

Scrutiny and improvements – *The Health and Social Care Act 2012*

The proposals in the Health and Social Care Act 2012 were subject to:

- A consultation on the implementation of Equity and Excellence: Liberating the NHS
- The listening exercise and NHS Future Forum reports
- 50 days in Parliament
- Over 200 hours of Parliamentary scrutiny

1. Throughout its passage, the Government was committed to ensuring full, robust scrutiny of the Health and Social Care Act 2012. This resulted in the Act receiving an almost unprecedented level of scrutiny over its Parliamentary passage.

Prior to introduction

2. **White Paper.** The original policy intentions were laid out in *Equity and Excellence: Liberating the NHS* (July 2010). The Government consulted from July to October 2010 on how best to implement the White Paper.
3. More than 6,000 responses were received from a wide spectrum of individuals and organisations.
4. In response the Government made a range of changes, including strengthening the role of Health and Wellbeing Boards in local authorities and creating a more distinct identity for Healthwatch England.
5. The Government published full responses to the consultation in December 2010.

Parliamentary passage

6. **Initial Public Bill Committee.** The Bill was introduced into the House of Commons on 19th January 2011. The Bill's initial Public Bill Committee (January – March) was held over 28 sessions – the longest Public Bill Committee of any Bill in over nine years.
7. During the Committee, changes made included clarifying that competition could only be on the basis of quality, not price.
8. **Listening exercise and NHS Future Forum.** Following Committee, the Government announced that it would take time to pause, listen, reflect and improve.
9. Whilst there was consensus about the aims of the legislation, there was significant

concern about how these aims were being met.

10. Over the course of the listening exercise, Ministers and members of the independent NHS Future Forum (see overleaf) attended over 250 events and meetings, in every region of the country, and over 8,000 people took part in providing their views.
11. The Government accepted all of the Forum's core recommendations for improvements.
12. **Second Public Bill Committee.** Following the Listening Exercise and the first Future Forum report, the Bill was recommitted to a second Public Bill Committee, the first Bill to do so since 2003.
13. **During this committee,** the Government made a wide range of amendments to implement the Future Forum's recommendations.
14. With 12 sessions in the second Bill committee, the Bill spent a total of 40 sessions in Commons' Public Bill Committee– longer than any Public Bill in the period 1997-2010.
15. **Consideration by the House of Lords.** The Bill spent a total of 25 days being scrutinised by the House of Lords, including 15 days in Committee in autumn 2011, and 7 days of Report in early 2012. During this time, the Government accepted a wide range of amendments from Peers from all sides of the House (see overleaf).

Factsheet A4 provides details regarding scrutiny of the Health and Social Care Act 2012. It is part of a wide range of factsheets on the Act, all available at:

www.dh.gov.uk/healthandsocialcarebill

THE NHS FUTURE FORUM

The NHS Future Forum is an independent group of 45 health and social care experts drawn from all sectors. It includes medical practitioners; chief executives of hospitals, local councils, charities and healthcare organisations; patient representatives; voices from PCTs and SHAs; the Royal Colleges and many more.

Following a six-week listening period, the Forum made a series of recommendations to improve the Bill based on what they had heard in their engagement with NHS staff, patients, the public and interested organisations. Their recommendations focused on choice and competition; clinical advice and leadership; patient involvement and public accountability; and education and training.

The Bill was amended to incorporate these recommendations at recommitted Bill Committee. Following the Government response to the Future Forum Report, the Forum's chair Professor Steve Field said: "...it is remarkable how the Government have listened to what are a lot of recommendations from us and have come back with more ideas and suggestions in the amendments than we have asked for."

The Forum were also invited to undertake a second phase of work in autumn 2011 to continue discussions with patients, service users and professionals on information; education and training; integrated care; and the public's health. The Forum reported to Government on the second phase of their work in early 2012 and the Government again accepted all of their recommendations.

CHANGES MADE IN THE HOUSE OF LORDS

Ahead of the Bill returning to its Report stage in the House of Lords in February 2012, the Government tabled a series of amendments in response to concerns raised by Peers during the Bill's Committee stage. These changes focused on:

- **Putting beyond doubt the accountability of the Secretary of State with respect to a comprehensive health service.** These amendments followed extremely constructive cross party discussions about this area, and were in response to recommendations from the Constitution Committee of the House of Lords.
- **Strengthening the role that commissioners play in education and training.**
- **Strengthened research duties on the Secretary of State and commissioners.**
- **Making clear Monitor's role with respect to integration and competition.**
- **Strengthened accountability of Secretary of State and commissioners in their duties regarding reducing health inequalities and improving quality.**
- **Strengthening patient involvement in decisions about their own care and treatment, and safeguarding the independence of Healthwatch England.**
- **Strengthening and clarifying the role of Directors of Public Health.**
- **Ensuring patient confidentiality is appropriately protected.**

FURTHER INFORMATION

[Further information and briefing notes for amendments tabled in the House of Lords](#)

[Further information about the work of the Future Forum](#)

[Briefing notes for amendments tabled in the House of Commons](#)

[The White Paper, Command Paper and consultation responses](#)