

# LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 17: Final Provisions**

##### ***Schedule 11: Schedule to be inserted in Audit Commission Act 1998***

583. The new Schedule 2A to the Audit Commission Act 1998 inserted by this Schedule makes provision about the interaction of the Audit Commission with various persons and bodies, in particular “inspection authorities” and “public authorities”.
584. “Inspection authorities” are the criminal justice inspectorates, the Commission for Healthcare Audit and Inspection and the Commission for Social Care Inspection (see paragraph 1 of Schedule 2A).
585. “Public authorities” are persons or bodies whose functions are of a public nature (excluding the Houses of Parliament) (see paragraph 2 of Schedule 2A). References to public authorities in Schedule 2A do not include public authorities outside the UK, except in paragraph 9 (power to provide advice or assistance).

#### **Inspection programmes and inspection frameworks**

586. [Paragraph 4](#) requires the Audit Commission from time to time to prepare documents setting out what inspections it proposes to carry out and the way in which it proposes to carry out those inspections. It must consult the Secretary of State, the inspection authorities and other persons specified in an order made by the Secretary of State before preparing such documents. It must also send copies of the final version of those documents to those people. The requirement to consult and to send copies of documents can be waived.

#### **Inspections by other inspectors of organisations within the Commission’s remit**

587. [Paragraph 5](#) provides the Audit Commission with a “gatekeeper” role in relation to inspections of specified organisations by inspection authorities and others. The specified organisations will be set out in secondary legislation. This paragraph will enable the Audit Commission to prevent inspections of such organisations by other inspectorates where, in the Audit Commission’s opinion, the inspection or manner of it would impose an unreasonable burden on the organisation in question. This paragraph provides the Secretary of State with residual powers, in certain situations, to allow an inspection to take place. The Secretary of State may also specify, in secondary legislation, circumstances in which the power to prevent inspection will not apply.

#### **Co-operation**

588. [Paragraph 6](#) requires the Audit Commission to co-operate with the inspection authorities, benefits inspectors and other public authorities specified by the Secretary

*These notes refer to the Local Government and Public Involvement in Health Act 2007 (c.28) which received Royal Assent on 30 October 2007*

of State where it is appropriate to do so for the efficient and effective discharge of its functions.

### **Joint working**

589. [Paragraph 7](#) enables the Audit Commission to act jointly with an inspection authority or a benefits inspector where it is appropriate to do so for the efficient and effective discharge of its functions

### **Delegation**

590. There will be situations where the work of the Audit Commission and other inspection authorities and certain public authorities will clearly overlap. Paragraph 8 allows the Audit Commission to delegate functions to such authorities.

### **Advice or assistance for other public authorities**

591. [Paragraph 9](#) confers a power on the Audit Commission to provide advice and assistance to other public authorities whether within or outside the UK. The Audit Commission will also be able to charge the authority to which it provides assistance a fee for carrying out such work.

### **Inspections carried out under arrangements**

592. [Paragraph 10](#) enables the Audit Commission to exercise functions, which it does not ordinarily have, where another inspection authority has sought to delegate those functions to the Audit Commission.