



Care Act 2014

2014 CHAPTER 23

PART 1

CARE AND SUPPORT

Market oversight

55 Assessment of financial sustainability of care provider

- (1) Where this section applies to a registered care provider, the Care Quality Commission must assess the financial sustainability of the provider's business of carrying on the regulated activity in respect of which it is registered.
- (2) Where the Commission, in light of an assessment under subsection (1), considers that there is a significant risk to the financial sustainability of the provider's business, it may—
 - (a) require the provider to develop a plan for how to mitigate or eliminate the risk;
 - (b) arrange for, or require the provider to arrange for, a person with appropriate professional expertise to carry out an independent review of the business.
- (3) Where the Commission imposes a requirement on a care provider under subsection (2)
 - (a), it may also require the provider—
 - (a) to co-operate with it in developing the plan, and
 - (b) to obtain its approval of the finalised plan.
- (4) Where the Commission arranges for a review under subsection (2)(b), it may recover from the provider such costs as the Commission incurs in connection with the arrangements (other than its administrative costs in making the arrangements).
- (5) Regulations may make provision for enabling the Commission to obtain from such persons as it considers appropriate information which the Commission believes will assist it to assess the financial sustainability of a registered care provider to which this section applies.

Changes to legislation: Care Act 2014, Section 55 is up to date with all changes known to be in force on or before 23 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- (6) Regulations may make provision about the making of the assessment required by subsection (1).
- (7) The Commission may consult such persons as it considers appropriate on the method for assessing the financial sustainability of a registered care provider's business; and, having done so, it must publish guidance on the method it expects to apply in making the assessment.

Modifications etc. (not altering text)

- C1** S. 55 applied (6.4.2015 immediately after s. 53(1) of this Act comes fully into force - see S.I. 2015/993, art. 4) by [The Care and Support \(Market Oversight Criteria\) Regulations 2015 \(S.I. 2015/314\)](#), regs. 1(1), 2, 3

Commencement Information

- I1** S. 55(1)-(4) (6) (7) in force at 6.4.2015 by [S.I. 2015/993](#), **art. 4** (with transitional provisions in S.I. 2015/995)
- I2** S. 55(5) in force at 1.10.2014 for specified purposes by [S.I. 2014/2473](#), **art. 2(1)(q)**
- I3** S. 55(5) in force at 6.4.2015 in so far as not already in force by [S.I. 2015/993](#), **art. 4** (with transitional provisions in S.I. 2015/995)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 15(2)-(3B) substituted for s. 15(2)(3) by [2022 c. 31 s. 166\(2\)](#)
- s. 26(1)-(2A) substituted for s. 26(1)(2) by [2022 c. 31 s. 166\(4\)](#)