

# HEALTH ACT 2009

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 1 – Quality and Delivery of NHS Services**

#### *Chapter 2 – Quality Accounts*

#### *Section 8: Duty of providers to publish information*

101. *Subsection (1)* provides that NHS providers in public ownership (listed in *subsection (2)*) must publish prescribed information in respect of each reporting period, covering the NHS services they provide or procure. The intention is to ensure that providers of NHS services produce regular reports on the quality of the services they provide, and that these reports are publicly available. The definition of “reporting period” in section 9(2) means that NHS providers will have to publish that information for the period 1 April to 31 March each year. Regulations will set out the content of a Quality Account.
102. *Subsection (2)* lists those NHS providers in public ownership. These are PCTs, NHS trusts, Special Health Authorities and NHS foundation trusts
103. The effect of *subsection (3)* is that bodies or other persons not in NHS ownership who provide, or make arrangements for the provision of, NHS services must also publish prescribed information. It defines these persons by referring back to section 2(4) and (5). Those subsections set out different providers of NHS services, including providers of primary medical and other primary healthcare services, by reference to the type of service they provide, and the legislation under which these services are provided.
104. *Subsection (4)* ensures that healthcare providers report on their part of any jointly provided healthcare. The intention is to ensure that each provider should publish their own Quality Account for the services for which they are responsible under any joint arrangement.
105. *Subsection (5)* gives the Secretary of State power to make regulations to exempt providers from the requirement to publish a Quality Account. The intention is to ensure that certain NHS providers, or types of NHS provider, can be exempted if necessary from the requirement to publish a Quality Account. This will be either on a temporary basis to allow certain types of provider, particularly those who are smaller or who are new to providing services for the NHS, to gear themselves up for publication; or on a more permanent basis, in cases where the provider carries out too few NHS services to make it reasonable to require that provider to publish an Account. This subsection also gives the Secretary of State power to make regulations to exempt certain services from appearing in a Quality Account. The intention of this subsection is to exempt certain services if it would not be practicable to include them, for example if the volumes of a particular service are too small to allow users of the Account to draw conclusions about the quality of services offered.

*These notes refer to the Health Act 2009 (c.21)  
which received Royal Assent on 12 November 2009*

106. *Subsection (6)* defines NHS services by reference back to section 2(7), which defines these services as being those which are provided in England for the purposes of the health service continued by section 1(1) of the NHS Act.