

HEALTH AND SOCIAL CARE (AMENDMENT) (FOOD STANDARDS) BILL [HL]

EXPLANATORY NOTES

Introduction

These explanatory notes relate to the Health and Social Care (Amendment) (Food Standards) Bill [HL] as introduced to the House of Lords on 14th May 2013. They have been prepared by Baroness Cumberlege and are intended to assist the reader in understanding the Bill. The notes need to be read in conjunction with the Bill but do not form part of the Bill and have not been endorsed by Parliament.

These notes need to be read in conjunction with the Bill. They are not, and are not meant to be, a comprehensive description of the Bill. Therefore, where a clause or part of a clause does not seem to require any explanation or comment, none is given.

Background and summary

The Bill seeks to improve hospital food in England by requiring the Secretary of State of Health to: (a) convene a body of experts to draft standards for hospital food, and (b) apply these standards to all hospital food in England by including them in Care Quality Commission inspections. If it is found that hospitals are not compliant with the standards, they will risk having their registration with CQC suspended.

Part 1

Clause 1

1. This clause would require the Secretary of State for Health to create a body of experts, including representatives from government, industry, professional bodies and other relevant organisations, to agree standards which can be applied to hospital food in England.
2. The body of experts will need to have agreed these standards within a year of the Act coming into force.
3. In determining the standards, the body of experts will agree criteria for what constitutes healthy and sustainable food. The aim of the standards will be to improve the quality of

hospital food, and its healthiness and sustainability (including, for example, its effect on the environment, animal welfare, climate change and biodiversity – see clause 3). The standards must also consider the differing nutritional needs of patients and whether they require help to eat.

4. The Secretary of State will be responsible for reviewing the standards to ensure that they remain appropriate and may revise them when he or she deems it necessary to do so.

5. The standards will only apply to food served to patients which is paid for by public money and not to food available to, and paid for by, hospital staff and visitors.

Clause 2

6. The Care Quality Commission will be responsible for checking that hospital food is meeting the prescribed standards (see clause 5). Each year the Secretary of State will publish a report to demonstrate how far the standards have been adopted.

7. If any hospitals are not compliant, the report will also explain what action the Secretary of State is going to take to ensure widespread adoption of the standards.

Clause 3

8. When establishing the body of experts to draft the standards the Secretary of State will make it clear to them that the standards must consider the promotion of healthy and sustainable food.

9. The Secretary of State will ask the body of experts to consider greenhouse gas emissions and other pollutants associated with all stages of the food chain, biodiversity, animal welfare, fair trade, food waste and sustainable development in food and farming.

Clause 4

10. The standards will not apply to food outlets at any hospital premises which are managed by another organisation as part of a commercial lease or because of arrangements with a voluntary or charitable organisation. For example, food sold on a hospital premise by a commercial operator, like M&S, will be exempt from the standards. So too, for example, would food sold by volunteers of the Royal Voluntary Service (previously the WRVS).

11. The standards will not apply to food being served or sold on hospital premises at a fundraising event or as part of cultural celebrations.

12. Food served to patients who are on a diet prescribed by medical professions may also be exempted from the standards if required.

Part 2

Clause 5

13. This clause amends the Health and Social Care Act 2008 so that the Care Quality Commission is required to check that hospitals are meeting the standards as part of its inspections regime.

14. Inspections by the Care Quality Commission must take at least once a year.

Clause 6

15. The failure of any hospital to adopt the standards may result in the suspension of its registration by the Care Quality Commission.

16. The Secretary of State can instruct the Care Quality Commission to act if a hospital is found not to be meeting the standards.

Clause 7

17. The Secretary of State will consult with appropriate organisations and individuals about the proposals in this legislation.

18. The legislation cannot come into force until this consultation has taken place and the Secretary of State has reported the outcome of this consultation to Parliament.

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(AMENDMENT)
(FOOD STANDARDS) BILL [HL]**

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as introduced in the House of Lords on 14th May 2013
[HL Bill 16]*

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