

These notes refer to the Health and Social Care (Community Health and Standards) Act 2003 (c.43) which received Royal Assent on 20 November 2003

HEALTH AND SOCIAL CARE (COMMUNITY HEALTH AND STANDARDS) ACT 2003

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2 –Standards

Chapter 6 – Social Services: Functions of National Assembly for Wales

Provision of social services

Section 92: General function

214. *Section 92* confers a general function upon the Assembly of encouraging improvement in the provision of Welsh local authority social services. The same provision is made as respects the CSCI for England by *section 76*.

Section 93: Reviews of studies and research

215. The powers given to the CSCI in *section 78* are replicated in this section for the Assembly.

Section 94: Reviews and investigations

216. *Section 94* gives the Assembly similar functions of undertaking reviews and investigations of Welsh social services authorities to those is given to the CSCI in relation to English authorities under *sections 79* and *80*. However, the provisions are less prescriptive under *section 94* to take account of the fact that the Assembly is itself also a central governmental body and to provide it with the flexibility to decide how to discharge its function of undertaking reviews and investigations. For example: the Assembly does not have a duty to undertake annual reviews, it may (rather than must) award performance ratings to local authorities, and no provision is necessary to provide links between the Assembly and a central governmental body.

Section 95: Studies as to economy, efficiency etc

217. This section provides powers for the Assembly in relation to Welsh social services authorities (in the same way that *section 82* does for the CSCI in relation to English authorities), that are similar to those conferred upon the Audit Commission by sections 33 and 34 of the Audit Commission Act 1998. *Subsection (1)* provides for the Assembly to promote or undertake studies designed to enable it to make recommendations for improving economy, efficiency and effectiveness in the provision of local authority social services ('value for money' studies), and for improving the management of social services. *Subsection (3)* provides that the Assembly must publish, or otherwise make available, its recommendations and a report resulting from these studies. *Subsection (4)* provides that the Assembly and the Audit Commission must co-operate with each other with respect to their similar functions.

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Section 96: Additional Functions

218. Where the Secretary of State confers additional functions on the CSCI by regulations under *section 84*, *section 96* provides that the Assembly may make regulations to confer such functions on itself in relation to the provision of Welsh social services.

Section 97: General considerations

219. This section sets out the matters with which the Assembly must in particular be concerned in the exercise of its functions under the preceding social care sections of the Act.

Ancillary powers

Section 98: Right of Entry, section 99: Right of entry: supplementary, section 100: Power to require information, section 101: Power to require explanation

220. The powers given to the CSCI in *sections 88, 89, 90* and *91* in relation to English social services authorities are replicated in these sections for the Assembly in relation to Welsh authorities.