Care Standards Act 2000

2000 CHAPTER 14

PART I

INTRODUCTORY

Registration authorities

5 Registration authorities.

For the purposes of this Act—

(a) the registration authority in relation to England is

[F1(i) the CHAI, in the case of independent hospitals, independent clinics and independent medical agencies;

[F2(ii) the CSCI, in the case of care homes, domiciliary care agencies and nurses agencies;

(iii) Her Majesty's Chief Inspector of Education, Children's Services and Skills (referred to in this Act as "the CIECSS"), in the case of children's homes, residential family centres, fostering agencies, voluntary adoption agencies and adoption support agencies;]]

(b) the registration authority in relation to Wales is the National Assembly for Wales (referred to in this Act as "the Assembly").

[F3(2) This section is subject to section 36A.]

Textual Amendments

F1 S. 5(a)(i)(ii) substituted (20.11.2003 for certain purposes and 1.4.2004 otherwise) for words by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), ss. 147, 199, **Sch. 9 para. 17**; S.I. 2004/759, **art. 5(2)**

F2 S. 5(1)(ii)(iii) substituted (1.4.2007) for s. 5(1)(a)(ii) by Education and Inspections Act 2006 (c. 40), ss. 157, 188, **Sch. 14 para. 39**; S.I. 2007/935, **art. 5**

F3 S. 5(2) inserted (25.2.2003 for E. for certain purposes, 30.4.2003 for E. otherwise and 28.11.2003 for W.) by Adoption and Children Act 2002 (c. 38), ss. 139, 148, **Sch. 3 para. 105** (with Sch. 4 paras. 6-8); S.I 2003/366, art. 2(1)(4); S.I. 2003/3079, **art. 2(1)**

Commencement Information

I1 S. 5 partly in force; s. 5 not in force at Royal Assent see s. 122; s. 5 in force for W. at 1.7.2001 by S.I. 2001/2190, art. 2, **Sch.** Table; s. 5 in force for E. for certain purposes at 1.4.2002 by S.I. 2001/3852, **art. 3(2)(7)(c)** (subject to transitional provisions in Sch. 1 and with transitional provisions in Sch. 2) (as amended by S.I. 2001/4150, 2002/1493, 2002/1790, 2002/2001, 2002/3210)

[[F4]5A General duties of Commission for Healthcare Audit and Inspection

(1) The Commission for Healthcare Audit and Inspection (referred to in this Act as "the CHAI") shall have the general duty of keeping the Secretary of State informed about—
  (a) the provision in England of independent health services; and
  (b) in particular, the availability and quality of the services.

(2) The CHAI shall have the general duty of encouraging improvement in the quality of independent health services provided in England.

(3) The CHAI shall make information about independent health services provided in England available to the public.

(4) When asked to do so by the Secretary of State, the CHAI shall give him advice or information on such matters relating to the provision in England of independent health services as may be specified in his request.

(5) The CHAI may at any time give advice to the Secretary of State on—
  (a) any changes which the CHAI thinks should be made, for the purpose of securing improvement in the quality of independent health services provided in England, in the standards set out in statements under section 23;
  (b) any other matter connected with the provision in England of such services.

(6) In the exercise of its functions under this Act the CHAI must have particular regard to the need to safeguard and promote the rights and welfare of children.

(7) The Secretary of State may by regulations confer additional functions on the CHAI in relation to the provision in England of independent health services.

(8) In this section "independent health services" means services of the kind provided by persons for whom the CHAI is the registration authority.**]**

Textual Amendments

F4 S. 5A inserted (20.11.2003 for certain purposes and 1.4.2004 otherwise) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), ss. {103}, 199; S.I. 2004/759, **art. 3(1)**

[[F5]5B General duties of Commission for Social Care Inspection

(1) The Commission for Social Care Inspection (referred to in this Act as "the CSCI") shall have the general duty of keeping the Secretary of State informed about—
  (a) the provision in England of registered social care services; and

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(b) in particular, the availability and quality of the services.

(2) The CSCI shall have the general duty of encouraging improvement in the quality of registered social care services provided in England.

(3) The CSCI shall make information about registered social care services provided in England available to the public.

(4) When asked to do so by the Secretary of State, the CSCI shall give him advice or information on such matters relating to the provision in England of registered social care services as may be specified in his request.

(5) The CSCI may at any time give advice to the Secretary of State on—

(a) any changes which the CSCI thinks should be made, for the purpose of securing improvement in the quality of registered social care services provided in England, in the standards set out in statements under section 23;

(b) any other matter connected with the provision in England of registered social care services.

(6) In the exercise of its functions under this Act the CSCI must have particular regard to the need to safeguard and promote the rights and welfare of children.

(7) The Secretary of State may by regulations confer additional functions on the CSCI in relation to the provision in England of registered social care services.

(8) In this section, "registered social care services" means services of the kind provided by persons for whom the CSCI is the registration authority.**]**

Textual Amendments

F5 S. 5B inserted (20.11.2003 for certain purposes and 1.4.2004 otherwise) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), ss. {104}, 199; S.I. 2004/759, **art. 4(2)**

6 National Care Standards Commission.

F6 . . . . . .

Textual Amendments

F6 S. 6 repealed (1.4.2004) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), ss. 196, 199, **Sch. 14 Pt. 2**; S.I. 2004/759, **art. 13**

7 General duties of the Commission.

F7 . . . . . .

Textual Amendments

F7 S. 7 repealed (1.4.2004) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), ss. 196, 199, **Sch. 14 Pt. 2**; S.I. 2004/759, **art. 13**

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8 General functions of the Assembly.

(1) The Assembly shall have the general duty of encouraging improvement in the quality of Part II services provided in Wales.

(2) The Assembly shall make information about Part II services provided in Wales available to the public.

[[F8](3) The Assembly shall have such additional functions in relation to Part II services provided in Wales as may be specified in regulations made by the Assembly.

[[F9](3A) But the functions which may be so specified do not include functions of making, confirming or approving subordinate legislation (as defined by section 158(1) of the Government of Wales Act 2006).**]]**

(4) The Assembly may charge a reasonable fee determined by it in connection with the exercise of any power conferred on it by or under this Act.

(5) The Assembly may provide training for the purpose of assisting persons to attain standards set out in any statements published by it under section 23.

[[F10](6) The Assembly must have particular regard to the need to safeguard and promote the rights and welfare of children in the exercise of—

(a) its functions exercisable by virtue of section 5(b) and subsections (1) to (3) of this section; and

[[F11](b) any other functions exercisable by the Assembly corresponding to functions exercisable—

(i) by **[**[F12]the Care Quality Commission**]** in relation to England; or

(ii) by the CIECSS under section 147 of the Education and Inspections Act 2006.**]]**

[[F13]**[**[F14](7)**]** In this section, "Part II services" means services of the kind provided by persons registered under Part II **[**[F15], other than the provision of—

(a) medical or psychiatric treatment, or

(b) listed services (as defined in section 2).**]]**

Textual Amendments

F8 S. 8(3)(3A) substituted (1.4.2007) for s. 8(3) by Education and Inspections Act 2006 (c. 40), ss. 157, 188, **Sch. 14 para. 40(2)**; S.I. 2007/935, **art. 5**

F9 S. 8(3A) substituted (21.7.2008 for certain purposes and 1.4.2009 otherwise) by Health and Social Care Act 2008 (c. 14), ss. 95, 170(1)(b), **Sch. 5 para. 8(2)**; S.I. 2009/462, **art. 2**, Sch. 1 para. 35

F10 S. 8(6) inserted (1.4.2004) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), ss. 109, 199; S.I. 2004/873, **art. 2**

F11 S. 8(6)(b) substituted (1.4.2007) by Education and Inspections Act 2006 (c. 40), ss. 157, 188, **Sch. 14 para. 40(3)**; S.I. 2007/935, **art. 5**

F12 Words in s. 8(6)(b)(i) substituted (21.7.2008 for certain purposes and 1.4.2009 otherwise) by Health and Social Care Act 2008 (c. 14), ss. 95, 170(1)(b), **Sch. 5 para. 8(3)**; S.I. 2009/462, **art. 2**, Sch. 1 para. 35

F13 S. 8(7) (originally numbered s. 8(6)) inserted (20.11.2003 for certain purposes and 1.4.2004 otherwise) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), ss. 147, 199, **Sch. 9 para. 18(3)**; S.I. 2004/759, **art. 5(2)**

F14 S. 8(6) (as second appearing) renumbered as s. 8(7) (1.4.2007) by Education and Inspections Act 2006 (c. 40), ss. 157, 188, **Sch. 14 para. 40(4)**; S.I. 2007/935, **art. 5**

F15 Words in s. 8(7) repealed (21.7.2008 for certain purposes and 1.4.2009 otherwise) by Health and Social Care Act 2008 (c. 14), ss. 95, 170(1)(b), **Sch. 5 para. 8(4)**; S.I. 2009/462, **art. 2**, Sch. 1 para. 35

Commencement Information

I2 S. 8 partly in force; s. 8 not in force at Royal Assent see s. 122; s. 8 in force for W. for certain purposes at 1.7.2001 by S.I. 2001/2190, art. 2, Sch. Table; s. 8 in force for W. for certain purposes at 1.4.2002 by S.I. 2002/920, arts. 1(4), **3(3)** (subject to art. 3(4)(5) and to transitional provisions in Schs. 1-3); s. 8 in force for W. for certain purposes at 30.1.2003 by S.I. 2003/152, **art. 2**; s. 8 in force for W. for certain purposes at 2.10.2003 by S.I. 2003/2528, **art. 2**; s. 8 in force for W. for certain purposes at 1.4.2004 by S.I. 2004/1015, **art. 2**; s. 8 in force for W. for certain purposes at 7.4.2004 by S.I. 2004/1730, **art. 2**

9 Co-operative working.

F16 . . . . . .

Textual Amendments

F16 S. 9 repealed (1.4.2004) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), ss. 196, 199, **Sch. 14 Pt. 2**; S.I. 2004/759, **art. 13**

10 Inquiries.

(1) **F17** . . . . . .

(2) The appropriate Minister may cause an inquiry to be held into any matter connected with a service provided in or by an establishment or agency.

(3) Before an inquiry is begun, the person causing the inquiry to be held may direct that it shall be held in private.

(4) Where no direction has been given, the person holding the inquiry may if he thinks fit hold it, or any part of it, in private.

(5) Subsections (2) to (5) of section 250 of the **M1**Local Government Act 1972 (powers in relation to local inquiries) shall apply in relation to an inquiry under this section as they apply in relation to a local inquiry under that section; and references in those provisions as so applied to a Minister shall be taken to include references to the Assembly.

(6) Subsections (3) and (4) apply in relation to an inquiry under section 35 of the **M2**Government of Wales Act 1998 into any matter relevant to the exercise of—

(a) any functions exercisable by the Assembly by virtue of section 5(b) or 8(3); or

[F18(b) any other functions exercisable by the Assembly corresponding to functions exercisable—

(i) by the CHAI, the CSCI or the CIECSS under this Act in relation to England; or

(ii) by the CIECSS under section 147 of the Education and Inspections Act 2006.**]**

as they apply in relation to an inquiry under this section.

(7) The report of the person who held the inquiry shall, unless the Minister who caused the inquiry to be held considers that there are exceptional circumstances which make

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it inappropriate to publish it, be published in a manner which that Minister considers appropriate.

Textual Amendments

F17 S. 10(1) repealed (20.11.2003 for certain purposes and 1.4.2004 otherwise) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), ss. 147, 196, 199, Sch. 9 para. 19(b), **Sch. 14 Pt. 2**; S.I. 2004/759, **arts. 5(2)**, 13

F18 S. 10(6)(b) substituted (1.4.2007) by Education and Inspections Act 2006 (c. 40), ss. 157, 188, **Sch. 14 para. 41**; S.I. 2007/935, **art. 5**

Commencement Information

I3 S. 10 partly in force; s. 10 not in force at Royal Assent see s. 122; s. 10(1)-(5)(7) in force for E. at 1.4.2002 by S.I. 2001/3852, art. 3(2)(7)(e) (subject to transitional provisions in Sch. 1 and with transitional provisions in Sch. 2) (as amended by S.I. 2001/4150, 2002/1493, 2002/1790, 2002/2001, 2002/3210); s. 10(2)-(7) in force for W. for certain purposes at 1.4.2002 by S.I. 2002/920, arts. 1(4), **3(3)** (subject to art. 3(4)(5) and to transitional provisions in Schs. 1-3); s. 10(2)-(7) in force for W. for certain purposes at 30.1.2003 by S.I. 2003/152, **art. 2**; s. 10(2)-(7) in force for W. for certain purposes at 1.4.2004 by S.I. 2004/1015, **art. 2**; s. 10(2)-(7) in force for W. for certain purposes at 7.4.2004 by S.I. 2004/1730, **art. 2**

Marginal Citations

M1 1972 c. 70.

M2 1998 c. 38.

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