

**2004 No. 555**

**SOCIAL CARE, ENGLAND**

**The Commission for Social Care Inspection (Explanation and  
Co-operation) Regulations 2004**

<i>Made</i> - - - -	<i>3rd March 2004</i>
<i>Laid before Parliament</i>	<i>8th March 2004</i>
<i>Coming into force</i> - -	<i>1st April 2004</i>

The Secretary of State for Health, in exercise of the powers conferred on him by sections 91(1) and (2), 120(4) and 195(1) and (2) of the Health and Social Care (Community Health and Standards) Act 2003(a), and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

**Citation, commencement, application and interpretation**

1.—(1) These Regulations may be cited as the Commission for Social Care Inspection (Explanation and Co-operation) Regulations 2004 and shall come into force on 1st April 2004.

(2) Regulations 1 and 3 apply to England and Wales.

(3) Regulation 2 applies to England only.

(4) In these Regulations—

“the Act” means the Health and Social Care (Community Health and Standards) Act 2003;

“service provider” means a person other than a local authority(b) who provides, has provided or has agreed to provide an English local authority social service(c).

**Power to require an explanation**

2.—(1) The CSCI(d), or a person authorised by it, may require any of the persons prescribed in paragraph (4) to provide to the CSCI or the person so authorised (as the case may be) an explanation of—

(a) any documents, records or items inspected, copied or provided under sections 88 to 90 of the Act;

(b) any information provided under those sections; or

(c) any matters which are the subject of the exercise of any functions of the CSCI under Chapter 5 of Part 2 of the Act (“Chapter 5”),

in cases where the CSCI considers the explanation necessary or expedient for the purposes of Chapter 5.

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(a) 2003 c.43; see section 148 of the Act for the definition of “prescribed”.

(b) See section 148 of the Act for the definition of “local authority”.

(c) See section 148 of the Act for the definition of “English local authority social service”.

(d) See section 148 of the Act for the definition of “the CSCI”.

- (2) The CSCI or the person so authorised may require the explanation to be provided—
- (a) in person (unless the person required to provide the explanation is a body of persons corporate or unincorporate), or
  - (b) in writing.

(3) Where the CSCI or the person so authorised requires the explanation to be provided in person, the explanation shall be provided at a time and place specified by the CSCI and the CSCI shall give the person required to provide the explanation reasonable notice of that time and place.

- (4) The persons prescribed are—
- (a) a local authority;
  - (b) a member of a local authority;
  - (c) an elected mayor of a local authority within the meaning of section 39(1) of the Local Government Act 2000(a);
  - (d) a member of a committee or sub-committee of a local authority, or a member of a joint committee of two or more local authorities(b);
  - (e) an officer of a local authority;
  - (f) a service provider;
  - (g) an employee of a service provider or any other person assisting that provider in the provision of an English local authority social service;
  - (h) a person (other than a person prescribed in sub-paragraphs (b) to (g)) who is assisting a local authority in the discharge of its social services functions.

### **Pooling of financial resources by the CSCI and the CHAI**

3.—(1) The CSCI and the CHAI(c) may enter into arrangements under section 120(4) of the Act for the pooling of financial resources if the two conditions prescribed in paragraphs (2) and (3) are met.

(2) The first condition is that the CSCI and the CHAI have entered into an agreement specifying—

- (a) the purposes for which the pooled resources (referred to below as “the pooled fund”) are to be used;
- (b) the contributions that they are each to make to the pooled fund;
- (c) any staff, goods, services or accommodation that either of them is to provide in connection with the arrangements;
- (d) the duration of the arrangements, and how the arrangements are to be reviewed, varied or terminated; and
- (e) how the pooled fund is to be managed and monitored, including provision for one of the CSCI or the CHAI (“the host partner”) to be responsible for the preparation of accounts for the pooled fund and for arranging the audit of those accounts.

(3) The second condition is that the host partner has appointed an officer to be responsible for submitting to the CSCI and the CHAI quarterly reports, an annual return about the income of, and expenditure from, the pooled fund, and such other information specified by the CSCI or the CHAI as will assist the CSCI or the CHAI (as the case may be) in monitoring the effectiveness of the arrangements.

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(a) 2000 c.22.

(b) See section 101 of the Local Government Act 1972 (c. 70) for the appointment of committees and sub-committees of local authorities and the appointment of joint committees of two or more local authorities.

(c) See section 148 of the Act for the definition of “the CHAI”.

Signed by authority of the Secretary of State

3rd March 2004

*Stephen Ladyman*  
Parliamentary Under Secretary of State,  
Department of Health

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make provision in relation to the functions of the Commission for Social Care Inspection (“the CSCI”) established pursuant to section 42 of the Health and Social Care (Community Health and Standards) Act 2003 (c.43) (“the Act”).

Regulation 2 provides for the CSCI, or persons authorised by it, to be able to obtain an explanation of documents or information it has obtained in the exercise of its functions.

Regulation 3 specifies conditions which must be fulfilled in relation to arrangements whereby the CSCI and the CHAI pool financial resources pursuant to section 120(4) of the Act.

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