



# House of Commons

Tuesday 11 March 2014

## CONSIDERATION OF BILL

*New Amendments handed in are marked thus ★*

### CARE BILL, AS AMENDED

#### NOTE

The Amendments have been arranged in accordance with the Order of the House [10 March 2014].

#### *NEW CLAUSES AND NEW SCHEDULES RELATING TO CHAPTERS 1 TO 3 OF PART 3, AMENDMENTS TO CHAPTERS 1 TO 3 OF PART 3*

*The Health and Social Care Information Centre: restrictions on dissemination of information*

Secretary Jeremy Hunt

NC34

To move the following Clause:—

- (1) Chapter 2 of Part 9 of the Health and Social Care Act 2012 (the Health and Social Care Information Centre) is amended as follows.
- (2) In section 253(1) (general duties), after paragraph (c) (but before the “and” after it) insert—
  - 5 “(ca) the need to respect and promote the privacy of recipients of health services and of adult social care in England.”
- (3) In section 261 (other dissemination of information), after subsection (1) insert—
  - 10 “(1A) But the Information Centre may do so only if it considers that disseminating the information would be for the purposes of—
    - (a) the provision of health care or adult social care;
    - (b) the promotion of health.”
- (4) After section 262 insert—

#### **“262A Publication and other dissemination: supplementary**

15 In exercising any function under this Act of publishing or otherwise disseminating information, the Information Centre must have regard to any advice given to it by the committee appointed by the Health Research

*Care Bill, continued*

Authority under paragraph 8(1) of Schedule 7 to the Care Act 2014 (committee to advise in connection with information dissemination etc).”’.

As Amendments to Secretary Jeremy Hunt’s proposed New Clause (*The Health and Social Care Information Centre: restrictions on dissemination of information*) (NC34):—

Dr Sarah Wollaston  
Paul Burstow  
Charlotte Leslie  
Andrew George  
Barbara Keeley

Line 9, after ‘of’, insert ‘improving’.

(a)

Dr Sarah Wollaston  
Paul Burstow  
Charlotte Leslie  
Andrew George  
Barbara Keeley

Line 10, at end insert ‘; and if it has satisfied itself that the recipient is competent to handle the data in compliance with all statutory duties and to respect and promote the privacy of recipients of health services and adult social care.’.’.

(b)

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*Misuse of data provided by the Health and Social Care Information Centre: offence*

Mr Jamie Reed  
Barbara Keeley

NC25

To move the following Clause:—

- ‘(1) A person or entity commits an offence if they misuse, or negligently allow the misuse of information they have requested and received from the Health and Social Care Information Centre.
- (2) “Misuse” means—
  - (a) using information in a way that violates the agreement with the Health and Social Care Information Centre;
  - (b) using information in a way that does not violate the agreement with the Health and Social Care Information Centre, but that gives rise to use that is outside the agreed limits of use; or
  - (c) using information supplied by the Health and Social Care Information Centre in such a way as to allow or enable individual patients to be identified by a third party.
- (3) A person who is guilty of an offence under subsection (1) is liable—
  - (a) on summary conviction, to an unlimited fine;
  - (b) on conviction on indictment, to imprisonment for not more than two years or a fine, or both.
- (4) An entity who is guilty of an offence under subsection (1)—

*Care Bill, continued*

- (a) is liable to an unlimited fine; and
- (b) must disclose the conviction on all future applications to access data from the Health and Social Care Information Centre.’.

*Parliamentary oversight of the Health and Safety Care Information Centre*

Barbara Keeley  
Grahame M. Morris  
Valerie Vaz

NC35

★ To move the following Clause:—

‘In the Health and Social Care Act 2012, after section 274, insert—

- “(1) This section applies to—
- (a) an information standard under section 250;
  - (b) guidance of the Secretary of State under section 253(1)(b);
  - (c) guidance of the Board under section 253(1)(c);
  - (d) a direction of the Secretary of State under section 254(1);
  - (e) a request of any person under section 255(1);
  - (f) a procedure of the Information Centre under section 257(1);
  - (g) exercise by the Information Centre of its power under section 259(1) and duty under section 259(8);
  - (h) exercise by the Information Centre of its duties and powers under section 260;
  - (i) exercise by the Information Centre of its powers under section 261(1), 261(4) and 261(5);
  - (j) dissemination of information by the Information Centre in reliance upon section 261(7);
  - (k) a requirement imposed on or a request made to the Information Centre to which section 262 applies;
  - (l) the code of practice on confidential information under section 263;
  - (m) the Information Register under section 264; and
  - (n) advice, guidance and requests under section 265.
- (2) The matters to which this section applies by virtue of subsection (1) shall not take effect unless an order has been made by the Secretary of State in accordance with the super-affirmative resolution procedure under section 18 of the Legislative and Regulatory Reform Act 2006; and the provisions of Part 1 of that Act shall apply to such an order as if it was to be made and was made under that Part.
- (3) Regulations under section 267, section 268, section 269, section 274 and paragraph 8A of Schedule 7 of the Care Act 2014 shall not take effect without an order as is referred to in subsection (2).
- (4) Nothing in this section shall prevent the Information Centre from performing its functions to the extent that they are functions which were previously those of the Health and Social Care Information Centre under

**Care Bill, continued**

the Health and Social Care Information Centre (Establishment and Constitution) Order 2005.”’.

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Secretary Jeremy Hunt

Clause 109, page 96, line 2, after ‘individuals’ insert ‘aged 18 or over who are’.

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Mr Jamie Reed

Clause 116, page 100, line 29, after ‘Authority’, insert ‘and the Secretary of State’.

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Secretary Jeremy Hunt

Schedule 7, page 145, line 34, at end insert—

- ‘(c) to the Health and Social Care Information Centre in connection with—
- (i) the exercise by the Centre of functions conferred in regulations under section 251 of the National Health Service Act 2006 (processing of patient information for medical purposes);
  - (ii) any publication or other dissemination by the Centre of information which is in a form which identifies an individual to whom the information relates or enables the identity of such an individual to be ascertained.’

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Secretary Jeremy Hunt

Schedule 7, page 146, line 4, at end insert—

- ‘8A Regulations may provide for the committee appointed under paragraph 8(1) to be required, in giving advice, to have regard to specified factors or matters.’.
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Care Bill, *continued*

*NEW CLAUSES AND NEW SCHEDULES RELATING TO CHAPTER 4 OF PART 3,  
AMENDMENTS TO CHAPTER 4 OF PART 3, PARTS 4 AND 5, AMENDMENTS TO PART 4 AND  
5; REMAINING PROCEEDINGS ON CONSIDERATION*

*Secretary of State's response to a section 65 regulator's report on an NHS foundation trust*

Jeremy Lefroy  
Mr William Cash  
Fiona Bruce  
Mr Gary Streeter  
Jacob Rees-Mogg  
John Hemming

Mr Philip Hollobone  
Mr David Davis

Mr Aidan Burley  
Bob Blackman

Dr Julian Lewis  
Mr Michael Meacher  
**NC6**

To move the following Clause:—

'In section 65KD of the National Health Service Act 2006, after subsection (1) insert—

“(1A) If the Secretary of State, in relation to the report, would be satisfied as mentioned in subsection (1), with the addition, omission and/or alteration of recommendations contained therein that the Secretary of State regards as reasonable—

- (a) to secure the safety, quality or efficiency of some or all services, or
- (b) in the circumstances of the case

he may accept the final report as if it had been amended to provide for the addition, omission or alteration so specified.

(1B) Where the Secretary of State has accepted the report with amendments as specified in subsection (1A), the Secretary of State must as soon as reasonably practicable—

- (a) publish a notice of the decision, the amendments and the reasons for them;
- (b) lay a copy of the notice before each House of Parliament.”.

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*Care Bill, continued**Powers of local commissioners in relation to TSA recommendations*

Paul Burstow  
 Andrew George  
 John Hemming  
 Sir Andrew Stunell  
 Mr Jamie Reed  
 Caroline Lucas

Dr Julian Huppert  
 Greg Mulholland

Mr Michael Thornton

Grahame M. Morris

**NC16**

To move the following Clause:—

- (1) In section 65DA(1) of the National Health Service Act 2006 (Chapter 5A of Part 2: Objective of trust special administration) omit “objective” and insert “objectives” and omit “is” and insert “are”.
- (2) After subsection (1)(a) insert—
  - “(b) the continued provision of such of the services provided for the purposes of the NHS by any affected trust at such level, as the commissioners of those services determine.”.
- (3) After subsection 1(b) omit “(b)” and insert “(c)”.
- (4) In subsection (2) of that section after “The commissioners” insert “of the trust in special administration and any affected trust”.
- (5) In subsection (4) of that section after “the commissioners” add “of the trust in special administration and any affected trust”.
- (6) In subsection (9) of that section after ““commissioners” means the persons to which the trust provides services under this Act” add “and the commissioners of services at any affected trust”.
- (7) In section 65F insert—
  - “(2E) Where the administrator is considering recommending taking action in relation to another NHS foundation trust or an NHS trust which may become an affected trust, the administrator shall engage with the commissioners of services at any such NHS foundation trust or NHS trust in order to enable those commissioners to make decisions pursuant to the matters set out in section 65DA.”.
- (8) In section 651(1)—
  - (a) after “action which the administrator recommends that the Secretary of State” insert “or the commissioners of any affected trust”; and
  - (b) after “should take in relation to the trust” insert “or any affected trust”.
- (9) In section 65K add—
  - “(3) Where the final report contains recommendations for changes to be made to services provided by an affected trust, the commissioners of services at that affected trust shall make a decision within 20 working days whether they wish to undertake public and patient involvement regarding all or any of the recommendations and, if they are so minded, shall comply with any arrangements for patient and public involvement agreed by those commissioners under this Act before making any final decision concerning the said recommendations.”.
- (10) In section 65KA add—
  - “(7) Where the final report contains recommendations for changes to be made to services provided by an affected trust, the commissioners of those

Care Bill, *continued*

services shall make a decision within 20 working days whether they wish to undertake public and patient involvement regarding all or any of the recommendations and, if they are so minded, shall comply with any arrangements for patient and public involvement agreed by those commissioners under this Act before making any final decision concerning the said recommendations.”.

- (11) In section 65KB(1)(d) after “that” insert “to the extent that the report recommends action in relation to the trust in administration”.
- (12) In section 65KB(2)(a) after “decision” insert “in relation to any recommendations made the in relation to the trust in administration”.
- (13) In section 65O add—
  - “(4) In this chapter “affected trust” means—
    - (a) where the trust in question is an NHS trust, another NHS trust, or an NHS foundation trust, which provides goods or services under this Act that would be affected by the action recommended in the draft report; and
    - (b) where the trust in question is an NHS foundation trust, another NHS foundation trust, or an NHS trust, which provides services under this Act that would be affected by the action recommended in the draft report.
- (14) In section 13Q(4) at the end insert “save to the extent required by section 65K(3) or 65KA(7)”.
- (15) In section 14Z2(7) at the end insert “save to the extent required by section 65K(3) or 65KA(7)”.
- (16) In section 242(6)(b) at the end insert “save to the extent required by section 65K(3) or 65KA(7)”.

**Member’s explanatory statement**

*This Clause ensures that all commissioners of services affected by a trust special administrator’s report have the right to define local specified services; clarifies that, save for the trust in administration, local commissioners remain the decision makers for services they commission; and restores public engagement for changes other than for a trust in administration.*

Andy Burnham  
 Mr Jamie Reed  
 Caroline Lucas  
 Mark Durkan  
 Kate Hoey  
 Grahame M. Morris

John McDonnell

Mr David Crausby

Page 102, line 31, leave out Clause 119.

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Secretary Jeremy Hunt

Clause 119, page 104, line 3, at end insert—

- (bzc) any local authority in whose area the trust provides goods or services under this Act;
- (bzd) any local authority in whose area an affected trust provides goods or services under this Act;

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**Care Bill, *continued***

- (bze) any Local Healthwatch organisation for the area of a local authority mentioned in paragraph (bzc) or (bzd);”.
- ( ) In subsection (8) of that section, omit paragraph (e).’.

Secretary Jeremy Hunt

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Clause 119, page 104, line 13, at end insert— ‘, and

- (c) hold at least one meeting to seek responses from representatives of each of the local authorities and Local Healthwatch organisations from which the administrator must request a written response under subsection (7)(bzc), (bzd) and (bze).”.’.

Secretary Jeremy Hunt

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Clause 119, page 104, line 23, at end insert—

- ‘(11B) In this section, a reference to a local authority includes a reference to the council of a district only where the district is comprised in an area for which there is no county council.’.’.

Secretary Jeremy Hunt

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Clause 119, page 104, line 24, leave out ‘and (bzb)’ and insert ‘, (bzb), (bzc) and (bzd)’.

Secretary Jeremy Hunt

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Clause 119, page 105, line 26, leave out ‘and (bzb)’ and insert ‘, (bzb), (bzc) and (bzd)’.

Secretary Jeremy Hunt

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Clause 123, page 109, line 18, at end insert—

- ‘(ia) regulations under section 72 (Part 1 appeals) which include provision that amends or repeals a provision of an Act of Parliament.’.

Secretary Jeremy Hunt

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Clause 125, page 110, line 26, leave out ‘3’ and insert ‘4’.

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Care Bill, *continued*

Secretary Jeremy Hunt

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Clause 127, page 111, line 20, leave out subsection (2).

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ORDER OF THE HOUSE [16 DECEMBER 2013]

That the following provisions shall apply to the Care Bill [*Lords*]:

*Committal*

1. The Bill shall be committed to a Public Bill Committee.

*Proceedings in Public Bill Committee*

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on 4 February 2014.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

*Consideration and Third Reading*

4. Proceedings on Consideration and Third Reading shall be concluded in two days.
5. Proceedings on Consideration shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the second of those days.
6. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.
7. Standing Order No. 83B (Programming committees) shall not apply to proceedings on Consideration and Third Reading.

*Other proceedings*

8. Any other proceedings on the Bill (including any proceedings on consideration of any message from the Lords) may be programmed.
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ORDER OF THE HOUSE [10 MARCH 2014]

That the Order of 16 December 2013 (Care Bill [*Lords*] (Programme)) be varied as follows:

1. Paragraphs (5) and (6) of the Order shall be omitted.
2. Proceedings on Consideration shall be taken in the order shown in the first column of the following Table.
3. The proceedings shall (so far as not previously concluded) be brought to a conclusion at the times specified in the second column of the Table.

**TABLE**

<i>Proceedings</i>	<i>Time for conclusion of proceedings</i>
New Clauses and new Schedules relating to Part 1, amendments to Part 1	7.00 pm on the first day
New Clauses and new Schedules relating to Part 2, amendments to Part 2	9.00 pm on the first day

**Care Bill, continued**

*Proceedings* *Time for conclusion of proceedings*

New Clauses and new Schedules relating to Chapters 1 to 3 of Part 3, amendments to Chapters 1 to 3 of Part 3 2.30 pm on the second day

New Clauses and new Schedules relating to Chapter 4 of Part 3, amendments to Chapter 4 of Part 3, new Clauses and new Schedules relating to Part 4, amendments to Part 4, new Clauses and new Schedules relating to Part 5, amendments to Part 5, remaining proceedings on Consideration 6.00 pm on the second day

4. Proceedings at Third Reading shall (so far as not previously concluded) be brought to a conclusion at 7.00 pm on the second day.
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**NOTICES WITHDRAWN**

*The following Notices were withdrawn on 10 March 2014*

Amendment 34

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