



# Health and Care Act 2022

## 2022 CHAPTER 31

### PART 4

#### THE HEALTH SERVICES SAFETY INVESTIGATIONS BODY

##### *Relationship with other bodies*

#### **126 Co-operation**

- (1) This section applies where—
  - (a) the HSSIB is carrying out an investigation into a qualifying incident, and
  - (b) a listed person is also carrying out an investigation into the same or a related incident.
- (2) The HSSIB and the listed person must co-operate with each other regarding practical arrangements for co-ordinating those investigations.
- (3) The following are listed persons—
  - (a) an NHS foundation trust, an NHS trust or any other person providing NHS services;
  - (b) NHS England;
  - (c) an integrated care board;
  - (d) a Special Health Authority;
  - (e) the Care Quality Commission;
  - (f) the Health Research Authority;
  - (g) the Human Tissue Authority;
  - (h) the Human Fertilisation and Embryology Authority;
  - (i) Health Education England;
  - (j) the Health Service Commissioner for England;
  - (k) the Parliamentary Commissioner for Administration;
  - (l) any regulatory body;
  - (m) the Health and Safety Executive;

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*Status: This is the original version (as it was originally enacted).*

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- (n) the Commissioner for Patient Safety.
- (4) The HSSIB must publish guidance about when a qualifying incident is to be regarded as related to another incident for the purposes of this section.
- (5) If the HSSIB revises the guidance the HSSIB must publish it as revised.

## **127 Assistance of NHS bodies**

- (1) The HSSIB must comply with—
  - (a) any request by a relevant NHS body to provide it with assistance in connection with the carrying out of investigations into incidents occurring during the provision of NHS services or occurring at premises at which NHS services are provided;
  - (b) any request by NHS England to provide any other relevant NHS body with such assistance;
  - (c) any request by the Secretary of State to provide a relevant NHS body with such assistance.
- (2) In subsection (1) “relevant NHS body” means—
  - (a) an NHS foundation trust;
  - (b) an NHS trust;
  - (c) NHS England;
  - (d) an integrated care board.
- (3) For the purposes of this section giving assistance includes—
  - (a) disseminating information about best practice,
  - (b) developing standards to be adopted, and
  - (c) giving advice, guidance or training.
- (4) Subsection (1) does not apply if—
  - (a) the assistance requested is giving advice, guidance or training, and
  - (b) the HSSIB determines that it is impracticable for it to give the assistance.
- (5) The HSSIB may give assistance to a person other than a relevant NHS body in relation to any matter connected with the carrying out of investigations if the HSSIB has been requested to provide the assistance by the person to whom it is to be given.
- (6) But the HSSIB may give assistance under subsection (5) only to the extent that the assistance does not to any significant extent interfere with the exercise by the HSSIB of its investigation function.
- (7) The activities which the HSSIB may carry out in, or in connection with, giving assistance under subsection (5) are not restricted to activities carried out in the United Kingdom.
- (8) The HSSIB may impose charges for or in connection with giving assistance under subsection (5).
- (9) Charges under subsection (8) may be calculated on the basis that the HSSIB considers to be the appropriate commercial basis.

## **128 Investigations relating to Wales and Northern Ireland**

- (1) The HSSIB may enter into an agreement with any person for the HSSIB to carry out an investigation falling within subsection (2).
- (2) An investigation falls within this subsection if—
  - (a) it is an investigation into one or more incidents that have occurred, or are occurring, in the United Kingdom—
    - (i) during the provision of any of the services mentioned in subsection (3), or
    - (ii) at premises at which any of those services are, or were, provided,
  - (b) the incident or incidents have or may have implications for the safety of persons for whom those services are provided,
  - (c) the investigation is carried out for the purpose of identifying risks to the safety of such persons and addressing those risks by facilitating the improvement of systems and practices in the provision of any of the services mentioned in subsection (3), and
  - (d) the investigation does not involve the assessment or determination of blame or civil or criminal liability.
- (3) The services referred to in subsection (2) are—
  - (a) services provided for the purposes of the health service continued under section 1(1) of the National Health Service (Wales) Act 2006, and
  - (b) health care, within the meaning of the Health and Social Care (Reform) Act (Northern Ireland) 2009, provided for the purposes of the system promoted under section 2(1) of that Act.
- (4) The HSSIB may impose charges for providing services under an agreement under subsection (1).
- (5) Those charges must not exceed the costs incurred by the HSSIB in providing the services.
- (6) The HSSIB may enter into an agreement under subsection (1) only if it considers that the provision of the services under the agreement will not to any significant extent interfere with the exercise by the HSSIB of its investigation function.