

CARE STANDARDS ACT 2000

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part II Establishments and Agencies

Miscellaneous and Supplemental

Section 31 Inspections by persons authorised by the registration authority

105. *Subsection (1)* provides that the registration authority may require a person who carries on or manages an establishment or agency to provide it with any information to enable the registration authority to discharge its functions. *Subsection (2)* enables a person authorised by the registration authority to enter and inspect premises at any time if they are used or he believes them to be used as an establishment or for the purposes of an agency. These powers are necessary to ensure compliance with the regulatory framework.
106. Inspectors may also require relevant records or other documents to be produced for inspection on the premises wherever they may be kept, and where they are stored on computer, that they are produced in a legible, not encrypted, form. Inspectors will also be able to copy or remove relevant records (other than medical records), and will be able to interview, in private, the manager, employees, or any patients or persons accommodated or cared for there who consent to be interviewed (*subsections (3) and (4)*).
107. *Subsections (5) and (6)* allow a medical practitioner or registered nurse to examine in private, with their consent, a patient or resident, or their medical records, where they believe that the person may not be receiving proper care. If the person is incapable of giving their consent, a medical practitioner or registered nurse may still examine them and/ or their medical records if they believe they have not been receiving proper care.
108. *Subsection (7)* provides for a regulation-making power to determine the minimum frequency of inspections of premises by a registration authority, and *subsection (8)* requires inspectors to produce appropriate documentation showing their right to enter and inspect the premises if required so to do.
109. *Subsection (9)* makes it an offence for a person to intentionally obstruct the exercise of the powers under this section or *section 32*. The penalty on summary conviction is a fine not exceeding level 4 on the standard scale.