
DIRECTIONS

NATIONAL HEALTH SERVICE, ENGLAND

The National Health Service Litigation Authority (Safety and Learning) Directions 2019

The Secretary of State for Health and Social Care, in exercise of the powers conferred by sections 7, 8, 272(7) and (8) of the National Health Service Act 2006(a), makes the following Directions:

Citation, interpretation and coming into force

1.—(1) These Directions—

- (a) may be cited as the National Health Service Litigation Authority (Safety and Learning) Directions 2019;
- (b) come into force on 5 December 2019.

(2) In these Directions—

- “the 2006 Act” means the National Health Service Act 2006;
- “the Authority” means the National Health Service Litigation Authority(b);
- “health service” means the health service continued under section 1(1) of the 2006 Act(c);
- “Schemes” means the schemes established and which may, from time to time, be established by regulations made by the Secretary of State under section 71(d) of the 2006 Act.

Purpose of the Directions

2. These Directions are given to the Authority for the purposes of administering one or more of the Schemes and relate to the following functions of the Secretary of State under the 2006 Act—

- (a) the Secretary of State’s duty under section 1(1) of continuing the promotion of a comprehensive health service;
- (b) the Secretary of State’s duty under section 1A(a)(e) to exercise functions in relation to the health service with a view to securing continuous improvement in the quality of services provided to individuals for or in connection with the prevention, diagnosis or treatment of illness;

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- (a) 2006 c. 41. By virtue of section 271(1) of the National Health Service Act 2006 (“the 2006 Act”) the functions of the Secretary of State under those sections (as exercised in making these Directions) are exercisable only in relation to England. Section 7 has been amended by section 21 of the Health and Social Care Act 2012 (c. 7) (“the 2012 Act”). Section 8 has been amended by section 55(1) of and paragraph 5 of Schedule 4 to, the 2012 Act and section 179(6) of, and paragraphs 1 and 3 of Schedule 14, to the 2012 Act.
 - (b) The National Health Service Litigation Authority (which operates under the name of “NHS Resolution”) was established by the National Health Service Litigation Authority (Establishment and Constitution) Order 1995 (S.I. 1995/2800 as amended by S.I. 2005/1445, 2013/295, 2014/3090, 2015/137 and 2017/150).
 - (c) Section 1(1) was substituted by section 1 of the 2012 Act.
 - (d) Section 71 has been amended by provisions in the Health and Social Care Act 2008, the 2012 Act and the Care Act 2014. The following sets of regulations have been made under section 71 - S.I. 1996/686, S.I. 1997/526, S.I. 1997/527, S.I. 1999/873, S.I. 1999/874, S.I. 1999/1274, S.I. 1999/1275, S.I. 2015/559, S.I. 2018/755, 2018/756, S.I. 2018/757 and S.I. 2019/334.
 - (e) Section 1A of the 2006 Act was inserted by section 2 of the 2012 Act.

- (c) the Secretary of State's duty under section 1E(a), when exercising any functions in relation to the health service, to promote research on matters relevant to the health service and the use in the health service of evidence obtained from research;
- (d) the Secretary of State's power under section 2(b) to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any function conferred on the Secretary of State by the 2006 Act.

Direction to disseminate information

3.—(1) The Secretary of State directs the Authority to disseminate information obtained and generated by it in the exercise of its functions where the Authority is satisfied that the dissemination of the information is likely to secure improvements in—

- (a) the administration of one or more of the Schemes; and
- (b) the quality and safety of services provided, as part of the health service, to individuals in connection with the prevention, diagnosis or treatment of illness.

(2) The Authority may disseminate the information in such form or manner as it considers appropriate.

Direction in relation to research

4.—(1) In exercising functions in relation to the health service, the Secretary of State directs the Authority to—

- (a) promote research on matters relevant to the administration of the Schemes;
- (b) undertake such research, where the Authority considers it appropriate to do so; and
- (c) promote the use in the health service of evidence obtained from the research.

(2) Information obtained or generated by the Authority in the exercise of its functions may be used for the purposes of promoting or undertaking any research under paragraph (1).

Direction to take steps to encourage improvement in the quality of services

5.—(1) The Secretary of State directs the Authority to take such steps as the Authority considers appropriate for the purposes of encouraging a person whose liabilities may be met under any of the Schemes to improve the quality and safety of services provided as part of the health service.

(2) A step taken under paragraph (1) may include the provision of a financial incentive.

Signed by authority of the Secretary of State

Stephen Rippon
Deputy Director – Resolution and Maternity
Department of Health and Social Care

Date: 4 December 2019

(a) Section 1E of the 2006 Act was inserted by section 6 of the 2012 Act.
(b) Section 2 was substituted by section 55(1) of, and paragraph 1(2) of schedule 4 to, the 2012 Act.