



# Health and Social Care Act 2012

## 2012 CHAPTER 7

### PART 5

#### PUBLIC INVOLVEMENT AND LOCAL GOVERNMENT

### CHAPTER 2

#### LOCAL GOVERNMENT

##### *Joint strategic needs assessments and strategies*

#### **192 Joint strategic needs assessments**

- (1) Section 116 of the Local Government and Public Involvement in Health Act 2007 (health and social care: joint strategic needs assessments) is amended as follows.
- (2) In subsection (4), for paragraph (b) substitute—  
“(b) each of its partner clinical commissioning groups,”.
- (3) In subsection (6)—
  - (a) for “for which a partner PCT acts” substitute “of a partner clinical commissioning group”,
  - (b) for “the partner PCT” substitute “the partner clinical commissioning group”, and
  - (c) after “a need” insert “or to be likely to be a need”.
- (4) In subsection (7)—
  - (a) in paragraph (a)(ii) for “the partner PCT” substitute “the partner clinical commissioning group or the National Health Service Commissioning Board”, and
  - (b) in paragraph (b)(i) for “the partner PCT” substitute “the partner clinical commissioning group or the National Health Service Commissioning Board”.

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(5) In subsection (8)—

- (a) for “each partner PCT” substitute “each of its partner clinical commissioning groups”,
- (b) after paragraph (b) (but before the “and” immediately following it) insert—
  - “(ba) involve the Local Healthwatch organisation for the area of the responsible local authority;
  - (bb) involve the people who live or work in that area;”, and
- (c) in paragraph (c) for “consult” substitute “involve”.

(6) After subsection (8) insert—

“(8A) In preparing an assessment under this section, the responsible local authority or a partner clinical commissioning group may consult any person it thinks appropriate.”

(7) In subsection (9)—

- (a) for the definition of “partner PCT” substitute—
  - ““partner clinical commissioning group”, in relation to a responsible local authority, means any clinical commissioning group whose area coincides with or falls wholly or partly within the area of the authority;”, and
- (b) in the definition of “relevant district council”, in paragraph (b)—
  - (i) for “a partner PCT” substitute “a partner clinical commissioning group”, and
  - (ii) for “the area for which the partner PCT acts” substitute “the area of the clinical commissioning group.

## 193 **Joint health and wellbeing strategies**

After section 116 of the Local Government and Public Involvement in Health Act 2007 insert—

### **“116A Health and social care: joint health and wellbeing strategies**

- (1) This section applies where an assessment of relevant needs is prepared under section 116 by a responsible local authority and each of its partner clinical commissioning groups.
- (2) The responsible local authority and each of its partner clinical commissioning groups must prepare a strategy for meeting the needs included in the assessment by the exercise of functions of the authority, the National Health Service Commissioning Board or the clinical commissioning groups (“a joint health and wellbeing strategy”).
- (3) In preparing a strategy under this section, the responsible local authority and each of its partner clinical commissioning groups must, in particular, consider the extent to which the needs could be met more effectively by the making of arrangements under section 75 of the National Health Service Act 2006 (rather than in any other way).
- (4) In preparing a strategy under this section, the responsible local authority and each of its partner clinical commissioning groups must have regard to—

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- (a) the mandate published by the Secretary of State under section 13A of the National Health Service Act 2006, and
  - (b) any guidance issued by the Secretary of State.
- (5) In preparing a strategy under this section, the responsible local authority and each of its partner clinical commissioning groups must—
  - (a) involve the Local Healthwatch organisation for the area of the responsible local authority, and
  - (b) involve the people who live or work in that area.
- (6) The responsible local authority must publish each strategy prepared by it under this section.
- (7) The responsible local authority and each of its partner clinical commissioning groups may include in the strategy a statement of their views on how arrangements for the provision of health-related services in the area of the local authority could be more closely integrated with arrangements for the provision of health services and social care services in that area.
- (8) In this section and section 116B—
  - (a) “partner clinical commissioning group”, in relation to a responsible local authority, has the same meaning as in section 116, and
  - (b) “health services”, “health-related services” and “social care services” have the same meaning as in section 195 of the Health and Social Care Act 2012.

#### **116B Duty to have regard to assessments and strategies**

- (1) A responsible local authority and each of its partner clinical commissioning groups must, in exercising any functions, have regard to—
  - (a) any assessment of relevant needs prepared by the responsible local authority and each of its partner clinical commissioning groups under section 116 which is relevant to the exercise of the functions, and
  - (b) any joint health and wellbeing strategy prepared by them under section 116A which is so relevant.
- (2) The National Health Service Commissioning Board must, in exercising any functions in arranging for the provision of health services in relation to the area of a responsible local authority, have regard to—
  - (a) any assessment of relevant needs prepared by the responsible local authority and each of its partner clinical commissioning groups under section 116 which is relevant to the exercise of the functions, and
  - (b) any joint health and wellbeing strategy prepared by them under section 116A which is so relevant.”