

To move the following clause—

“Expected standards of conduct and duty of NHS boards to report medical malpractice or serious wrongdoings

(1) This section sets out a duty for boards of NHS trusts and NHS foundation trusts in England to adopt codes of conduct mandating reporting of concerns in relation to systemic medical malpractice or serious wrongdoings relating to patient safety within an NHS body.

(2) A member of the board of directors of an NHS trust or an NHS foundation trust in England must report any evidence or reports they have seen of systemic medical malpractice or serious wrongdoings relating to patient safety within the trust to—

- (a) the Care Quality Commission,
- (b) the Department of Health and Social Care, and
- (c) the Health Services Safety Investigations Body.

(3) The board of directors of an NHS trust or NHS foundation trust in England has a collective duty to—

- (a) refer the trust to the Care Quality Commission, and
- (b) alert the Department of Health and Social Care and the Health Services Safety Investigations Body, if staff employed by, or acting on behalf of, the trust raise concerns of systemic medical malpractice or serious wrongdoings relating to patient safety.

(4) In discharging its duties under subsection (1), an NHS trust board must, in particular—

- (a) adopt a code of conduct which sets standards expected of members who serve on the boards of an NHS trust or NHS foundation trust; and
- (b) ensure that the code of conduct is published.

(5) An NHS trust’s code of conduct must in particular—

- (a) require members of a board of an NHS trust or NHS foundation trust to act in accordance with the duty of candour in reporting concerns relating to systematic medical malpractice or serious wrongdoings relating to patient safety within a trust.
- (b) require members of the trust’s board to promote ethical conduct, candour, transparency and frankness within all parts of the NHS trust or foundation trust for which they work.
- (c) contain information about the steps that a person who works for an NHS trust should take if they believe that a member of a trust’s board has failed to act in accordance with the code of conduct.

(6) In this section—

“systemic medical malpractice” means an action or omission in the provision of health care that falls below the expected standard of care and indicates a widespread, patterned, or recurring failure within the systems, processes, or governance of the trust.

“wrongdoing” includes, abuse of authority, perverting the course of justice, neglect of duty and the exploitation of vulnerable people.

Member's explanatory statement

This new clause sets a duty for boards of NHS trusts and foundation trusts in England to adopt codes of conduct mandating reporting of concerns in relation to systemic medical malpractice or serious wrongdoings relating to patient safety within a trust.

