The Secretary of State makes these Regulations in exercise of powers conferred by sections 8, 9(5) and 10(3) of the Health Act 2009 (a).

Citation and commencement

1.—(1) These Regulations may be cited as the National Health Service (Quality Accounts) (Amendment) Regulations 2017.

(2) These Regulations come into force on 1st November 2017.

Amendment to the National Health Service (Quality Accounts) Regulations 2010

2.—(1) The National Health Service (Quality Accounts) Regulations 2010 (“the 2010 Regulations”) (b) are amended as follows.

(2) In regulation 4—

(a) in paragraph (2)(c), after “items 1 to 11” insert “and 27.1 to 27.9”;

(b) after paragraph (2A), insert—

“(2B) The information prescribed for the purposes of section 8(1) or (3) of the 2009 Act includes the information specified in items 27.1 to 27.9 of the table in the Schedule for—

(a) National Health Service trusts specified in section 8(2)(b) of the 2009 Act; and

(b) NHS foundation trusts.

(2C) Paragraph (2B) does not apply in relation to any ambulance trust.

(2D) The quarterly information required in items 27.1 to 27.3 of the table in the Schedule may be taken from quarterly information published by providers in response to national guidance.”.

(3) In regulation 5(1)(d)—

(a) at the end of sub-paragraph (c) omit “and”;
(b) after sub-paragraph (d), insert—

“and,

(e) for the providers referred to in regulation 4(2B), a statement describing how information required in items 27.1 to 27.3 of the Schedule to these Regulations is being published each quarter by the providers.”.

(4) In the Schedule to the 2010 Regulations(a), after item 26, insert the following items—

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<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>27.1</td>
<td>The number of its patients who have died during the reporting period, including a quarterly breakdown of the annual figure.</td>
</tr>
<tr>
<td>27.2</td>
<td>The number of deaths included in item 27.1 which the provider has subjected to a case record review or an investigation to determine what problems (if any) there were in the care provided to the patient, including a quarterly breakdown of the annual figure.</td>
</tr>
<tr>
<td>27.3</td>
<td>An estimate of the number of deaths during the reporting period included in item 27.2 for which a case record review or investigation has been carried out which the provider judges as a result of the review or investigation were more likely than not to have been due to problems in the care provided to the patient (including a quarterly breakdown), with an explanation</td>
</tr>
</tbody>
</table>
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(a) The Schedule was amended by S.I. 2011/269 and 2012/3081.
of the methods used to assess this.

of the methods used to assess this.

27.4 A summary of what the provider has learnt from case record reviews and investigations conducted in relation to the deaths identified in item 27.3.

Present the information required as a narrative.

27.5 A description of the actions which the provider has taken in the reporting period, and proposes to take following the reporting period, in consequence of what the provider has learnt during the reporting period (see item 27.4).

Present the information required as a narrative.

27.6 An assessment of the impact of the actions described in item 27.5 which were taken by the provider during the reporting period.

Present the information required as a narrative.

27.7 The number of case record reviews or investigations finished in the reporting period which related to deaths during the previous reporting period but were not included in item 27.2 in the relevant document for that previous reporting period.

[Number] case record reviews and [number] investigations completed after [date] which related to deaths which took place before the start of the reporting period.

27.8 An estimate of the number of deaths included in item 27.7 which the provider judges as a result of the review or investigation were more likely than not to have been due to problems in the care

[Number] representing [number as percentage of number in item 27.1 of the relevant document for the previous reporting period]%
provided to the patient, with an explanation of the methods used to assess this. of the patient deaths before the reporting period, are judged to be more likely than not to have been due to problems in the care provided to the patient. This number has been estimated using the [name, and brief explanation of the methods used in the case record review or investigation].

27.9 A revised estimate of the number of deaths during the previous reporting period stated in item 27.3 of the relevant document for that previous reporting period, taking account of the deaths referred to in item 27.8

Signed by authority of the Secretary of State.

Philip Dunne
Minister of State
12th July 2017

EXPLANATORY NOTE
(This note is not part of the Regulations)

These Regulations amend the National Health Service (Quality Accounts) Regulations 2010. They require NHS trusts and NHS foundation trusts (apart from ambulance trusts) to report on the number of patient deaths which have occurred during a reporting period as part of their Quality Accounts. The information provided in the Accounts must include the number of deaths in a reporting period which have been reviewed (whether by a case record review or an investigation), how many of those deaths the trust considers are more likely than not to have been due to problems in the care provided to the patient, and what the trust has learnt and done as a result of the investigations. The Regulations are supported by “National Guidance on Learning from Deaths”, which is available at https://improvement.nhs.uk/resources/learning-deaths-nhs-national-guidance/.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.