
STATUTORY INSTRUMENTS

2012 No. 3094

The NHS Bodies and Local Authorities (Partnership Arrangements, Care Trusts, Public Health and Local Healthwatch) Regulations 2012

PART 6

LOCAL HEALTHWATCH

Duties of responsible persons to respond to reports and recommendations by Local Healthwatch organisations contractors

44.—(1) Subject to regulation 45, this regulation applies where a Local Healthwatch organisation or a Local Healthwatch contractor has, in the carrying-on of the relevant section 221 activities, made a report or recommendation to a responsible person.

(2) Where a report or recommendation (whether an original or a copy) is received for the first time by a relevant responsible person (“R”), R must within the period specified in paragraph (3)—

- (a) acknowledge receipt to the referrer; and
- (b) provide an explanation to the referrer of any action R intends to take in respect of the report or recommendation or an explanation of why R does not intend to take any action in respect of that report or recommendation.

(3) The period referred to in paragraph (2) is—

- (a) 20 working days beginning with the date of receipt of the report or recommendation in any case other than one to which paragraph (4) applies; and
- (b) 30 working days beginning with the date of receipt of the report or recommendation in a case to which that paragraph applies.

(4) This paragraph applies where—

- (a) the report or recommendation to which the duty in paragraph (2) applies appears to R to have been sent to more than one relevant responsible person;
- (b) the report or recommendation relates to a care service that more than one responsible person was responsible for arranging the provision of;
- (c) R is a clinical commissioning group and might reasonably consider it appropriate to consult the National Health Service Commissioning Board in respect of the report or recommendation; or
- (d) it is agreed by R and the referrer that, in all the circumstances, it is not expedient for R to comply with the duty in paragraph (2) within 20 working days.

(5) Where a report or recommendation (whether an original or a copy) is received for the first time by a responsible person, other than a relevant responsible person, that responsible person must within 20 working days beginning with the date of receipt of that report or recommendation—

- (a) acknowledge receipt to the referrer;

- (b) provide a copy of the report or recommendation to any other responsible person which appears to the responsible person to be a relevant responsible person; and
 - (c) inform the referrer if no other responsible person appears to the responsible person to be a relevant responsible person.
- (6) A relevant responsible person is a responsible person who was responsible for providing or arranging the provision of any of the care services to which the report or recommendation relates.
- (7) This paragraph applies where persons who are relevant responsible persons in respect of a report or recommendation agree that one of those responsible persons may act on their behalf in relation to a report or recommendation made in accordance with paragraph (1).
- (8) Where paragraph (7) applies—
- (a) the duty in paragraph (2)(b) and the period specified in paragraph (3) do not apply; and
 - (b) the responsible person acting on behalf of the relevant responsible persons must, within 30 working days of the latest date on which the report or recommendation was received by one of those responsible persons, provide to the referrer—
 - (i) an explanation of any action any of those responsible persons intends to take in respect of the report or recommendation; or
 - (ii) an explanation of why none of those responsible persons intends to take any action in respect of that report or recommendation.
- (9) If a relevant responsible person receives a report or recommendation from a Local Healthwatch organisation or a Local Healthwatch contractor, the relevant responsible person must send a copy of the report or recommendation to any other relevant responsible person which appears to the relevant responsible person not to have received that report or recommendation, or a copy of it.
- (10) If a relevant responsible person receives a copy of a report or recommendation from a responsible person, the relevant responsible person must send a copy to any other relevant responsible person which appears to the relevant responsible person not to have received a copy of that report or recommendation.
- (11) In this regulation, “the referrer” means the Local Healthwatch organisation or Local Healthwatch contractor which made the report or recommendation.
- (12) Where a responsible person is required to acknowledge receipt, provide an explanation or inform the referrer, that responsible person must do so in writing.