CARE BILL, AS AMENDED

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

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.”’.
Consideration of Bill: 13 February 2014

Care Bill, continued

Independent review of future demand for social care and healthcare

Paul Burstow

To move the following Clause:—

‘(1) The Secretary of State shall make arrangements for an independent review of, and report on, the likely demand for adult social care, public health and healthcare services in England over the next twenty years.

(2) The objective of the review mentioned in subsection (1) shall be to identify the key factors determining the financial and other resources required to ensure that social care and health functions as a cost effective, high quality, equitable, integrated and sustainable single system which—

(a) promotes individual well-being (as defined in Part 1 of this Act),
(b) enables access to be determined on the basis of need, and
(c) can meet forecast demand.

(3) The arrangements for the conduct of review shall include provision for a fully integrated modeling and analysis of health and social care including examination of—

(a) the technological, demographic and health status trends over the next two decades that may inform or affect demand for adult social care and health services;
(b) the inter-dependencies between adult social care, public health and healthcare and the appropriate balance between different types of intervention, in particular between:—
   (i) health and social care,
   (ii) primary and secondary care,
   (iii) physical and mental health, and
   (iv) treatment and prevention; and
 (c) any other matter that the Secretary of State sets out in the review’s terms of reference.

(4) The Secretary of State shall lay before each House of Parliament a copy of an interim report on emerging themes and trends identified by the first such review by the end of November 2014 and make arrangements for a consultation process to be undertaken in relation to those interim findings.

(5) The Secretary of State shall lay before each House of Parliament a copy of the final report by the end of July 2015.

(6) At no more than five year intervals, the Secretary of State shall make arrangements for the updating of the report of the review mentioned in subsection (1) with the same objective and approach as mentioned in subsections (2) and (3), and including such matters as are provided for in paragraph (3)(c), and shall prepare and lay before each House of Parliament a report on the outcomes.

(7) The Secretary of State shall prepare and lay before each House of Parliament, as appropriate, a statement on the extent to which the reports mentioned in subsections (1) and (6) inform the Government’s wider fiscal and economic strategy and decisions in each public spending review.’.

CQC thematic review of local authority commissioning practices

Paul Burstow

To move the following Clause:—
Care Bill, continued

‘(1) The Secretary of State shall require the Care Quality Commission to conduct a special review and investigation under section 48 of the Health and Social Care Act 2008 into the impact of local authority commissioning and procurement practices on the quality and sustainability of adult social care.

(2) The review shall examine the—
   (a) implementation and operation of sector-led improvement;
   (b) transparency of decision-making in determining rates for care and support services including the setting of arbitrary ceilings on the amounts local authorities will pay for care and support services and the use of time and task-orientated contract specifications;
   (c) impact of procurement action on the diversity and quality of care and support services;
   (d) transparency and fitness for purpose of resource allocation and similar methodologies for determining the level of personal budgets and direct payments;
   (e) type and quality of engagement by local authorities with provider organisations, service users and carers, prior to procurement action; and
   (f) ability of provider organisations to meet their statutory obligations, in particular paying employees at or above the national minimum wage.

(3) The Review will report and make recommendations to the Secretary of State within twelve months of Commencement of Part 1 of this Act.’.

Reporting on the funding for new costs arising from the Care Act

Paul Burstow

To move the following Clause:—

‘(1) The Joint Care and Support Reform Programme Board must inform the Secretary of State by an annual written report that it is satisfied whether sufficient funding is in place to ensure that social care is adequately funded and that the provisions in the Act can be implemented satisfactorily.

(2) In subsection (1), the “Joint Care and Support Reform Programme Board” means the board of that name consisting of representatives of (but not limited to): the Local Government Association, the Association of Directors of Adult Social Services and the Department of Health.

(3) The report mentioned in subsection (1) should include a statement of the satisfaction of the Joint Care and Support Reform Programme Board with (but not limited to)—
   (a) adequacy of the funding of the provisions in this Act,
   (b) on-going costs of implementation,
   (c) an additional five yearly review of the short and medium term cost of setting the eligibility criteria at the level set out in regulations.’.

Exercise of functions

Paul Burstow

To move the following Clause:—

‘When exercising functions under section 31 (Urgent procedure for suspension, variation etc.) of the Health and Social Care Act 2008, the Care Quality
Care Bill, continued

Commission may not take account of its functions under section 83 (Trust special administration: appointment of administrator) of this Act.’.