

**GOVERNMENT AMENDMENTS TO:
THE HEALTH AND SOCIAL CARE BILL**

FEBRUARY 2012

The Government has tabled new amendments to the Health and Social Care Bill ahead of its report stage in the Lords, which commences next Wednesday 8 February.

This briefing note highlights the main areas of direct relevance to local authorities. A detailed note on all of the amendments tabled can be accessed [here](#) and the amendments themselves are set out [here](#).

Key areas of interest to local government:

- The Government has accepted that the status of Directors of Public Health (DPHs) needs to be given a stronger statutory footing and is therefore seeking to amend Section 2 of the Local Government and Housing Act 1989 to add DPHs to the list of statutory Chief Officers, giving them the equivalent status of Directors of Children's Services and Directors of Adult Social Services. (Amendment 54)
- Amendment 33 requires local authorities to have regard to guidance given by the Secretary of State in relation to its DPH, including guidance on their appointment, termination of appointment, terms and conditions and management. The Department has also stated its intention to issue guidance on DPH responsibilities.
- A further amendment (35) allows for the Secretary of State to issue guidance to local authorities on the appointment of other officers to discharge public health functions.
- Amendments to address concerns voiced around alcohol policy give councils a greater role in the licensing of premises for the sale and consumption of alcohol. Local authorities, as authorities with responsibilities for health improvement, will be able to make representation on licensing applications and proposals for early morning alcohol restriction orders. There is an expectation that DPHs will carry out these functions.

The areas highlighted by the Department of Health focus more on the role of the Secretary of State and new responsibilities and duties for Clinical Commissioning Groups and the NHS Commissioning Board¹:

- **Secretary of State Accountability:** Putting beyond doubt the Secretary of State's responsibility and accountability with respect to a comprehensive health service. These amendments follow constructive cross-party discussion about this issue.
- **Greater patient involvement:** Patients will have a greater say in their health, with the NHS Commissioning Board and clinical commissioning groups having stronger duties to promote patient involvement in their own care.
- **Education and training:** The NHS Commissioning Board and clinical commissioning groups will have new responsibilities to support education and training, strengthening the links between workforce planning and education and training.
- **Health inequalities:** A new duty on the Secretary of State, NHS Commissioning Board and clinical commissioning groups to report annually on their progress in tackling health inequalities.
- **Strengthening integration:** Making clear that the health regulator Monitor will have the power to require healthcare providers to promote integration of NHS services.

¹ <http://www.dh.gov.uk/health/2012/02/amendments-bill/>



NOTES:

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