

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

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2 –Standards

Chapter 4 – Nhs Health Care: Functions of National Assembly for Wales

Reviews and investigations

Section 70: Reviews and investigations relating to Wales

182. The Commission for Health Improvement undertook reviews of, and investigations into, health care provided by NHS bodies both in England and Wales. This section provides for the Assembly to exercise these functions in relation to health care by or for Welsh NHS bodies. Under section 63 of the Government of Wales Act 1998, the Assembly has the power to delegate its inspection function to its staff. It is the stated intention of the Assembly to set up an internal unit to carry out this function.
183. In the same way that *section 51* provides for particular matters to be considered by the CHAI in undertaking its review and investigation functions, *subsection (4)* provides that the Assembly shall be concerned with the availability of and access to, the quality and effectiveness and the economy and efficiency of health care provided by and for Welsh NHS bodies, the availability and quality of information provided to the public about the health care and the need to safeguard and promote the rights and welfare of children.

Section 71: Reporting to Secretary of State and the Regulator

184. English NHS bodies may provide health services on behalf of Welsh NHS bodies, and where this occurs the Assembly may review and investigate these services under *section 70*. Where the Assembly detects significant failings in the provision of services by an English NHS body or cross-border Special Health Authority, *section 71* provides that the Assembly must report this to the Secretary of State. If the Assembly detects failings relating to NHS foundation trusts it will be required to report the same to the Regulator. *Section 145* provides that the Assembly must co-operate with the CHAI for the efficient and effective discharge of their respective functions. This means that the Assembly and CHAI will need to co-operate in particular in order to avoid any unnecessary overlap between the inspections and reviews that each carry out.
185. Any reports so provided by the Assembly under *section 71* may include recommendations that the Secretary of State or the Regulator, as the case may be, take special measures with a view to improve the health care provided.

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

Ancillary powers

Section 72: Right of entry, section 73: Right of entry: supplementary, section 74: Power to require documents and information and section 75: Power to require explanation

186. *Sections 72 to 75* make the same provision with respect to powers of entry and powers to obtain documents and information in relation to the Assembly as *sections 66 to 69* do in relation to the CHAI.