

**EXPLANATORY MEMORANDUM TO**  
**THE NATIONAL HEALTH SERVICE (QUALITY ACCOUNTS) (AMENDMENT)**  
**(CORONAVIRUS) REGULATIONS 2020**

**2020 No. 466**

**1. Introduction**

- 1.1 This explanatory memorandum has been prepared by the Department of Health and Social Care and is laid before Parliament by Command of her Majesty.
- 1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.

**2. Purpose of the instrument**

- 2.1 These Regulations amend the National Health Service (Quality Accounts) Regulations 2010. They suspend legal requirements of providers of National Health Service (NHS) services relating to obtaining assurance by other bodies of their Quality Accounts and publishing them. The suspension applies only to the reporting year 1st April 2019 to 31 March 2020.

**3. Matters of special interest to Parliament**

*Matters of special interest to the Joint Committee on Statutory Instruments.*

- 3.1 This instrument will come into force within 21 days of being laid before Parliament. The short time between the laying date and the date of this instrument coming into force is so that the provisions are available with immediate effect in the context of the coronavirus pandemic.
- 3.2 As this instrument is subject to the negative resolution procedure, consideration as to whether there are other matters of interest to the Committee does not arise at this stage.

*Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)*

- 3.3 As the instrument is subject to negative resolution procedure there are no matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business at this stage.

**4. Extent and Territorial Application**

- 4.1 The territorial extent of this instrument is England and Wales.
- 4.2 The territorial application of this instrument is England only.

**5. European Convention on Human Rights**

- 5.1 As the instrument is subject to the negative resolution procedure and does not amend primary legislation, no statement is required.

## **6. Legislative Context**

- 6.1 This instrument is being made by the Secretary of State for Health and Social Care in exercise of the powers conferred by sections 8, 9(5) and 10(3) of the Health Act 2009.
- 6.2 The National Health Service (Quality Accounts) Regulations 2010 (“the 2010 Regulations”) came into force on 1 April 2010 and specify the information which must be contained in the Quality Accounts of providers of NHS services.
- 6.3 The 2010 Regulations also set out duties of providers to obtain assurance of draft reports by the lead NHS commissioner (NHS England or the relevant Clinical Commissioning Group), Local Healthwatch, and the appropriate Overview and Scrutiny Committee by 30 April each year, publish Quality Accounts by 30 June each year, and send a copy to the Secretary of State for Health and Social Care.

## **7. Policy background**

### *What is being done and why?*

- 7.1 A Quality Account is a report through which providers of NHS services can demonstrate their focus on improving the quality of their service.
- 7.2 From April 2010, providers of NHS services (including non-NHS bodies) have been required to produce a Quality Account in order to support two related, but different, goals of local quality improvement and public accountability<sup>1</sup>.
- 7.3 Due to the coronavirus pandemic, these Regulations suspend the legal duties of providers of NHS services for the reporting period 1 April 2019 to 31 March 2020 to seek assurance on their Quality Accounts by 30 April 2020, and to publish them and provide a copy to the Secretary of State by 30 June 2020. As such, these Regulations make a temporary amendment to the 2010 Regulations for the reporting period 2019/20 only.
- 7.4 Providers of NHS services remain under a general legal duty to publish Quality Accounts for every reporting period (Section 8, Health Act 2009). Revised timelines and guidance in relation to the production and publication of Quality Accounts for the reporting period 2019/20 are expected to be issued by NHS England and NHS Improvement as soon as it is appropriate to do so.

## **8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union**

- 8.1 This instrument does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act.

## **9. Consolidation**

- 9.1 None.

## **10. Consultation outcome**

- 10.1 The Department of Health and Social Care has not undertaken a formal consultation on this instrument but has engaged with key stakeholders on the proposed changes

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<sup>1</sup> An organisation is exempt from producing a Quality Account if it is a ‘small provider’ (i.e. the organisation’s total income from NHS services is not more than £130,000 per annum and it employs less than 50 staff) or the only NHS services it provides are primary care services or NHS Continuing Healthcare.

which have been supported. The Department considers that this approach was necessary and proportionate in the context of the coronavirus pandemic.

- 10.2 NHS England and NHS Improvement had also alerted providers of NHS services that approval was being sought by the Department of Health and Social Care to amend the 2010 Regulations in order to disapply requirements relating to the production and publication of Quality Accounts for the reporting period 2019/20 by 30 June 2020.

## **11. Guidance**

- 11.1 No guidance is published for providers alongside this instrument.

## **12. Impact**

- 12.1 There is no, or no significant, impact on business, charities or voluntary bodies.  
12.2 There is no, or no significant, impact on the public sector.  
12.3 An Impact Assessment has not been prepared for this instrument.

## **13. Regulating small business**

- 13.1 The legislation does not apply to activities that are undertaken by small businesses.

## **14. Monitoring & review**

- 14.1 No review clause is required for this instrument.  
14.2 Quality Accounts policy and legislation will continue to be examined by the Department of Health and Social Care and its stakeholder organisations such as NHS England and NHS Improvement and tested against the experiences of frontline practitioners and management, and patients and the public.

## **15. Contact**

- 15.1 Shaleel Kesavan at the Department of Health and Social Care (Telephone: 01132 545954 or email [Shaleel.Kesavan@dhsc.gov.uk](mailto:Shaleel.Kesavan@dhsc.gov.uk)) can be contacted with any queries regarding the instrument.  
15.2 Jennifer Benjamin, Deputy Director of the Quality, Patient Safety and Investigations Branch at the Department of Health and Social Care can confirm that this Explanatory Memorandum meets the required standard.  
15.3 Nadine Dorries, Minister for Patient Safety, Suicide Prevention and Mental Health at the Department of Health and Social Care, can confirm that this Explanatory Memorandum meets the required standard.