



# Health and Social Care Act 2008

## 2008 CHAPTER 14

### PART 1

#### THE CARE QUALITY COMMISSION

### CHAPTER 5

#### FURTHER FUNCTIONS

#### **53 Information and advice**

- (1) The Commission must keep the Secretary of State informed about the following matters—
  - (a) the provision of NHS care;
  - (b) the provision of adult social services;
  - (c) the carrying on of regulated activities.
- (2) The Commission may at any time give the Secretary of State advice on anything connected with those matters.
- (3) Advice under subsection (2) may in particular include advice on any changes that the Commission thinks should be made to—
  - (a) regulations under section 20 (regulation of regulated activities),
  - (b) a code of practice under section 21 (code of practice relating to health care associated infections), or
  - (c) a statement of standards under section 45 (health care standards set by the Secretary of State).
- (4) When requested to do so by the Secretary of State, the Commission must give the Secretary of State such advice or information in connection with a matter mentioned in subsection (1) as may be specified in the request.
- (5) The Commission may give advice—

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*Status: This is the original version (as it was originally enacted).*

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- (a) to the Secretary of State or an English NHS body about the establishment or conduct of any inquiry held, or to be held, by the Secretary of State or NHS body in relation to the provision of health care by or pursuant to arrangements made by that body;
- (b) to the Secretary of State or an English local authority about the establishment or conduct of any inquiry held, or to be held, by the Secretary of State or local authority in relation to the provision of adult social services by or pursuant to arrangements made by that authority.

#### **54 Studies as to economy, efficiency etc.**

- (1) The Commission may undertake or promote comparative or other studies designed to enable it to make recommendations—
  - (a) for improving economy, efficiency and effectiveness in any activity mentioned in subsection (2),
  - (b) for improving the management, other than the financial management, of an English NHS body, or
  - (c) for improving the management of an English local authority in its provision of adult social services.
- (2) Those activities are—
  - (a) the provision of health care by an English NHS provider,
  - (b) the making of arrangements by a Primary Care Trust for the provision of health care,
  - (c) the provision of adult social services by an English local authority, and
  - (d) the making of arrangements by an English local authority for the provision of adult social services.
- (3) The Commission may also undertake or promote studies designed to enable it to prepare reports as to the impact of—
  - (a) the operation of any particular statutory provisions, or
  - (b) any directions or guidance given by a Minister of the Crown (whether pursuant to any such provisions or otherwise),
 on economy, efficiency and effectiveness in an activity mentioned in subsection (2) (c) or (d).
- (4) The Commission must undertake or promote a study falling within subsection (1) or (3) if the Secretary of State so requests.
- (5) The reference in subsection (1) to an English NHS body does not include a reference to a Special Health Authority.

#### **55 Publication of results of studies under s. 54**

- (1) The Commission must publish—
  - (a) any recommendations made by it under subsection (1) of section 54, and
  - (b) the result of any studies undertaken or promoted under that section.
- (2) The Secretary of State may, after consulting the Commission, by regulations make provision as to the procedure to be followed in respect of the making of representations to the Commission before the publication under subsection (1) of any recommendations or the result of any studies.

## **56 Role of Audit Commission**

- (1) Subsection (2) applies to any function of the Commission under section 54 or 55 so far as relating to health care or English NHS bodies, except the function of being consulted under section 55(2).
- (2) A function to which this subsection applies may be exercised on the Commission's behalf by the Audit Commission, if the Audit Commission and the Commission so agree.
- (3) Where the Audit Commission exercises functions under subsection (2), it must do so on such terms, including terms as to payment, as the Commission and the Audit Commission may agree.
- (4) The Commission and the Audit Commission may exercise jointly their respective functions under—
  - (a) section 54 (and section 60 in its application to functions under that section) so far as relating to English local authorities, and
  - (b) sections 33 and 34 of the Audit Commission Act 1998 (c. 18).
- (5) The Commission and the Audit Commission must have regard to any guidance issued by the Secretary of State as to which of the Commission and the Audit Commission should promote or undertake studies which could be promoted or undertaken by either of them.
- (6) Subsection (4) is not to be taken to prejudice any other power of the Commission and the Audit Commission to act jointly.
- (7) In this section “the Audit Commission” means the Audit Commission for Local Authorities and the National Health Service in England.

## **57 Reviews of data, studies and research**

- (1) The Commission may review—
  - (a) studies and research undertaken by others, or the quality of data obtained by others, in relation to the provision of NHS care or adult social services or the carrying on of regulated activities,
  - (b) the methods used in undertaking such studies and research or in collecting and analysing such data, and
  - (c) the validity of conclusions drawn from such studies and research or from such data.
- (2) The Commission must conduct a review under subsection (1) if the Secretary of State so requests.
- (3) If the Commission conducts a review under this section it must publish a report.

## **58 Publication of information**

- (1) The Commission may make available to the public information relating to—
  - (a) the provision of NHS care;
  - (b) the provision of adult social services;
  - (c) the carrying on of regulated activities.

(2) Subsection (1) is subject to sections 76 and 79(2).

## **59 Additional functions**

- (1) The Secretary of State may by regulations provide that the Commission is to have such additional functions as may be specified in the regulations in relation to any of the following—
- (a) the provision of NHS care;
  - (b) the exercise in respect of England of functions by cross-border Special Health Authorities;
  - (c) the improvement of—
    - (i) economy, efficiency and effectiveness in the exercise of the functions of English NHS bodies, and
    - (ii) the financial or other management, or operations, of English NHS bodies;
  - (d) the provision of adult social services;
  - (e) the carrying on of regulated activities;
  - (f) the exercise of powers or the discharge of duties conferred or imposed by the Mental Health Act 1983 (c. 20) as mentioned in section 120(1) of that Act.
- (2) The Secretary of State must consult the Independent Regulator of NHS Foundation Trusts before making provision under subsection (1) in relation to NHS foundation trusts.