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

HEALTH ACT 2009

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1 – Quality and Delivery of NHS Services

Chapter 2 – Quality Accounts

Section 9: Supplementary provision about the duty

107. *Subsection (2)* defines the reporting period for the purposes of section 9. The first reporting period for Quality Accounts will be 1st April 2009 – 31st March 2010, and subsequent reporting periods will run from 1st April – 31st March each year.

108. *Subsection (3)* provides that a provider must republish their Quality Account if they are notified of an error or omission by either the Care Quality Commission or a Strategic Health Authority. Providers must republish the revised Account within 21 days. Guidance will set out how this provision should be applied.

109. *Subsection (4)* requires a provider to send a copy of their Quality Account to the Secretary of State. The Department of Health intends to publish provider Quality Accounts on the NHS Choices website, which is owned by the Department, but not to check or edit the Account.

110. The Act sets out a very basic requirement for the publication of Quality Accounts, and the Government intends to supplement that with subsequent guidelines, which providers will need to have regard to when drawing up their Quality Accounts. Regulations and guidance will have the key objectives of making use of information that providers already collect, of tying that into other NHS reporting cycles, and of keeping burdens on providers down to a minimum.

111. *Subsection (5)* sets out some of the matters about which provision may be made in regulations made under section 8(1) or (3). These matters include the form and content of a Quality Account and the date on which it must be published, duties of the provider to ensure the accuracy of the information contained in the Quality Account, and requirements for the provider to have regard to any guidance issued by the Secretary of State. The intention is to ensure that the content and timetable for publication can be changed easily and speedily in the future to reflect changing national and local healthcare quality priorities, as well as to ensure that providers take responsibility for the reliability of the content of their Quality Account.

112. *Subsection (6)* provides that any person can ask the provider to supply a copy of their Quality Account for the current and the preceding two years. All provider Quality Accounts will be available on the NHS Choices website, but the purpose of this subsection is to ensure that providers are required to supply a hard copy of their Quality Account to anyone who requests one.

113. *Subsection (7)* requires providers to display a notice in their premises informing patients that the latest copy of their Quality Account is available and how a copy can be obtained.

114. *Subsection (8)* sets out that premises that the provider does not own or run (e.g. the patient's own home) or that the provider owns or runs but that patients do not directly access (e.g. a pathology laboratory) are excluded from this requirement.

115. *Subsection (9)* defines "premises" for the purposes of *subsection (8).*