

# HEALTH AND SOCIAL CARE (COMMUNITY HEALTH AND STANDARDS) ACT 2003

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### Part 2 –Standards

#### *Chapter 2 - Nhs Health Care: Introductory*

#### *Section 45: Quality in health care*

147. *Section 45* places a duty on all NHS bodies to ensure that appropriate arrangements are in place to monitor and improve the quality of health care they provide or commission. This replaces the current duty of quality in section 18 of the Health Act 1999. Under *subsection (2)*, “health care” includes the promotion and protection of public health, whereas in the Health Act 1999 it was limited to services for or in connection with the prevention, diagnosis or treatment of illness.
148. *Subsection (3)* states that ‘illness’ has the same meaning as in *section 128(1)* of the 1977 Act, that it includes mental disorder within the meaning of the Mental Health Act 1959 and any injury or disability requiring medical or dental treatment or nursing.

#### *Section 46: Standards set by Secretary of State*

149. *Section 46* gives the Secretary of State the power to prepare and publish a statement of standards in relation to the provision of health care by and for English NHS bodies and cross-border Special Health Authorities. It is envisaged that these standards are likely to be informed by Government National Service Frameworks (NSFs)<sup>1</sup>, guidance issued by the National Institute for Clinical Excellence (NICE)<sup>2</sup> and other relevant sources.
150. *Subsection (4)* makes it clear that English NHS bodies and cross-border Special Health Authorities should take these standards into account in making arrangements under *section 45*. *Section 54(2)* enables the CHAI to advise the Secretary of State or the Assembly of any changes that it considers should be made in relation to these standards.

#### *Section 47: Standards set by the Assembly*

151. As accountability for NHS provision in Wales rests with the Assembly, *section 47* provides for the Assembly to publish its own statement of standards.
152. As with standards published by the Secretary of State, it is likely that NSF guidance and NICE guidelines will inform the Assembly standards. *Subsection (4)* operates in the same manner with respect to Welsh NHS bodies as *subsection (4)* of *section 46* does in

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<sup>1</sup> The objective of Government National Service Frameworks (NSFs) is to tackle particular health issues, for example mental health, by setting out aims to improve particular services or care provided.

<sup>2</sup> NICE is a special health authority set up to give advice on best clinical practice to NHS clinicians, to those commissioning NHS services and to patients and carers.

*These notes refer to the Health and Social Care (Community Health and Standards) Act 2003 (c.43) which received Royal Assent on 20 November 2003*

respect of English NHS bodies and cross-border Special Health Authorities. The CHAI may advise the Assembly under [section 54\(2\)](#) of any changes it considers should be made to the standards.