

HEALTH AND SOCIAL CARE ACT 2008

EXPLANATORY NOTES

TERRITORIAL EXTENT

Territorial application: Wales

Part 1 – the Care Quality Commission

Chapter 1 – Introductory

Schedule 1: The Care Quality Commission

106. *Schedule 1* deals with the constitution of the Commission. *Paragraphs 1* and *2* set out its status and general powers and duties. *Paragraphs 3* to *5* relate to the appointment and remuneration of the Commission's members and employees. In particular, *paragraph 3* provides that the appointment of the chair and other members of the Commission will be carried out by the Secretary of State. It is expected that the Secretary of State will appoint the chair following pre-appointment scrutiny by Parliament, in line with proposals in the Government Green Paper on the Governance of Britain, but will delegate appointment of other members to the Appointments Commission under the Health Act 2006. In appointing the chair and other members of the Commission, the Secretary of State is required to ensure that, collectively, they include people with experience and knowledge relating to health care, social care and the Mental Health Act. Such experience and knowledge could, as an example, include experience a person has gained by involvement with groups who represent service users or carers.
107. *Paragraph 6* requires the Commission to establish an advisory committee, and to have regard to the advice and information provided by it when deciding how it should exercise its functions. The purpose of this provision is to ensure that the Commission takes account of the views of those with an interest in its work, such as those with relevant expertise in the provision of health or social care. *Paragraph 7* enables the Commission to arrange for any of its committees (but not the advisory committee), sub-committees, members or employees or any other person to exercise any of its functions. *Paragraph 8* enables it to arrange for persons to assist in the exercise of its functions.
108. *Paragraphs 9* and *10* deal with payments and loans to the Commission and its accounts. The Commission may only borrow money from the Secretary of State. It is required to produce annual accounts and provide copies to the Secretary of State, and the Comptroller and Auditor General. The Commission's annual accounts will also cover its functions under the Mental Health Act.
109. *Paragraphs 11* and *12* set out arrangements for the application of the Commission's seal and provide for documents purporting to be signed or sealed by or on behalf of the Commission to be accepted as evidence in court.