

EXPLANATORY MEMORANDUM TO
THE CARE QUALITY COMMISSION (MEMBERSHIP) REGULATIONS 2008
2008 No. 2252

1. This explanatory memorandum has been prepared by the Department of Health and is laid before Parliament by Command of Her Majesty.

2. **Description**

2.1 The Care Quality Commission (Membership) Regulations 2008 contain provisions relating to the membership of the new body.

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 None

4. **Legislative Background**

4.1 The Health and Social Care Act 2008 provides for the establishment of the Care Quality Commission. The Regulations as to membership of the Care Quality Commission are made under Schedule 1 paragraph 3 of that Act. This is the first use of these powers.

5. **Territorial Extent and Application**

5.1 This instrument applies to England.

6. **European Convention on Human Rights**

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. **Policy background**

7.1 In the 2005 budget statement, the Chancellor announced plans to reduce the number of public service inspectorates. This included the merger of the Commission for Healthcare Audit and Inspection (known as the Healthcare Commission) and the Commission for Social Care Inspection. The Department of Health had already announced plans to bring together the Commission for Healthcare Audit and Inspection and the Mental Health Act Commission.

7.2 In November 2006 the Department of Health published a consultation “The Future Regulation of Health and Adult Social Care in England” which announced the Government’s intention to create a single regulator responsible for regulating health care and adult social care, and monitoring the operation of the Mental Health Act. There were over 100 responses to this consultation and the consultation and associated response can be found at:

http://www.dh.gov.uk/en/Consultations/Closedconsultations/DH_063286

- 7.3 The new Care Quality Commission will replace the Commission for Healthcare Audit and Inspection, the Commission for Social Care Inspection and the Mental Health Act Commission. It will be responsible for the registration, review and inspection of certain health and adult social care services in England and the functions currently performed by the Mental Health Act Commission will transfer to the Care Quality Commission and to Welsh Ministers.
- 7.4 These regulations provide for:
- the number of members
 - disqualification for appointment to the Commission or from holding office as a member
 - cessation of disqualification from holding office
 - termination of tenure of office
 - suspension of members from office

8. Impact

8.1 An Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies. A Regulatory Impact Assessment was prepared for the Bill, which can be found at:

http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsLegislation/DH_080433

9. Contact

James Adedeji at the Department of Health Tel: 0207 2105200 or e-mail: james.adedeji@dh.gsi.gov.uk can answer any queries regarding the instrument.