



Health and Social Care Act 2008

2008 CHAPTER 14

PART 1

THE CARE QUALITY COMMISSION

CHAPTER 6

MISCELLANEOUS AND GENERAL

Further provisions about functions of Commission

81 Publication of programme of reviews etc.

- (1) The Commission must from time to time prepare and publish a document setting out—
 - (a) the special reviews and investigations that it proposes to conduct under section 48,
 - (b) the studies that it proposes to undertake under section 54, and
 - (c) the reviews that it proposes to conduct under section 57.
- (2) Before preparing a document under subsection (1) the Commission must consult—
 - (a) the Secretary of State, and
 - (b) any other person or body specified by an order made by the Secretary of State,and it must send each of those persons or bodies a copy of the document once it is prepared.
- (3) The Commission may determine that any document or combination of documents prepared for the purposes of any other enactment or enactments is to be treated as a document prepared for the purposes of subsection (1) (so long as the requirements of subsection (2) are complied with in relation to the document or documents concerned).
- (4) Nothing in a document published under subsection (1) is to be regarded—

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- (a) as affecting any power of the Secretary of State to require a review or investigation to be conducted or a study to be undertaken, or
- (b) as preventing the Commission from conducting an investigation under section 48 where the Commission considers there to be a risk to the health, safety or welfare of persons receiving health or social care.

82 Failure by the Commission in discharge of its functions

- (1) The Secretary of State may give a direction to the Commission if the Secretary of State considers that the Commission—
 - (a) is failing or has failed to discharge any of its functions, or
 - (b) is failing or has failed properly to discharge any of its functions.
- (2) A direction under subsection (1) may direct the Commission to discharge such of those functions, and in such manner and within such period or periods, as may be specified in the direction.
- (3) If the Commission fails to comply with a direction under subsection (1), the Secretary of State may—
 - (a) discharge the functions to which the direction relates, or
 - (b) make arrangements for any other person to discharge them on the Secretary of State’s behalf.

83 Reports for each financial year etc.

- (1) As soon as possible after the end of each financial year, the Commission must make a report on each of the following matters—
 - (a) the way in which it has exercised its functions during the year,
 - (b) the provision of NHS care during the year,
 - (c) the provision of adult social services during the year,
 - (d) the carrying on of regulated activities during the year, and
 - (e) the steps taken by it during the year to implement the proposals in its statement under section 5 (statement on user involvement).
- (2) The Commission may comply with subsection (1) by preparing a single document or separate documents on each of the matters mentioned there.
- (3) If the Secretary of State so directs, a report under subsection (1) must include separate reports on such aspects of the matters mentioned in that subsection as may be specified in the direction.
- (4) The Commission must—
 - (a) lay before Parliament a copy of each report made under subsection (1), and
 - (b) send a copy of each such report to the Secretary of State.
- (5) The Commission must also provide the Secretary of State with such reports and information relating to the exercise of its functions as the Secretary of State may from time to time request.
- (6) Subsection (1)(a) does not apply to the Commission’s functions under the Mental Health Act 1983 (c. 20).
- (7) In this section, “financial year” means—

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- (a) the period beginning with the date on which the Commission is established and ending with the next 31 March following that date, and
- (b) each successive period of 12 months ending with 31 March.

84 Reports and information

- (1) Subsections (2) and (3) apply to a report published by the Commission under any provision of this Part or of the Mental Health Act 1983.
- (2) The Commission must make copies of the report available for inspection at its offices by any person at any reasonable time.
- (3) Any person who requests a copy of the report is entitled to have one on payment of such reasonable fee (if any) as the Commission considers appropriate.
- (4) The Commission may charge a person such reasonable fee as it considers appropriate where it provides the person, on request, with any other information relevant to the exercise of the Commission's functions under this Part.