13. Appendix 2: Duty to involve & statutory obligations

The NHS Plan (July 2000) set out the Government’s intention that patients should be ‘at the heart of the NHS’. Patient and public involvement should be central to service planning and provision and a major driver for service improvement. Section 11 of the Health and Social Care Act 2001 further strengthened this commitment by placing a duty on NHS organisations to involve and consult patients and the public. In section 242 of the 2006 NHS Act this duty was strengthened again requiring public engagement and involvement in:

- planning of the provision of services;
- the development and consideration of proposals for changes in the way those services are provided,
- and decisions to be made by the NHS organisation affecting the operation of services.

Further policy has reinforced the duty and need to involve patients and the public in service redesign. The Secretary of State set out four key tests for service change within the revised Operating Framework for 2010-11, which are designed to build confidence within the NHS with staff, patients and communities. For existing and future service reconfiguration proposals it must be demonstrated that there is:

- Support from GP commissioners
- Strengthened public and patient engagement
- Clarity on the clinical evidence base
- Consistency with current and prospective patient choice

The Government’s White paper Equity and Excellence: Liberating the NHS underlined this with “no decisions about me without me”.

GP commissioners will be required to comply with all current legislation and policy for public involvement in the future.