

NATIONAL HEALTH SERVICE ACT 2006

The NHS Commissioning Board Authority (Functions of the Authority) (Amendment) Directions 2012

The Secretary of State for Health gives the following Directions in exercise of the powers conferred by sections 7(1), 8(1), 272(7) and (8) and 273(1) of the National Health Service Act 2006(a).

Citation, commencement and interpretation

1.—(1) These Directions may be cited as the NHS Commissioning Board Authority (Functions of the Authority) (Amendment) Directions 2012 and come into force on 1st June 2012.

(2) These Directions are given to the NHS Commissioning Board Authority established by article 2 of the NHS Commissioning Board Authority (Establishment and Constitution) Order 2011(b).

(3) In these Directions, “the Principal Directions” means the NHS Commissioning Board Authority (Functions of the Authority) Directions 2011 signed on 31st October 2011.

Amendment of the Principal Directions

2.—(1) In paragraph 3 of the Principal Directions (interpretation)—

(a) after the definition of “the Order” insert—

““the Agency” means the National Patient Safety Agency established by the National Patient Safety (Establishment and Constitution) Order 2001;” (c); and

(b) after the definition of “commissioning outcomes framework” insert—

““the NRLS function” means the functions carried out by the trust pursuant to paragraph 2(1) of the Imperial College Healthcare National Health Service Trust Directions 2012 signed on 30th March 2012;

“patient safety incident” means any unintended or unexpected incident that could have or did lead to harm for one or more patients receiving services provided under the Act;

“the trust” means the Imperial College Healthcare National Health Service Trust established by the Imperial College Healthcare National Health Service Trust (Establishment) and the Hammersmith Hospitals National Health Service Trust and the St. Mary’s National Health Service Trust (Dissolution) Order 2007;” (d).

(2) For paragraph 4 of the Principal Directions (functions of the NHS Commissioning Board Authority) substitute—

“4. The Secretary of State, in connection with the making of arrangements preparatory to the establishment and operation of the Board, directs the Authority—

(a) to take any such steps as it considers necessary and appropriate for the purpose of enabling the Board to operate satisfactorily from the date on which it is established including liaising and working with the Department of Health—

(a) 2006 (c.41); the powers exercised in making these Directions are exercisable by the Secretary of State only in relation to England, by virtue of section 271(1) of the National Health Service Act 2006.


(b) S.I.2011/2237.

(c) S.I.2001/1743. Relevant amending instruments are S.I.2005/504 and S.I.2012/476.

(d) S.I.2007/2755 as amended by S.I.2012/755.

- (i) to design methods to be used by the Board for establishing, authorising and otherwise exercising its functions in relation to clinical commissioning groups,
- (ii) in the development and preparation of guidance to be published by the Board for clinical commissioning groups on the discharge of their functions of arranging for the provision of services as part of the health service, and
- (iii) in the development and preparation of a commissioning outcomes framework to be published by the Board for clinical commissioning groups;
- (b) to establish and operate systems for collecting and analysing information relating to patient safety incidents (“the patient safety function”) including—
 - (i) making such information, and any other information obtained by analysing it, available to such persons as the Authority considers appropriate,
 - (ii) imposing such charges calculated on such basis as the Authority considers appropriate in respect of information made available by it under this paragraph,
 - (iii) giving advice and guidance, to such persons as the Authority considers appropriate, for the purpose of maintaining and improving the safety of services provided under the Act, and
 - (iv) monitoring the effectiveness of the advice and guidance given by it under paragraph (iii);
- (c) to perform the patient safety function having regard to the need to—
 - (i) improve the quality of services provided under the Act to individuals, and, in particular, to improve outcomes that demonstrate the safety of those services, for or in connection with—
 - (aa) the prevention, diagnosis or treatment of illness, or
 - (bb) the protection or improvement of public health, and
 - (ii) promote—
 - (aa) research on matters relevant to services provided under the Act, and
 - (bb) the use of evidence obtained from research in respect of the provision of such services;
- (d) to oversee the operation of the National Reporting and Learning System by the trust, in particular, by taking any such steps as it considers necessary and appropriate to ensure that the trust—
 - (i) continues to act in a manner which is consistent with the instructions issued by the Agency which are set out in the document entitled “Memorandum of Understanding in relation to the National Reporting and Learning System” signed on 30th March 2012 and annexed to the Imperial College Healthcare National Health Service Trust Directions 2012;
 - (ii) has regard to any advice given, or guidance issued, by the Agency in relation to the performance by the trust of the NRLS function;
 - (iii) has regard to such further instructions, advice or guidance as may be given to the trust by the Authority from time to time with a view to assisting the trust to carry out the NRLS function; and
- (e) to exercise the Secretary of State’s function under paragraph 7 of Schedule 5 to the Act by making such payments to the trust as are necessary to enable it to carry out the NRLS function.”.

Signed by authority of the Secretary of State for Health

Date: 
ANDREW SANDERSON

Member of the Senior Civil Service
Department of Health