



# Health and Social Care (Quality and Engagement) (Wales) Act 2020

2020 asc 1

## PART 2

### IMPROVEMENT IN HEALTH SERVICES

#### 2 Quality in the provision of health services

- (1) The 2006 Act is amended as follows.
- (2) In Part 1 (promotion and provision of the health service in Wales), after section 1 (Welsh Ministers' duty to promote health services) insert—

##### **“1A Welsh Ministers' duty to secure quality in health services**

- (1) The Welsh Ministers must exercise their functions in relation to the health service with a view to securing improvement in the quality of health services.
- (2) For the purposes of this section—
  - “health services” means any services provided or secured in accordance with this Act;
  - “quality” includes, but is not limited to, quality in terms of—
    - (a) the effectiveness of health services,
    - (b) the safety of health services, and
    - (c) the experience of individuals to whom health services are provided.
- (3) The Welsh Ministers must publish an annual report on the steps they have taken to comply with the duty in subsection (1).
- (4) The report must include an assessment of the extent of any improvement in outcomes achieved by virtue of those steps.

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*Changes to legislation: There are currently no known outstanding effects for the Health and Social Care (Quality and Engagement) (Wales) Act 2020, PART 2. (See end of Document for details)*

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- (5) The Welsh Ministers must lay a copy of the report before the National Assembly for Wales.”
- (3) In Chapter 1 of Part 2 (health service bodies: Local Health Boards), after section 12 (functions of Local Health Boards) insert—

**“12A Local Health Boards' duty to secure quality in health services**

- (1) Each Local Health Board must exercise its functions with a view to securing improvement in the quality of health services.
- (2) For the purposes of this section—
- “health services” means any services provided or secured in accordance with this Act;
- “quality” includes, but is not limited to, quality in terms of—
- (a) the effectiveness of health services,
  - (b) the safety of health services, and
  - (c) the experience of individuals to whom health services are provided.
- (3) Each Local Health Board must publish an annual report on the steps it has taken to comply with the duty in subsection (1).
- (4) The report must include an assessment of the extent of any improvement in outcomes achieved by virtue of those steps.
- (5) The Welsh Ministers must issue guidance to Local Health Boards in relation to the requirements imposed by subsections (1) and (3).
- (6) The guidance must, in particular, include guidance about—
- (a) the evidence to be used in support of an assessment required by this section, and
  - (b) the conduct of such an assessment.
- (7) Each Local Health Board must have regard to guidance issued under subsection (5).”
- (4) In Chapter 2 of Part 2 (health service bodies: NHS trusts), after section 20 (general duty of NHS trusts) insert—

**“20A Duty of NHS trusts to secure quality in health services**

- (1) Each NHS trust must exercise its functions with a view to securing improvement in the quality of health services.
- (2) For the purposes of this section—
- “health services” means any services provided or secured in accordance with this Act;
- “quality” includes, but is not limited to, quality in terms of—
- (a) the effectiveness of health services,
  - (b) the safety of health services, and
  - (c) the experience of individuals to whom health services are provided.

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- (3) Each NHS trust must publish an annual report on the steps it has taken to comply with the duty in subsection (1).
  - (4) The report must include an assessment of the extent of any improvement in outcomes achieved by virtue of those steps.
  - (5) The Welsh Ministers must issue guidance to NHS trusts in relation to the requirements imposed by subsections (1) and (3).
  - (6) The guidance must, in particular, include guidance about—
    - (a) the evidence to be used in support of an assessment required by this section, and
    - (b) the conduct of such an assessment.
  - (7) Each NHS trust must have regard to guidance issued under subsection (5).”
- (5) In Chapter 3 of Part 2 (health service bodies: Special Health Authorities), after section 24 (exercise of health service functions by Special Health Authorities) insert—

**“24A Duty of Special Health Authorities to secure quality in health services**

- (1) Each Special Health Authority must exercise its functions with a view to securing improvement in the quality of health services.
- (2) For the purposes of this section—

“health services” means any services provided or secured in accordance with this Act;

“quality” includes, but is not limited to, quality in terms of—

  - (a) the effectiveness of health services,
  - (b) the safety of health services, and
  - (c) the experience of individuals to whom health services are provided.
- (3) Each Special Health Authority must publish an annual report on the steps it has taken to comply with the duty in subsection (1).
- (4) The report must include an assessment of the extent of any improvement in outcomes achieved by virtue of those steps.
- (5) The Welsh Ministers must issue guidance to Special Health Authorities in relation to the requirements imposed by subsections (1) and (3).
- (6) The guidance must, in particular, include guidance about—
  - (a) the evidence to be used in support of an assessment required by this section, and
  - (b) the conduct of such an assessment.
- (7) Each Special Health Authority must have regard to guidance issued under subsection (5).
- (8) This section does not apply in relation to a cross-border Special Health Authority (within the meaning of section 8A(5)).”

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#### **Commencement Information**

**II** [S. 2](#) in force at 1.4.2023 by [S.I. 2023/370](#), [art. 3\(1\)\(b\)](#)

**Changes to legislation:**

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