

HEALTH AND SOCIAL CARE ACT 2008

EXPLANATORY NOTES

TERRITORIAL EXTENT

Reviews and investigations

Chapter 6 – Miscellaneous and General

Inspections

Sections 60 and 61: Inspections

236. **Section 60** enables the Commission to carry out inspections in relation to its regulatory functions. Its regulatory functions are its registration and review functions under Chapters 2 and 3 and most of its functions under Chapter 5, such as studies as to economy and efficiency. It cannot carry out inspections purely for the purposes of providing information and advice to the Secretary of State under section 53 or conducting a review of data, studies or research under section 57. Regulations under section 59 will set out whether any additional functions conferred on the Commission under that section are to be treated as regulatory functions and thereby whether inspections can be carried out in relation to them.
237. Under section 61, the Secretary of State may set out in regulations how often the Commission should undertake inspections in relation to the Commission's registration functions under Chapter 2, the manner in which they should be carried out and who should carry them out. For instance, the regulations may require hospitals to be inspected annually, by people with particular skills, for compliance with requirements relating to hygiene and infection controls.
238. After carrying out an inspection under section 60 for the purposes of the Commission's functions under Chapter 2, the Commission is required to prepare and publish a report. The Commission must send a copy of the report to the registered service provider and, if there is one, the registered manager.
239. Regulations will set out what procedure should apply to allow people to make representations to the Commission before it publishes a report under section 61. As with similar powers in other sections, the reason for this is to give the inspected body time to comment and to ensure that any comments are considered by the Commission.