



Health and Social Care Act 2001

2001 CHAPTER 15

PART 1

NATIONAL HEALTH SERVICE

Independent advocacy services

12 Independent advocacy services

After section 19 of the 1977 Act there shall be inserted—

“19A Independent advocacy services

- (1) It is the duty of the Secretary of State to arrange, to such extent as he considers 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 or independent provider,
 - (b) a complaint to the Health Service Commissioner for England or the Health Service Commissioner for Wales,
 - (c) 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)—

“health service body” means a body which, under section 2(1) or (2) of the Health Service Commissioners Act 1993, is subject to

Status: This is the original version (as it was originally enacted).

investigation by the Health Service Commissioner for England or the Health Service Commissioner for Wales;

“independent provider” means a person who, under section 2B(1) or (2) of that Act, is subject to such investigation.

- (4) The Secretary of State may make such other arrangements as he thinks fit 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 Secretary of State 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 the subject of a relevant complaint or is involved in investigating or adjudicating on such a complaint.
- (6) The Secretary of State may make payments to any person in pursuance of arrangements under this section.”