

**EXPLANATORY MEMORANDUM TO THE
NATIONAL PATIENT SAFETY AGENCY (ESTABLISHMENT AND CONSTITUTION)
AMENDMENT ORDER 2005**

2005 No. 504

1. This explanatory memorandum has been prepared by the Department of Health and is laid before the House of Commons by Command of Her Majesty.

This memorandum does not contain information for the Joint Committee on Statutory Instruments *or* the Select Committee on Statutory Instruments.

2. Description

2.1 The National Patient Safety Agency (Establishment and Constitution) Amendment Order will, with effect from 1st April 2005, allow the NPSA to take on the functions of the National Clinical Assessment Authority (2 (b)); responsibility for the Better Hospital Food Programme, certain cleaning related implementation functions and certain hospital design related projects from NHS Estates (2 (c)) and transfer the staff and assets from the Central Office for Research Ethics Committees to the NPSA.

2.2 The work transferring to the NPSA from NICE and COREC is already caught under the NPSA's existing Establishment and Constitution Order 2001 namely 3(a) "such functions in connection with securing improvements in the quality of care and treatment provided for persons under the health service".

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

3.1 None

4. Legislative Background

4.1 The following legislation will be Amended:
The National Patient Safety Agency Establishment and Constitution Order 2001(1).

5. Extent

5.1 This instrument applies to England.

6. European Convention on Human Rights

(1) S.I. 2001/1743.

Not applicable.

7. Policy background

7.1 The Secretary of State for Health, John Reid, announced on the 20th May 2004 a review of all Department of Health Arm's Length Bodies. As part of this review it was recommended that the following areas of work should be transferred to the National Patient Safety Agency (NPSA):

- all the functions of the National Clinical Assessment Authority (NCAA);
- responsibility for the management of the 3 Confidential Enquiries currently with the National Institute of Clinical Excellence (NICE);
- responsibility for the Better Hospital Food Programme, certain cleaning related implementation functions and certain hospital design related projects currently with NHS Estates;
- All functions of the Central Office for Research Ethics Committees (COREC);

with effect from 1st April 2005.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

9. Contact

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