 187(3) substituted (23.7.2019) by Public Services Ombudsman (Wales) Act 2019 (anaw 3), s. 77(1), **Sch. 5 para. 22(c)**; S.I. 2019/1096, reg. 2

Changes to legislation:

National Health Service (Wales) Act 2006, Cross Heading: Independent advocacy services is up to date with all changes known to be in force on or before 22 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 201A-201C inserted by [2017 c. 23 s. 9](#)
- s. 201C(2) words substituted by [2018 c. 12 Sch. 19 para. 118\(2\)](#)
- s. 201C(4) inserted by [2018 c. 12 Sch. 19 para. 118\(3\)](#)
- Sch. 7 para. 1(2A) inserted by [2009 c. 21 s. 32\(3\)](#)