

HEALTH AND SOCIAL CARE ACT 2008

EXPLANATORY NOTES

TERRITORIAL EXTENT

Reviews and investigations

Section 46: Periodic reviews

190. In place of the annual reviews currently conducted by CHAI and CSCI, the Commission will carry out periodic reviews under section 46 of PCTs, NHS providers in England and local authorities in England.
191. PCTs and local authorities provide health and adult social services but they also commission from other organisations health and adult social services that they consider necessary to meet the needs of their local populations. For example, a local authority might pay for people with particular kinds of needs to be cared for in a private facility that specialises in catering for such people.
192. The Commission will therefore carry out reviews of the effectiveness of commissioning by reviewing the overall provision of health care in PCT areas under *subsection (1)* and of adult social services in English local authority areas under *subsection (3)*. These reviews will assess how well the services they put in place, whether provided directly or commissioned from other people, are meeting the needs of their local populations.
193. The Commission will also carry out individual reviews of NHS bodies that provide services, referred to as English NHS providers, under *subsection (2)*. This includes English NHS Trusts and NHS Foundation Trusts. PCTs will also be reviewed in respect of the health care they provide, so that their performance in this regard can be distinguished from their effectiveness as commissioners.
194. Reviews will be by reference to a set of indicators which will either be devised by the Secretary of State in whole or in part or devised by the Commission and approved by the Secretary of State. For reviews of PCTs and local authorities under subsections (1) and (3) it is intended that these will primarily be based on outcomes that the Government has decided are the most appropriate measurements by which to judge the performance of PCTs and local authorities. The Government intends that the indicators set under this power in relation to local authorities (working alone or in partnership with PCTs, other NHS bodies or other local service providers) will be part of the single set of national indicators to which the Government committed itself in the Local Government White Paper – “*Strong and Prosperous Communities*” in October 2006.
195. Reviews of English NHS providers under subsection (2) will also look broadly at the quality of care provided, taking account of the same outcomes against which commissioners are assessed. The intention is that the Commission will be given responsibility for setting the indicators used for provider reviews from the outset. Reviews of English NHS providers under subsection (2), and reviews of the overall quality of provision in PCT or English local authority areas under subsections (1) and (3), may well use much of the same information. In these cases it is intended that the Commission will only collect that information once.

*These notes refer to the Health and Social Care Act 2008
(c.14) which received Royal Assent on 21 July 2008*

196. For each type of review, the Commission must devise a methodology for assessing and evaluating bodies against relevant indicators, and this methodology must be approved by the Secretary of State. It must publish its methodology, as well as the indicators used for reviews, whether they are set by the Secretary of State, or set by the Commission and approved by the Secretary of State.
197. Following a review the Commission will publish a report of its assessment. Regulations may set out the procedure that should apply to allow people to make representations to the Commission before the report is published. The reason for setting out this procedure is to ensure that the reviewed body is given time to comment, and that any comments are considered by the Commission.