



# Health and Social Care (Quality and Engagement) (Wales) Act 2020

2020 asc 1

## PART 2

### IMPROVEMENT IN HEALTH SERVICES

#### **2 Quality in the provision of health services**

- (1) The 2006 Act is amended as follows.
- (2) In Part 1 (promotion and provision of the health service in Wales), after section 1 (Welsh Ministers' duty to promote health services) insert—

#### **“1A Welsh Ministers' duty to secure quality in health services**

- (1) The Welsh Ministers must exercise their functions in relation to the health service with a view to securing improvement in the quality of health services.
- (2) For the purposes of this section—
  - “health services” means any services provided or secured in accordance with this Act;
  - “quality” includes, but is not limited to, quality in terms of—
    - (a) the effectiveness of health services,
    - (b) the safety of health services, and
    - (c) the experience of individuals to whom health services are provided.
- (3) The Welsh Ministers must publish an annual report on the steps they have taken to comply with the duty in subsection (1).
- (4) The report must include an assessment of the extent of any improvement in outcomes achieved by virtue of those steps.

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*Changes to legislation: There are currently no known outstanding effects for the Health and Social Care (Quality and Engagement) (Wales) Act 2020, PART 2. (See end of Document for details)*

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- (5) The Welsh Ministers must lay a copy of the report before the National Assembly for Wales.”
- (3) In Chapter 1 of Part 2 (health service bodies: Local Health Boards), after section 12 (functions of Local Health Boards) insert—

**“12A Local Health Boards' duty to secure quality in health services**

- (1) Each Local Health Board must exercise its functions with a view to securing improvement in the quality of health services.
- (2) For the purposes of this section—  
“health services” means any services provided or secured in accordance with this Act;  
“quality” includes, but is not limited to, quality in terms of—  
(a) the effectiveness of health services,  
(b) the safety of health services, and  
(c) the experience of individuals to whom health services are provided.
- (3) Each Local Health Board must publish an annual report on the steps it has taken to comply with the duty in subsection (1).
- (4) The report must include an assessment of the extent of any improvement in outcomes achieved by virtue of those steps.
- (5) The Welsh Ministers must issue guidance to Local Health Boards in relation to the requirements imposed by subsections (1) and (3).
- (6) The guidance must, in particular, include guidance about—  
(a) the evidence to be used in support of an assessment required by this section, and  
(b) the conduct of such an assessment.
- (7) Each Local Health Board must have regard to guidance issued under subsection (5).”
- (4) In Chapter 2 of Part 2 (health service bodies: NHS trusts), after section 20 (general duty of NHS trusts) insert—

**“20A Duty of NHS trusts to secure quality in health services**

- (1) Each NHS trust must exercise its functions with a view to securing improvement in the quality of health services.
- (2) For the purposes of this section—  
“health services” means any services provided or secured in accordance with this Act;  
“quality” includes, but is not limited to, quality in terms of—  
(a) the effectiveness of health services,  
(b) the safety of health services, and  
(c) the experience of individuals to whom health services are provided.

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- (3) Each NHS trust must publish an annual report on the steps it has taken to comply with the duty in subsection (1).
  - (4) The report must include an assessment of the extent of any improvement in outcomes achieved by virtue of those steps.
  - (5) The Welsh Ministers must issue guidance to NHS trusts in relation to the requirements imposed by subsections (1) and (3).
  - (6) The guidance must, in particular, include guidance about—
    - (a) the evidence to be used in support of an assessment required by this section, and
    - (b) the conduct of such an assessment.
  - (7) Each NHS trust must have regard to guidance issued under subsection (5).”
- (5) In Chapter 3 of Part 2 (health service bodies: Special Health Authorities), after section 24 (exercise of health service functions by Special Health Authorities) insert—

**“24A Duty of Special Health Authorities to secure quality in health services**

- (1) Each Special Health Authority must exercise its functions with a view to securing improvement in the quality of health services.
- (2) For the purposes of this section—

“health services” means any services provided or secured in accordance with this Act;

“quality” includes, but is not limited to, quality in terms of—

  - (a) the effectiveness of health services,
  - (b) the safety of health services, and
  - (c) the experience of individuals to whom health services are provided.
- (3) Each Special Health Authority must publish an annual report on the steps it has taken to comply with the duty in subsection (1).
- (4) The report must include an assessment of the extent of any improvement in outcomes achieved by virtue of those steps.
- (5) The Welsh Ministers must issue guidance to Special Health Authorities in relation to the requirements imposed by subsections (1) and (3).
- (6) The guidance must, in particular, include guidance about—
  - (a) the evidence to be used in support of an assessment required by this section, and
  - (b) the conduct of such an assessment.
- (7) Each Special Health Authority must have regard to guidance issued under subsection (5).
- (8) This section does not apply in relation to a cross-border Special Health Authority (within the meaning of section 8A(5)).”

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### Commencement Information

**II** [S. 2](#) in force at 1.4.2023 by [S.I. 2023/370](#), [art. 3\(1\)\(b\)](#)

**Changes to legislation:**

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