

# HEALTH AND SOCIAL CARE ACT 2012

---

## EXPLANATORY NOTES

### OVERVIEW OF THE STRUCTURE

#### **Part 1 – The health service in England**

7. **Part 1** sets out a framework in which functions in relation to the health service are conferred directly on the organisations responsible for exercising them. The Secretary of State will continue to be under a duty to promote a comprehensive health service, and he will continue to have ministerial accountability to Parliament for the health service. The Secretary of State will be held accountable for the system through a new duty to keep under review the effective exercise of functions by the national-level bodies (such as the NHS Commissioning Board, Monitor and the Care Quality Commission) and to report annually on the performance of the health service.
8. The Secretary of State will also have direct responsibility (with local authorities) to protect and improve public health.
9. **Part 1** also establishes a new non-departmental public body to be known as the National Health Service Commissioning Board (NHS Commissioning Board), accountable to the Secretary of State. The NHS Commissioning Board will have broad overarching duties, in conjunction with the Secretary of State, to promote the comprehensive health service (other than in relation to public health) and to exercise its functions so as to secure that services are provided for the purposes of the comprehensive health service.
10. **Part 1** also makes provision for the establishment of clinical commissioning groups (CCGs), which will be statutory corporate bodies, established on the grant of an application by the NHS Commissioning Board. These bodies will be responsible for commissioning the majority of health services.
11. **Part 1** also contains related miscellaneous measures including provision in respect of the abolition of Strategic Health Authorities (SHAs) and Primary Care Trusts (PCTs), amendments to the Mental Health Act 1983 and provision in respect of emergency preparedness and pharmaceutical services expenditure.