

HEALTH AND SOCIAL CARE (QUALITY AND ENGAGEMENT) (WALES) ACT 2020

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2: Improvement in health services

Section 2 – Quality in the provision of health services

4. This section imposes new duties on the Welsh Ministers and NHS bodies relating to improving the quality of health services.
5. The provision will, in respect of NHS bodies, replace that in section 45(1) of the Health and Social Care (Community Health and Standards) Act 2003. Section 45(1) imposes a duty on Welsh NHS bodies (local health boards, NHS trusts and special health authorities) to ensure that appropriate arrangements are in place to monitor and improve the quality of health care provided by or for those bodies. The new provision will replace section 45(1) and will, additionally, apply to the Welsh Ministers.
6. New section 1A of the National Health Service (Wales) Act 2006, as inserted by subsection (1), will require the Welsh Ministers to exercise their functions in relation to the health service with a view to securing improvement in the quality of health services. This duty will apply when the Welsh Ministers exercise any of their functions that relate to the health service, including functions relating to the health service that sit outside the National Health Service (Wales) Act 2006 such as, for example, the Welsh Ministers' function of reviewing and investigating health care under Chapter 4 of Part 2 of the Health and Social Care (Community Health and Standards) Act 2003.
7. Under section 1A(3) and (5), the Welsh Ministers will be required to publish an annual report on the duty to secure improvement and lay the report before the Senedd. The report must include an assessment of the extent of any improvement in outcomes achieved as a result of steps taken to comply with the duty. The kinds of outcomes that may be assessed in the report may include, for example, the extent of any improvement in patient experience, or in the early detection and treatment of sepsis or the extent of any improvement in reducing the incidence of hospital acquired infections.
8. New sections 12A, 20A and 24A of the National Health Service (Wales) Act 2006, as inserted by the subsequent subsections of section 2, will impose a corresponding duty on local health boards, NHS trusts and special health authorities ("NHS bodies"). In accordance with section 24A(8) of that Act (which is inserted by section 2 of this Act), a special health authority does not include a cross-border special health authority within the meaning of section 8A(5) of the National Health Service (Wales) Act 2006. NHS bodies will be required to exercise all of their functions with a view to securing improvement in the quality of health services. The duty, therefore, differs to that in section 45(1) in that it applies to the exercise of all functions. In discharging the duty, an NHS body will not only be required to consider how it might improve a service it provides directly, but also how it might act in a way that will contribute to an

These notes refer to the Health and Social Care (Quality and Engagement) (Wales) Act 2020 (c.1) which received Royal Assent on 1 June 2020

improvement in the quality of another part of the health service. For example, the provision of an electronic medicines prescribing and discharge system may improve the quality of the service experienced by service users across the health service as a whole.

9. When discharging the duty NHS bodies will be required to take into account any standards set by the Welsh Ministers under section 47 of the Health and Social Care (Community Health and Standards) Act 2003. The current standards are the Health and Care Standards (April 2015). The Welsh Ministers will also have the function of conducting reviews of the arrangements made by NHS bodies for the purpose of discharging their duty under section 12A, 20A or 24A. These elements are provided for by amendments made by Part 1 of Schedule 3 to the Act.
10. In addition, new sections 12A, 20A and 24A each place a duty on the Welsh Ministers to issue guidance to the relevant type of NHS body in respect of the duty of quality. The guidance must, in particular, include guidance about (i) the evidence to be used in support of their assessment of improvement in outcomes that have been achieved as a result of steps taken to comply with the duty of quality; and (ii) the conduct of such an assessment.