

Richmond House
79 Whitehall
London
SW1A 2NS

4th December 2003

To all chief executives of PCTs
all chief executives of NHS trusts
all chief executives of strategic health authorities
all chief executives of local authorities
all providers of general and personal medical services, general and personal dental services,
general ophthalmic services and pharmaceutical services
all providers of local pharmaceutical services

Patient and Public Involvement Forums (PPI Forums)¹

1 PPI Forums have now been set up for all NHS trusts and primary care trusts in England.

Purpose of this advice note

2 This note alerts you to the establishment of PPI Forums and highlights NHS and local authority responsibilities in relation to them.

Summary of the main points

3 The main points to note from this advice are:

- all PPI Forums are now in place
- each PPI Forum has a statutory right to enter and inspect premises where NHS trusts and PCTs provide services and premises where primary care is provided
- NHS trusts, PCTs and Strategic Health Authorities are required to provide information on request to PPI Forums
- NHS trusts and PCTs are required to respond to PPI Forum reports

What is a Patient and Public Involvement Forum?

4 PPI Forums are not NHS bodies – they are independent statutory bodies. Recruitment to them and the support arrangements for them are the responsibility of the Commission for Patient and Public Involvement in Health (CPPIH). The first wave of recruitment to PPI Forums has now been completed and each PPI Forum has around 7 members. There will be subsequent recruitment exercises during 2004 to PPI Forums.

5 PPI Forums receive their support from the CPPIH, through Forum Support Organisations (FSOs). These were formerly known as Local Network Providers. FSOs are not-for-profit organisations and some of them are consortia of not-for-profit organisations. FSOs will :

- help PPI Forums arrange meetings
- provide secretariat support to PPI Forums

¹ The Commission for Patient and Public Involvement in Health has re-branded Patients' Forums as Patient and Public Involvement Forums – PPI Forums. This does not in any way alter or affect their legal status or statutory functions.

- help PPI Forums to work together
- help PPI Forums plug into existing local networks and help PPI Forums establish their local profiles.

The PPI Forum itself will decide what work it needs to do in fulfilling its functions based on what is important to people locally. It will decide this by considering, for example, patient surveys; information from existing patient groups; discussions with overview and scrutiny committees (OSCs)², PALS³ or ICAS⁴ providers.

6 Made up of local volunteers and representatives of local voluntary organisations, all PPI Forums will:

- monitor and review the range and operation of services provided by NHS trusts and in the case of Forums set up for PCTs, services provided and commissioned by the PCT
- provide advice, reports and recommendations based on the reviews that they carry out
- obtain the views of patients and their carers about the range and operation of services and report those views to the relevant trust
- refer matters of concern to the relevant overview and scrutiny committees and/or the CPPIH (and others)
- make available to patients and their carers advice and information about services

7 PPI Forums set up for PCTs have additional responsibilities to:

- promote, encourage and support the involvement of the public in consultation exercises and processes relating to health policy development locally
- provide advice to NHS and other bodies about how to encourage public involvement
- provide information and advice about complaints processes
- represent the public views on matters that affect their health
- provide independent complaints advocacy services when the existing arrangements come to an end (see paragraphs 29 and 30 for more information)

8 There are already many groups set up as mechanisms for involving the public in local decisions and we are aware that some of these are known as ‘patients’ forums.’ These are not statutory bodies and do not therefore have the same powers that statutory PPI Forums have. PPI Forums are not a replacement for existing patient and user groups that a trust may have set up and there is no reason why existing groups should be disbanded. Existing groups should be encouraged to make contact with PPI Forums and trusts are encouraged to continue with methods already in place for involving and consulting the public. PPI Forums will be able to provide a valuable independent perspective on services provided by the trust – they should not be seen as a substitute for other methods already in place or being developed. Guidance on involving and consulting the public has been produced – Strengthening Accountability – and it is available from www.doh.gsi.gov.uk/involvingpatients

9 PPI Forums’ ability to carry out their functions will continue to evolve as they become more established. They will receive support and training from the CPPIH and day to day

² Overview and Scrutiny Committees (OSCs) are committees of councillors. OSCs of social services authorities have the power to scrutinise health services

³ Patient Advice and Liaison Services (PALS) in NHS trusts and PCTs provide advice, information and guidance to patients and their families

⁴ see paragraphs 29 and 30 for more information on the Independent Complaints Advocacy Service

assistance from their FSOs. It is also important that they establish relationships with PPI leads in local trusts and PALS managers early on as part of their induction.

Relevant legislation

10 Sections 15-19 of the NHS Reform and Health Care Professions Act 2002 establish Patients' Forums. The relevant regulations are The Patients' Forums (Functions) Regulations 2003 No. 2124 and The Patients' Forums (Membership and Procedure) Regulations 2003 No. 2123 and The NHS (General Medical Services etc) (Patients' Forums) Amendment Regulations 2003 No. 2863. In addition, on the 1st December directions came into effect requiring PCTs to include details about arrangements for co-operating with PPI Forums in future contracts that they place for the provision of NHS services. The Patients' Forums provisions in the Primary Care Trust and Strategic Health Authorities Implementation of Pilot Schemes (Personal Medical Services) Directions 2003 which place a contractual requirement on PMS providers to comply with requests from PPI Forum to enter and inspect premises, also came into effect on the 1st December. Similar directions to providers of Personal Dental Services will be issued shortly.

Timetable

11 From the 1st December PPI Forums will carry out their functions. Community Health Councils were abolished on the 1st December.

NHS trust, PCT, and strategic health authority responsibilities in relation to Patient and Public Involvement Forums

12 The legislation places a number of duties on NHS in relation to PPI Forums.

- PPI Forums set up for NHS trusts may enter NHS trust premises to carry out their functions. They must have regard to the patients' safety, privacy, dignity and must not compromise the operation of health services. NHS trusts can refuse entry to a PPI Forum if it considers that any of these conditions would be jeopardised.
- PPI Forums set up for PCTs may enter premises where services that the PCT has commissioned are provided. This includes premises where services are provided by the PCT itself, Local Health Boards in Wales, local authorities (see paragraphs 21-23), by NHS trusts, primary care services (see paragraph 17 and 18), Local Pharmaceutical Schemes (LPS), and other premises where LPS and primary care services are provided. The conditions of entry are the same for PCT PPI Forums as they are for NHS trust PPI Forums.
- PCTs, NHS trusts, strategic health authorities, the CPPIH, ICAS providers and other PPI Forums, must provide information requested by a PPI Forum within 20 working days of the request. There are some exceptions where the information is legally prohibited from disclosure e.g. patient confidentiality must be respected. Trusts should refer to the Code of Practice on Openness in the NHS⁵ for advice on how to deal with current requests for information. These provisions will be superseded in due course by comparable public access rights under the Freedom of Information Act 2000 when these come into force in January 2005.
- PCTs and NHS trusts must respond in writing to PPI Forums reports and recommendations within 20 working days of the PPI Forum submitting its report and requesting a response. The reply must give details of what actions the trust will be taking and explain why action will not be taken where this is the case.

⁵ The Code of Practice on Openness in the NHS provides guidance on what information must be provided and advice on what information may be legitimately withheld.

- 13 In addition to these statutory responsibilities, NHS trusts, PCTs and PPI Forums are encouraged to develop effective working relationships.

Patient and Public Involvement Forums' responsibilities in relation to NHS trusts, PCTs and strategic health authorities

- 14 Just as the NHS has responsibilities in relation to PPI Forums, PPI Forums have some legal responsibilities in the way they deal with the NHS. These are:
- to have respect for patients' safety, privacy, dignity and the need not to compromise the operation of the health service when securing access to NHS premises or premises where primary care is provided
 - to produce written evidence of their authorisation for making a visit
 - to carry out visits at a reasonable time
 - to secure consent prior to entering premises that are used as residential accommodation
 - to send reports they produce following a review, to the relevant NHS trust or PCT and to the StHA responsible for performance managing the trust to which the report relates
- 15 In addition to these legal responsibilities members of PPI Forums will be expected to behave appropriately e.g. not carrying out visits alone or in large groups, always wear identification, dress appropriately, to explain who they are and what their role is when dealing with members of the public and staff. In addition, PPI Forums will be expected to liaise with CHI/CHAI, OSCs and Patient Environment Action Teams to ensure that their respective roles to review and scrutinise services are co-ordinated effectively and do not place unnecessary burdens on the NHS. The CPPIH has provided advice to PPI Forums about their functions and responsibilities – it is available from www.cppih.org.
- 16 The regulations encourage PPI Forums to work together to avoid duplicating their activities. For example where services are commissioned by or on behalf of a number of PCTs e.g. ambulances services, the PPI Forums of the PCTs and NHS trust involved must co-operate. Where specialist services are commissioned by a number of PCTs e.g. Moorfields NHS Trust, then the Forum set up for that trust and the relevant commissioning PCTs must co-operate. As a general rule, PPI Forums should work together when it makes practical sense.

GPs, dentists, pharmacists, and opticians

- 17 PPI Forums set up for PCTs are able to enter premises where primary care contractors carry out their work so long as neither patients' safety, privacy, dignity or the effective operation of the health services are compromised. The General Medical Services Regulations, General Dental Services Regulations, General Pharmaceutical Services Regulations and the General Ophthalmic Regulations have been amended to make it a contractual requirement for these contractors to comply with the Patients' Forum regulations.
- 18 In addition these contractors can expect PPI Forums to request information from them that helps PPI Forums carry out their functions – this could, for example, be information relating to how practitioners sought the views of patients when there was a change in the way their services are provided.

NHS care provided by the independent sector

- 19 PCT PPI Forums are able to monitor and review any services commissioned by PCTs - this includes care that is provided outside NHS facilities eg NHS care provided in privately owned hospitals or privately owned Treatment Centres.

- 20 Directions have been issued to Primary Care Trusts requiring them to ensure that contracts for services from independent providers include a specific requirement to allow entry to the PPI Forums and to give them information when requested. These directions came into effect on 1 December 2003 and are available at www.doh.gov.uk/involvingpatients.

Care trusts, children's trusts and NHS care provided by local authorities

- 21 Care trusts are either PCTs or NHS trusts and as such the services they provide can be monitored and reviewed by PPI Forums and they are required to comply with PPI Forum requests to enter and inspect and to give them the information they request.
- 22 NHS care provided in a children's trust will be provided under contract with a PCT and as such is a service that can be monitored and reviewed by a PPI Forum.
- 23 PPI Forums are able to monitor and review services provided under partnership arrangements with local authorities i.e. services provided by NHS trusts in relation to the exercise of health related functions of a local authority.

Patient and Public Involvement Forums and future NHS Foundation Trusts

- 24 PPI Forums will be set up for NHS Foundation Trusts and will be able to carry out their functions in respect of the services provided by them. It will be possible for members of PPI Forums set up for NHS trusts to automatically become members of the NHS Foundation Trust PPI Forum when that NHS trust becomes an NHS Foundation Trust.

Patient and Public Involvement Forums and NHS trust and PCT boards

- 25 Until the membership regulations for PCTs and NHS trusts have been amended, their boards are not required to have PPI Forum members on them. Boards should not be carrying vacancies in anticipation of this change. The amended regulations will provide for the PPI Forum member to be an additional member of the board if there isn't a vacancy at that time. The number of members on the board will return to normal when a vacancy arises. It is intended that the necessary changes to the regulations to allow PPI Forum members to be board members will be made during the Summer of 2004.

Joining a Patient and Public Involvement Forum

- 26 Employees and board members of NHS trusts and PCTs are eligible to be members of PPI Forums, but not of the PPI Forum set up for the trust or PCT where they work or serve on the Board. Members and employees of other organisations cannot join the PPI Forum of the PCT that commissions services from those organisations. And employees or board members of Strategic Health Authorities cannot be members of PPI Forums set up for trusts that the Strategic Health Authority performance manages.
- 27 Local Authority Councillors are eligible to be members of a PPI Forum except if they are on the executive of the council or are a member of the relevant health overview and scrutiny committee.
- 28 None of these disqualification criteria apply to being a member of any sub committee that is established by the PPI Forum.

Independent Complaints Advocacy Services (ICAS)

- 29 Since the 1st September ICAS has been available for anyone in England who would like support making a complaint about NHS services. Contracts have been placed with 4 providers – the Carers Federation, Citizens Advice Bureaux, South East Advocacy Project

and POhWER. Details of the areas they cover, their locations and telephone numbers are available from www.icas-network.com. Complainants should be made aware of ICAS when they initiate a formal complaint. And where appropriate, Patient Advice and Liaison Services should refer people to the local ICAS.

- 30 Eventually responsibility for making arrangements for the provision of this service will fall to PCT PPI Forums. Alternatively a number of PCT PPI Forums could work together across an area to agree the arrangements.

Recommended action for NHS trusts and Primary Care Trusts

- 31 In the box below are some suggested actions you could take to help you develop a relationship with the PPI Forum set up for your trust.

- Make contact with the PPI Forum set up for your trust by contacting the CPPIH – regional office contact details are available from www.cppih.org. The PPI lead at the StHA will also be able to help you identify who to contact
- Make sure your PALS and complaints team have the contact details for the local PPI Forums and ICAS
- Once you have made contact with the PPI Forum set up for your trust, discuss what information would be useful to the PPI Forum to help it find its way around your trust and the services you provide or commission
- Consider sharing your PPI strategy with the PPI Forum – get its views on it, ask it to help you develop it, test out ideas
- Ensure all staff are aware of their responsibilities in relation to PPI Forums

More information

More information about recruitment to PPI Forums, the CPPIH regional offices and the FSOs is available from the Commission for Patient and Public Involvement in Health. The website is www.cppih.org or you can contact the CPPIH by writing to

9th Floor
Ladywood House
45-56 Stephenson Street
Birmingham
B2 4DY

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