



Llywodraeth Cymru
Welsh Government

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Welsh Government
Consultation Document

Establishment of the Citizen Voice Body for Health and Social Care, Wales

The consultation covers the following main areas:

Draft Code of Practice on Access to Premises

Draft Statutory Guidance on Representations

Draft Guidance on Service Change in the National Health Service

Date of issue: 13 December 2022

Action required: Responses by 06 March 2023

Mae'r ddogfen hon ar gael yn Gymraeg hefyd / This document is also available in Welsh
Rydym yn croesawu gohebiaeth a galwadau ffôn yn Gymraeg / We welcome correspondence and telephone calls in Welsh

Overview

This consultation seeks your views on the draft Code of Practice on Access to Premises, draft Statutory Guidance on Representations, and draft Guidance on Service Change in the National Health Service. These documents have been created, or have been updated, to take account of the establishment of the Citizen Voice Body for Health and Social Care for Wales, with effect from 1 April 2023.

How to respond

Please provide your responses to the consultation by 06 March 2023 in any of the following ways:

- Complete our online form
- Download, complete our consultation response form and email it to:

cvbinfo@gov.wales

Please include the reference number **WG46403** in the subject of your email

- Download, complete our consultation response form and post to the address stated below.

Further information and related documents

Large print, Braille and alternative language versions of this document are available on request.

Contact details

For further information:

Citizen Voice Establishment Team
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

Email: cvbinfo@gov.wales

This document is also available in Welsh: [hyperlink](#)

UK General Data Protection Regulation (UK GDPR)

The Welsh Government will be data controller for any personal data you provide as part of your response to the consultation. Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations. Where the Welsh Government undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (e.g. a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data.

In order to show that the consultation was carried out properly, the Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing.

You should also be aware of our responsibilities under Freedom of Information legislation

If your details are published as part of the consultation response then these published reports will be retained indefinitely. Any of your data held otherwise by Welsh Government will be kept for no more than three years.

Your rights

Under the data protection legislation, you have the right:

- to be informed of the personal data held about you and to access it
- to require us to rectify inaccuracies in that data
- to (in certain circumstances) object to or restrict processing
- for (in certain circumstances) your data to be 'erased'
- to (in certain circumstances) data portability
- to lodge a complaint with the Information Commissioner's Office (ICO) who is our independent regulator for data protection.

For further details about the information the Welsh Government holds and its use, or if you want to exercise your rights under the UK GDPR, please see contact details below:

Data Protection Officer:

Welsh Government

Cathays Park

CARDIFF

CF10 3NQ

e-mail:

Data.ProtectionOfficer@gov.wales

The contact details for the Information
Commissioner's Office are:

Wycliffe House

Water Lane

Wilmslow

Cheshire SK9 5AF

Tel: 01625 545 745 or
0303 123 1113

Website: <https://ico.org.uk/>

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Foreword by the Minister for Health and Social Services

My ambition is for Wales to be a place where the voice of the citizen plays a determining part in the future development of health and social care.

From April 2023, the Citizen Voice Body for health and social care will be in place, to independently represent the interests of the public in relation to health and social care. Amongst its roles will be to actively seek and listen to the views of service users, carers and wider public and to make representations to NHS bodies and local authorities about the provision of health or social services, helping ensure people's experiences drive continuous improvement in local, regional and national plans and policy.

Work to establish and integrate the new body is well underway, overseen by the Citizen Voice Body (CVB) Implementation Group and the CVB's own Board. More information regarding the Citizen Voice Body can be found here: [What we do: Citizen Voice Body for Health and Social Care | GOV.WALES](#)

It is of paramount importance for the Citizen Voice Body to have access to those who might wish to share views, and also for there to be mechanisms that give assurance that proper weight and regard is given to the representations which result - including in relation to health care service changes. To support this and also to clearly set out the relevant expectations, the Welsh Government has developed a Code of Practice on Access to premises, statutory guidance on representations, and revised guidance on service change in the NHS.

All these functions are connected, and I hope that by sharing them together in this way, it will help you as stakeholders to see the inter-connections between them and comment on the proposals we are bringing forward.

I very much look forward to hearing your views.

Eluned Morgan MS

Minister for Health and Social Services

Background

The drive towards closer integration of health and social services with improved public engagement is reflected in the aims of *A Healthier Wales*. This sets out the goal of ensuring citizens are placed at the heart of a whole-system approach to health and social care services and stresses the importance of listening to all voices through continual engagement.

To realise this ambition, the Health and Social Care (Quality and Engagement) (Wales) Act 2020 ('the 2020 Act') is replacing Community Health Councils (which currently represent the patient voice in the health service only) with a new national body - the Citizen Voice Body ('CVB') - that will exercise functions across health and social care. The aims of the new body are to:

- strengthen the citizen voice in Wales in matters related to both health and social services, ensuring that citizens have an effective mechanism for ensuring that their views are heard;
- ensure that individuals are supported with advice and assistance when making a complaint in relation to their care; and
- use the service user experience to drive forward improvement.

This new organisation will be established as a national body but it will be structured in such a way as to enable it to perform its functions at a national, regional and local level. The 2020 Act places duties on the new body, NHS bodies and local authorities to make arrangements to co-operate, with a view to supporting each other in the exercise of their relevant functions. In relation to the CVB, these are its functions in seeking the views of the public in respect of health services and social services, and taking steps to promote public awareness of the CVB. In relation to local authorities and NHS bodies, these are functions in making arrangements to bring the activities of the CVB to the attention of people who are receiving, or may receive, health services or social services, which local authorities and NHS bodies are subject to a duty to do.

To further support this, Welsh Ministers will publish a code of practice about requests from the CVB to enter health and social care premises to seek the views of individuals, and where access to those premises is agreed, engagement with individuals at those premises for that purpose. There will also be statutory guidance to which NHS bodies and local authorities must have regard when dealing with representations made to them by the CVB. This will be complemented by updated guidance for NHS bodies on taking forward service change, revised to take account of the changing role of the CVB. This consultation presents drafts of these three documents for public consultation.

It is the Welsh Government's intention to issue the statutory guidance on representations on or by 1 April 2023, and to revise and issue the guidance on service change to a similar timescale. The Code of Practice on Access to Premises will be finalised ready for issue on or by 1 July 2023, to permit a further, specific consultation with the Citizen Voice Body once in receipt of its full powers, which will need to take place after 1 April 2023. Further details on these three documents can be found below.

Code of Practice on Access to Premises

Section 19(1) of the 2020 Act requires the Welsh Ministers to prepare and publish a code of practice about requests made by the CVB for access to premises for the purpose of seeking the views of individuals in respect of health services or social services and, where access to those premises has been agreed, engagement with individuals at those premises for that purpose.

The version of the Code which is being consulted on has been developed by Welsh Ministers having had regard to input from stakeholders, including representatives of the Board of Community Health Councils and service providers. Its objective is to ensure that the collective voice of individuals can inform the design and delivery of services to better fit their needs, and its purpose is to provide a framework for access to premises and engagement across the variety of settings where health and social services are provided. 'Premises' means any premises at which health services or social services are being provided. 'Health services' are services provided under or by virtue of the NHS (Wales) Act 2006 for or in connection with the prevention, diagnosis or treatment of illness, or the promotion and protection of public health. 'Social services' means services provided (whether in Wales or elsewhere) in the exercise of a local authority's social services functions. Accordingly, 'premises' could include where those health services and/or social services are commissioned from a third-party provider or provided in people's own homes / private dwellings.

The code sets out:

- a process for making requests,
- factors local authorities and NHS bodies must take into account when considering whether to grant access, and this may also apply to commissioned providers,
- factors which the CVB should take into account when seeking to visit people in their own homes, and
- factors to consider when undertaking visits generally.

The Citizen Voice Body must always have regard to the code and NHS bodies and local authorities in Wales must have regard to the code (so far as the code is relevant) in exercising any function that relates to the provision of health or social services, such as when commissioning a third party to provide such services. As the Citizen Voice Body may make requests for access to any premises at which health services or social services are being provided, bodies that provide health and social care services on behalf of NHS bodies and local authorities may also receive requests for access and should take account of this Code in considering these. The code also considers circumstances in which the CVB may seek to visit people in their private dwellings; in this case it sets out specific factors for the CVB to have regard to. Finally the document sets out potential consequences of failure to have regard to the code.

In all decisions made with reference to the code, the interests and wishes of persons who are receiving NHS services or social services, and who might be affected by the decision, should be treated as paramount.

Statutory Guidance on Representations

Section 15 of the 2020 Act enables the Citizen Voice Body to make representations to NHS bodies and local authorities in Wales about anything it considers relevant to the provision of health or social services. This enables it to make known any views it has sought from the public and represent those views, or make representations on other matters which have come to its attention, to the bodies responsible for providing and arranging health and social services. The overall purpose of these representations is to support the process of co-development of health and social care services by amplifying and reinforcing the voice of the citizen alongside that of professionals when making decisions about the development, improvement, change or cessation of health and social care services.

NHS bodies and local authorities must have regard to representations from the CVB in exercising any function to which the representations relate. Generally speaking, this means that, when exercising any function to which the representations relate, they must take the representations into account and be able to demonstrate how they have done so.

This will entail, for example, all representations being conscientiously taken into account by the responsible officers and, where they are relevant to decisions made by relevant decisionmakers, used to inform advice to those decisionmakers.

Section 15(4) of the 2020 Act requires Welsh Ministers to issue statutory guidance in relation to representations made under Section 15 of the Act. Under section 15(5), NHS bodies and local authorities must have regard to this guidance.

The Welsh Ministers intend that this statutory guidance will help ensure that NHS bodies and local authorities have proportionate, operational procedures in place for considering and responding to representations. The draft guidance sets out the expectation that bodies will:

- have a clear system in place for dealing with representations, that is proportionate to the issues raised;
- keep the Citizen Voice Body apprised of progress in dealing with the representations; and
- ensure that the Citizen Voice Body is advised of the outcome of its representations.

The draft guidance also considers representations to NHS bodies and local authorities in relation to health services and social services commissioned by them from third parties, the place of representations within the overall culture of cooperation between the CVB and NHS bodies and local authorities, and representations spanning health and social care services. Finally, it also considers the potential consequences of a failure to have regard to the statutory guidance.

Guidance on service change in the National Health Service

Section 183 of the National Health Services (Wales) Act 2006 requires LHBs, with regard to services they provide or procure, to involve and consult citizens in:

- Planning to provide services for which they are responsible;
- Developing and considering proposals for changes in the way those services are provided; and,
- Making decisions that affect how those services operate.

Section 242 of the National Health Service Act 2006 extends this requirement to NHS Trusts.

This document aims to provide guidance to the NHS in Wales on making changes to health services under these provisions. It replaces the previous guidance and has been updated to reflect the establishment of the Citizen Voice Body for Health and Social Care, the organisation that replaces the network of Community Health Councils, in April 2023.

Linked to this, representations may be made by the Citizen Voice body to NHS bodies about a range of matters relating to the provision of health services, including those relating to changes in NHS services. More information on this, including NHS bodies' duties to have regard to these representations, is included in the Statutory Guidance on Representations to be issued under section 15(4) of the Health and Social Services (Quality and Engagement) (Wales) Act 2020.

The guidance sets out general principles in managing service changes in the NHS, noting the importance of NHS organisations engaging with the Citizen Voice Body and working in partnership with its communities, developing proposals in a genuinely co-productive way. If proposals are developed and planned through co-production, they are more likely to be supported and more likely to deliver improvements in care and respond to the needs for the patients and communities that the NHS is there to serve.

The guidance also deals with continuous engagement, stressing the importance of a strong public information and engagement approach, based on transparency, evidence, and positive leadership, and also the role of the Citizen Voice Body as a key stakeholder. It sets out considerations where more than one NHS organisation needs to work together to engage, plan and deliver regional or national changes to services.

The guidance considers substantial changes, noting that the level of engagement and consultation should be proportionate to the type of change being considered or proposed, and also the relationship of clinical services strategies and Integrated Medium Term Plans to planned change. It also considers special arrangements, where an NHS organisation believes that a decision has to be taken on an issue immediately in the interests of the health service or because of a risk to the safety or

welfare of patients or staff. Finally, the guidance considers situations where there is disagreement about service change proposals and potential responses.

Welsh Ministers are considering directing NHS bodies to have regard to the Service Change Guidance.

Consultation Response Form

Your name:

Organisation (if applicable):

email / telephone number:

Your address:

Question 01: In the draft Code of Practice on Access, we have sought to support the use of visiting to secure people's views whilst also taking account of the issues posed by the different contexts of health and social care. Do you think this balance is broadly achieved? Is there anything in the Code which you consider should be changed to help improve it? Please use the text box to note it, if so.

Question 02: Specifically, in the Code we have sought to draw a distinction between sensitive premises (such as those in which people live, or to which there is controlled access) and other premises to which public access is largely open, and to treat these differently. Is this a helpful distinction? Are there any ways in which you would change it? Are there any other types of premises which you would consider 'sensitive' for these purposes?

Question 03: The code considers circumstances in which the CVB may seek to visit people in their private dwellings, and in their private spaces within premises such as care homes. Do you consider that the Code handles this issue correctly? Are there any improvements you would suggest?

Question 04: In the draft statutory guidance on representations, we have taken the approach of setting out the characteristics which procedures around representations should have, rather than stipulating the procedures themselves. Do you agree with this approach? Is there anything which could be changed in the statutory guidance to strengthen it? Is there any detail which could be omitted to make the guidance more effective or easier to use? Please use the text box to note it, if so.

Question 05: In the guidance on service change in the NHS, is there anything which could be changed to strengthen the guidance, or any helpful detail which is missing? Is there any detail which could be omitted to make the guidance more effective or easier to use? Please use the text box to note it, if so.

Question 06: Do you think that there should be a legal requirement for NHS bodies to comply with the guidance on service change or should it be best practice guidance? Please use the text box to explain your reasoning.

Question 07: Would any of the documents benefit from examples? If so, please explain, and/or use the text box to share any examples of which you are aware, and which you are content to be considered for inclusion in the final versions.

Question 08: What in your view would be the likely impacts upon individuals and groups with protected characteristics of the ways of working set out in these documents? Your views on how positive effects could be increased, or negative effects could be mitigated, would also be welcome. Please use the text box to explain your reasoning.

Question 09: What in your view are the likely other impacts of the ways of working set out in these documents? You may wish to consider, for example, benefits, and disbenefits; costs (direct and indirect), and savings; other practical matters. Your views on how positive effects could be increased, or negative effects could be mitigated, would also be welcome. Please use the text box to explain your reasoning.

Question 10: We would like to know your views on the effects that our proposals would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.

What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated? (Please specify if your response is directly in relation to the Code of Practice on Access to Premises / Statutory Guidance on Representations / Guidance on Service Change in the National Health Service)

Question 11: Please also explain how you believe the proposals could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and

no adverse effects on opportunities for people to use the Welsh language and on

treating the Welsh language no less favourably than the English language. (Please specify if your response is directly in relation to the Code of Practice on Access to Premises / Statutory Guidance on Representations / Guidance on Service Change in the National Health Service)

Question 12: We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here:

