

*These notes refer to the Health and Social Care (Safety and Quality)  
Act 2015 (c.28) which received Royal Assent on 26th March 2015*

# **HEALTH AND SOCIAL CARE (SAFETY AND QUALITY) ACT 2015**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### ***Section 1 – Reducing harm in care***

5. This section amends section 20 of the Health and Social Care Act 2008 (regulation of regulated activities). It provides that the Secretary of State must make regulations imposing requirements on health and social care service providers required to register with the Care Quality Commission ('CQC') to help secure that health and adult social care services in England are provided in a way that causes no avoidable harm.
6. The amendment has the effect of removing the Secretary of State's discretion around whether the requirements for registration with CQC should cover safety of care. This duty will not require the Secretary of State to secure that care or treatment is risk free, but that requirements are imposed to secure that services are provided in as safe a way as is reasonably possible. A test of reasonableness applies in assessing whether or not harm is avoidable, to acknowledge the risk intrinsic in many clinical treatments.