

Information Report on the Public Health Bill 2009

Summary

1. This report is to inform Members about the content of the Public Health Bill 2009. The Health Bill was introduced into Parliament on 15 January 2009. It proposes measures to improve the quality of NHS care, the performance of NHS services, and to improve public health.

Background & Information about the Bill

2. The Health Bill 2009 aims to improve the quality of NHS care and services and to improve public health. It concentrates on the following key areas:

Key areas:

- Places a duty on providers and commissioners of NHS services to have regard to a new NHS Constitution, which will set out the responsibilities of patients and staff
 - Introduces direct payments for health services with the intention of giving patients greater control over the health care services they receive
 - Introduces quality accounts, which would provide information on quality for patients, clinicians and managers, with the aim of improving local accountability for services
 - Makes provisions to protect children and young people from the harm caused by smoking. These provisions relate particularly to advertising and sales from vending machines
 - Extends the remit of the Local Government Ombudsman to consider complaints from people who have arranged their own adult social care
 - Introduces a scheme by which prizes for innovation in health service provision may be awarded.
3. The paragraphs below give more detail regarding the key areas of the Bill and a fact sheet prepared by the Department of Health, containing further information, is attached at Annex A to this report.

PART 1 - Improving the Quality of NHS Care

Establishing a framework for the NHS Constitution

4. The Bill places a duty on all providers of NHS services to have regard to the NHS Constitution. The NHS Constitution will secure the enduring principles of the NHS, setting out the rights and responsibilities of patients and staff. The Bill also sets out the structure for reviewing the NHS Constitution and accompanying handbook.

Creating new Quality Accounts

5. The Bill will drive up the quality of health services through a duty on providers of NHS healthcare to produce new Quality Accounts. The Quality Accounts will contain information on quality for the benefit of patients, clinicians and managers, and will be used to inform local accountability for services, and to assist clinicians, commissioners and patients in driving improvements.

Enable the piloting of direct payments for health care

6. The Bill facilitates the further development of ways to give patients greater personalisation and control over the health care services they receive. It does this by enabling the piloting of direct payments for healthcare, within the wider programme to pilot personal health budgets. Personal health budgets are part of a range of policies designed to personalise NHS services, including care planning and patient choice.
7. Lord Darzi announced in his Next Stage Review of the NHS that the Department will launch in 2009 a pilot of personal health budgets, as a way of giving patients greater control over the services they receive and the providers from which they receive services. The pilots will draw on the experience of other health systems and in social care.

Establishing innovation prizes

8. The Bill helps to foster an enterprise and innovation culture within the NHS by creating new prizes for innovations that directly benefit patients and the public.

PART 2 – Improving the Performance of NHS Services

Establishing a regime for unsustainable NHS providers

9. The Bill protects patients and staff from failing services. It ensures high quality local services for all patients and service continuity in the event of organisational failure by establishing a regime for unsustainable NHS providers.

Increasing powers of suspension

10. The Bill enables the Secretary of State to suspend public appointees of Strategic Health Authorities and relevant Arms Length Bodies in order to strengthen the way the healthcare system holds leaders to account when they fail to meet the requirements of public office.

PART 3 – Improving Public Health and Miscellaneous

Strengthening tobacco control

11. The Bill prohibits the display of tobacco products at the point of sale and creates powers to control the sale of tobacco from vending machines. These provisions will help to reduce the impact of tobacco on health and well-being in future generations by protecting children and young people from the harm caused by smoking.

Reforming pharmacy

12. The Bill reforms current arrangements for pharmacies applying to provide NHS services and how performance meets required standards to ensure they are providing high quality services responsive to local needs.

Extending the adult social care complaints procedure

13. The Bill extends the remit of the Local Government Ombudsman to enable him to consider complaints from people who arrange their own adult social care. This will place such users on a similar footing to those adults whose social care is arranged and/or funded by Local Authorities.

Calculating GP and dentist pay

14. The Bill enables Her Majesty's Revenue and Customs to continue to assist in statistical enquiries carried out by or on behalf of the Department of Health relating to the earnings and expenses of GPs and dentists by providing relevant data in a summarised and anonymised form. This annual exercise is currently conducted on behalf of the Secretary of State and the devolved administrations by the NHS Information Centre for Health and Social Care.

Consultation

15. This report is for information only but extensive consultation and pilot programmes have taken place in relation to this Bill.

Options

16. This report is for information only.

Analysis

17. This report is for information only but Members should note that there are still ongoing discussions and amendments being made to the Bill at the present time. The Bill is currently being debated in the House of Lords and will, in due course, go through the House of Commons; dates for this parliamentary progress are as yet unknown.

Corporate Strategy

18. This report relates to the following Corporate Priority:
'Improve the health & lifestyles of the people who live in York, in particular among groups whose levels of health are the poorest.'

Implications

19. There are no financial, human resources, equalities, legal, crime & disorder, information technology, property or other implications associated with this report.

Risk Management

20. In compliance with the Council's risk management strategy, there are no known risks associated with the recommendation in this report.

Recommendations

21. Members are requested to note the report.

Reason: To keep Members fully informed in relation to current legislation.

Contact Details

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Report Approved

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Specialist Implications Officer(s)

None

Ward Affected:

All

For further information please contact the author of the report

Background Papers:

- **Department of Health Website:**

http://www.dh.gov.uk/en/Publicationsandstatistics/Legislation/Actsandbills/DH_093280#_8

- **Parliamentary Website**

<http://services.parliament.uk/bills/2008-09/health.html>

Annexes

Annex 1 – Fact Sheet on the Health Bill 2009