



# Health and Social Care Act 2008

## 2008 CHAPTER 14

### PART 1

#### THE CARE QUALITY COMMISSION

### CHAPTER 1

#### INTRODUCTORY

##### **Modifications etc. (not altering text)**

- C1** Pt. 1 excluded (6.4.2010) by [The Health and Social Care Act 2008 \(Commencement No. 16, Transitory and Transitional Provisions\) Order 2010 \(S.I. 2010/807\)](#), arts. 1(1)(a), **17(4)(e)(5)(b)**
- C2** Pt. 1 excluded (6.4.2010) by [The Health and Social Care Act 2008 \(Commencement No. 16, Transitory and Transitional Provisions\) Order 2010 \(S.I. 2010/807\)](#), arts. 1(1)(a), **14(4)(e)**

## **1 The Care Quality Commission**

- (1) There is to be a body corporate known as the Care Quality Commission (referred to in this Part as “the Commission”).
- (2) The Commission for Healthcare Audit and Inspection, the Commission for Social Care Inspection and the Mental Health Act Commission are dissolved.
- (3) Schedule 1 (which makes further provision about the Care Quality Commission) has effect.

##### **Commencement Information**

- I1** S. 1(1) in force at 1.10.2008 by [S.I. 2008/2497](#), **art. 2(a)**
- I2** S. 1(2) in force at 1.4.2009 by [S.I. 2009/462](#), **art. 2(1)**, **Sch. 1 para. 1**
- I3** S. 1(3) in force at 1.10.2008 for specified purposes by [S.I. 2008/2497](#), **art. 2(b)**

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*Changes to legislation: There are currently no known outstanding effects for the Health and Social Care Act 2008, Chapter 1. (See end of Document for details)*

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**14** S. 1(3) in force at 1.4.2009 in so far as not already in force by [S.I. 2009/462](#), [art. 2\(1\)](#), [Sch. 1 para. 2](#)

## 2 The Commission's functions

- (1) The Commission has the functions conferred on it by or under any enactment.
- (2) Those functions include—
  - (a) registration functions under Chapter 2,
  - (b) review and investigation functions under Chapter 3, and
  - (c) functions under the Mental Health Act 1983 (c. 20).

### Commencement Information

- I5** S. 2(1) in force at 1.10.2008 by [S.I. 2008/2497](#), [art. 2\(c\)](#)
- I6** S. 2(2)(a) in force at 12.1.2009 for specified purposes by [S.I. 2008/3168](#), [art. 2](#)
- I7** S. 2(2)(a) in force at 6.4.2010 in so far as not already in force by [S.I. 2010/807](#), [art. 2\(1\)](#), [Sch. 1 para. 1](#) (with [Pt. 3](#))
- I8** S. 2(2)(b)(c) in force at 1.4.2009 by [S.I. 2009/462](#), [art. 2\(1\)](#), [Sch. 1 para. 3](#)

## 3 The Commission's objectives

- (1) The main objective of the Commission in performing its functions is to protect and promote the health, safety and welfare of people who use health and social care services.
- (2) The Commission is to perform its functions for the general purpose of encouraging—
  - (a) the improvement of health and social care services,
  - (b) the provision of health and social care services in a way that focuses on the needs and experiences of people who use those services, and
  - (c) the efficient and effective use of resources in the provision of health and social care services.
- (3) In this Chapter “health and social care services” means the services to which the Commission's functions relate.

### Commencement Information

- I9** S. 3 in force at 1.10.2008 by [S.I. 2008/2497](#), [art. 2\(d\)](#)

## 4 Matters to which the Commission must have regard

- (1) In performing its functions the Commission must have regard to—
  - (a) views expressed by or on behalf of members of the public about health and social care services,
  - (b) experiences of people who use health and social care services and their families and friends,
  - (c) views expressed by [<sup>F1</sup>Local Healthwatch organisations or Local Healthwatch contractors] about the provision of health and social care services <sup>F2</sup> ...,

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- (d) the need to protect and promote the rights of people who use health and social care services (including, in particular, the rights of children, of persons detained under the Mental Health Act 1983, of persons who are deprived of their liberty in accordance with the Mental Capacity Act 2005 (c. 9), and of other vulnerable adults),
  - (e) the need to ensure that action by the Commission in relation to health and social care services is proportionate to the risks against which it would afford safeguards and is targeted only where it is needed,
  - (f) any developments in approaches to regulatory action, and
  - (g) best practice among persons performing functions comparable to those of the Commission (including the principles under which regulatory action should be transparent, accountable and consistent).
- (2) In performing its functions the Commission must also have regard to such aspects of government policy as the Secretary of State may direct.
- [<sup>F3</sup>(3) In subsection (1)(c), “Local Healthwatch contractor” has the meaning given by section 223 of the Local Government and Public Involvement in Health Act 2007.]

#### Textual Amendments

- F1** Words in s. 4(1)(c) substituted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 189(6)(a)(i)**, 306(4); [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))
- F2** Words in s. 4(1)(c) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 189(6)(a)(ii)**, 306(4); [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))
- F3** S. 4(3) substituted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 189(6)(b)**, 306(4); [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

#### Commencement Information

- I10** S. 4 in force at 1.10.2008 by [S.I. 2008/2497](#), **art. 2(d)**

## 5 Statement on user involvement

- (1) The Commission must publish a statement describing how it proposes to—
- (a) promote awareness among service users and carers of its functions,
  - (b) promote and engage in discussion with service users and carers about the provision of health and social care services and about the way in which the Commission exercises its functions,
  - (c) ensure that proper regard is had to the views expressed by service users and carers, and
  - (d) arrange for any of its functions to be exercised by, or with the assistance of, service users and carers.
- (2) The Commission may from time to time revise the statement and must publish any revised statement.
- (3) Before publishing the statement (or revised statement) the Commission must consult such persons as it considers appropriate.
- (4) In this section—
- (a) “service users” means people who use health or social care services, and
  - (b) “carers” means people who care for service users as relatives or friends.

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**Commencement Information**

**I11** S. 5 in force at 1.10.2008 by [S.I. 2008/2497](#), [art. 2\(d\)](#)

**6 Transfers of property, rights and liabilities**

Schedule 2 (which makes provision for the transfer of property, rights and liabilities) has effect.

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**Commencement Information**

**I12** S. 6 in force at 1.10.2008 by [S.I. 2008/2497](#), [art. 2\(d\)](#)

**7 Meaning of “health and social care services” in Chapter 1**

In this Chapter “health and social care services” has the meaning given by section 3(3).

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**Commencement Information**

**I13** S. 7 in force at 1.10.2008 by [S.I. 2008/2497](#), [art. 2\(d\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Health and Social Care Act 2008, Chapter 1.