
STATUTORY INSTRUMENTS

2014 No. 1788

**NATIONAL HEALTH SERVICE, ENGLAND
PUBLIC HEALTH, ENGLAND
SOCIAL CARE, ENGLAND**

**The Care Quality Commission (Reviews and
Performance Assessments) Regulations 2014**

<i>Made</i>	- - - -	<i>7th July 2014</i>
<i>Laid before Parliament</i>		<i>11th July 2014</i>
<i>Coming into force</i>	- -	<i>1st October 2014</i>

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 46(1) and (2) and 161(4) of the Health and Social Care Act 2008⁽¹⁾.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Care Quality Commission (Reviews and Performance Assessments) Regulations 2014 and come into force on 1st October 2014.

(2) In these Regulations—

“the 2006 Act” means the National Health Service Act 2006⁽²⁾;

“the 2008 Act” means the Health and Social Care Act 2008;

“the 2010 Regulations” mean the Health and Social Care Act 2008 (Regulated Activities) Regulations 2010⁽³⁾;

“hospital” has the same meaning as in section 275 (interpretation) of the 2006 Act;

“independent hospital” means a hospital which is not a health service hospital as defined in section 275 of the 2006 Act;

“NHS Trust” means a trust established under section 25 of the 2006 Act.

(1) [2008 c.14](#) (“the 2008 Act”). See the definition of “prescribed” and “regulations” in section 97(1) of the 2008 Act. Section 46 of the 2008 Act was substituted by section 91(2) of the Care Act [2014 \(c.23\)](#).

(2) [2006 c.41](#).

(3) [S.I. 2010/781](#), as amended by [S.I. 2011/2711](#), [2012/921](#), [2012/979](#), [2012/1479](#), [2012/1513](#), [2013/235](#) and [2013/472](#).

Prescribed service providers and regulated activities

- 2.—(1) For the purposes of section 46(1) of the 2008 Act (reviews and performance assessments) —
- (a) the registered service providers prescribed are those listed in the first column of the Schedule to these Regulations, and
 - (b) other than as provided in paragraph (2), the regulated activities⁽⁴⁾ prescribed in relation to those service providers are those listed in the corresponding entries in the second column of the Schedule.
- (2) Regulated activities are not prescribed if they are provided in a prison within the meaning of the Prison Act 1952⁽⁵⁾.

Review

- 3.—(1) Before the end of each review period, the Secretary of State must—
- (a) carry out a review of these Regulations;
 - (b) set out the conclusions of the review in a report; and
 - (c) publish the report before Parliament.
- (2) The report must in particular—
- (a) set out the objectives intended to be achieved by the system of reviews and performance assessments established by section 46(1) of the 2008 Act;
 - (b) assess the extent to which these Regulations enable those objectives to be achieved; and
 - (c) assess whether those objectives could be better achieved by changing what these Regulations prescribe for the purposes of such system.
- (3) In this regulation, “review period” means—
- (a) the period of five years beginning with the day on which these Regulations come into force, and
 - (b) subject to paragraph (4), each successive period of five years.
- (4) If a report under this regulation is laid before Parliament before the last day of the review period to which it relates, the following review period is to begin with the day on which that report is laid.

Signed by the authority of the Secretary of State for Health.

7th July 2014

Norman Lamb
Minister of State,
Department of Health

(4) See section 8 of the 2008 Act and regulation 3 and Schedules 1 and 2 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2010 (S.I. 2010/781) for the definition of “regulated activity”.

(5) 1952 c.52.

SCHEDULE

Regulation 2

<i>Registered Service Provider</i>	<i>Regulated Activity</i>
An NHS Trust	All regulated activities, except for surgical procedures as referred to in paragraph 7(1) of Schedule 1 to the 2010 Regulations which is carried out in connection with any of the activities listed in Schedule 2 (activities for which licences may be granted) to the Human Fertilisation and Embryology Act 1990 ⁽⁶⁾ and for which a licence has been granted to that person under section 16 (grant of licence) of that Act.
An NHS Foundation Trust	All regulated activities, except for surgical procedures as referred to in paragraph 7(1) of Schedule 1 to the 2010 Regulations which is carried out in connection with any of the activities listed in Schedule 2 (activities for which licences may be granted) to the Human Fertilisation and Embryology Act 1990 and for which a licence has been granted to that person under section 16 (grant of licence) of that Act.
An independent hospital	All regulated activities except for surgical procedures as referred to in paragraph 7(1) of Schedule 1 to the 2010 Regulations which is carried out in connection with any of the activities listed in Schedule 2 (activities for which licences may be granted) to the Human Fertilisation and Embryology Act 1990 and for which a licence has been granted to that person under section 16 (grant of licence) of that Act.
A provider whose sole or main purpose is the provision of primary medical services under— (i) arrangements made pursuant to section 83(2) of the 2006 Act ⁽⁷⁾ (primary medical services); (ii) a contract entered into pursuant to section 84 of that Act ⁽⁸⁾ (general medical services contracts); or (iii) arrangements made pursuant to section 92 of that Act ⁽⁹⁾ (arrangements by the Board for the provision of primary medical services).	All regulated activities
Any other service provider	Personal Care as referred to in paragraph 1 of Schedule 1 to the 2010 Regulations;

(6) 1990 c. 37. Relevant amendments were made to section 16 and Schedule 2 by S.I. 2007/1522 and sections 11(2), 16 and 66 of, and Schedule 2 to, the Human Fertilisation and Embryology Act 2008 c.22.

(7) 2006 c.41. Relevant amendments were made to section 83(2) by section 55(1), Schedule 4, paragraphs 30(1) and (2) of the Health and Social Care Act 2012 c.7.

(8) Section 84 was amended by section 55(1), Schedule 4, paragraph 31 of the Health and Social Care Act 2012 c.7.

(9) Section 92 was amended by section 55(1), Schedule 4, paragraph 36 of the Health and Social Care Act 2012 c.7.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>Registered Service Provider</i>	<i>Regulated Activity</i>
	<p>Accommodation for persons who require nursing or personal care as referred to in paragraph 2 of Schedule 1 to the 2010 Regulations;</p> <p>Nursing Care as referred to in paragraph 14 of Schedule 1 to the 2010 Regulations.</p>

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 46 of the Health and Social Care Act 2008 (“the 2008 Act”) imposes a duty on the Care Quality Commission (“the CQC”) to conduct reviews and performance assessments of the carrying on by prescribed registered service providers of such regulated activities as may be prescribed and to publish reports of such assessments. These Regulations prescribe the registered service providers and regulated activities for those purposes.

Regulation 2 and the Schedule prescribe both the registered service providers and the regulated activities in respect of which those providers which are to be subject to such performance assessment reviews. Performance assessments are not required for prescribed regulated activities insofar as they are provided in prisons.

Regulation 3 requires the Secretary of State to review these Regulations and lay a report before Parliament within five years after they come into force and within every five years after that. Following the review it will fall to the Secretary of State to consider whether the Regulations should remain as they are, to be revoked or be amended. A further instrument would be needed to revoke the Regulations or to amend them.

An assessment of the impact of performance assessments on the private sector and civil society organisations has been made in relation to the Care Act 2014. A copy of this impact assessment is available from the libraries of both Houses of Parliament, and is annexed to the Explanatory Memorandum which is available alongside the instrument on www.legislation.gov.uk. Copies may also be obtained from the Department of Health, Richmond House, 79 Whitehall, London, SW1A 2NS or on the Department of Health’s web site at <https://www.gov.uk/government/publications/the-government-published-a-series-of-impact-assessments-alongside-the-care-bill>