

HEALTH AND SOCIAL CARE ACT 2008

EXPLANATORY NOTES

TERRITORIAL EXTENT

Reviews and investigations

Chapter 5 – Further Functions

Section 53: Information and advice

229. **Section 53** places a duty on the Commission to keep the Secretary of State informed about the provision of NHS health care and adult social services in general, and about the carrying on of regulated activities. *Subsection (2)* allows the Commission to give advice to the Secretary of State on anything connected with these matters. In particular, the Commission may advise the Secretary of State of any changes it thinks should be made to: the registration requirements (made by regulations under section 20); the code of practice on HCAs (issued under section 21); or statements of standards issued under section 45. *Subsection (4)* requires the Commission to give to the Secretary of State any advice or information requested by the Secretary of State in relation to the matters about which it has a duty to keep him informed. The section also allows the Commission to give advice to the Secretary of State, an English NHS body or an English local authority in relation to the establishment or conduct of certain inquiries.

Section 54: Studies as to economy, efficiency etc.

230. **Section 54** enables the Commission to undertake wider studies that are designed to enable it to make recommendations for improving economy, efficiency, and effectiveness in the provision of health care by an English NHS provider, or the provision of adult social services by an English local authority, or the way in which health care or adult social services are commissioned. The Commission may also undertake studies that will enable it to make recommendations for improving the management of an English local authority with regard to the provision of adult social services, or the management (but not the financial management) of an English NHS body.

Section 55: Publication of results of studies under s.54

231. **Section 55** requires the Commission to publish recommendations made, and results of studies undertaken, under section 54. The section also allows regulations to be made by the Secretary of State which set out a procedure for representations to be made to the Commission before any recommendations or reports of studies are published.

Section 56: Role of Audit Commission

232. **Section 56** allows the Audit Commission to carry out studies relating to health care or English NHS bodies (under sections 54 and 55) on the Commission's behalf, with the Commission's agreement. Where a matter could be considered to fall within the remit of both organisations, as is the case for studies regarding economy, efficiency,

*These notes refer to the Health and Social Care Act 2008
(c.14) which received Royal Assent on 21 July 2008*

and effectiveness in relation to adult social care, *subsection (5)* directs them to have regard to any guidance issued by the Secretary of State as to who should carry them out.

Section 57: Reviews of data, studies and research

233. **Section 57** enables the Commission to review certain studies and research undertaken by others. It enables the Secretary of State to request such reviews, which the Commission must undertake. Where the Commission conducts a review, it must publish a report.

Section 58: Publication of information

234. **Section 58** allows the Commission to make information available about the provision of NHS care, adult social services, and the carrying on of regulated activities.

Section 59: Additional functions

235. **Section 59** allows the Secretary of State to confer additional functions on the Commission through regulations. It sets out the extent of the remit within which the Secretary of State may give the Commission these additional functions. If any of these functions relate to NHS Foundation Trusts then *subsection (2)* requires the Secretary of State to consult with Monitor first.