



Health and Social Care Act 2008

2008 CHAPTER 14

PART 1

THE CARE QUALITY COMMISSION

CHAPTER 3

QUALITY OF HEALTH AND SOCIAL CARE

[^{F1}Healthwatch England and Local Healthwatch organisations

[^{F1}45A Functions to be exercised by Healthwatch England

- (1) The Commission has the functions set out in subsections (2) to (5), but must arrange for the Healthwatch England committee to exercise the functions on its behalf.
- (2) The function in this subsection is to provide Local Healthwatch organisations with general advice and assistance in relation to—
 - (a) the making of arrangements under section 221(1) of the Local Government and Public Involvement in Health Act 2007 (local care services);
 - (b) the making of arrangements in pursuance of arrangements made under section 221(1) of that Act (see section 222(2B) of that Act);
 - (c) the carrying-on of activities specified in section 221(2) of that Act.
- (3) The function in this subsection is a power to make recommendations of a general nature to English local authorities about the making of arrangements under section 221(1) of that Act.
- (4) The function in this subsection is a power, where the Healthwatch England committee is of the opinion that the activities specified in section 221(2) of that Act are not being carried on properly in an English local authority's area, to give the authority concerned written notice of its opinion.

Changes to legislation: There are currently no known outstanding effects for the Health and Social Care Act 2008, Section 45A. (See end of Document for details)

- (5) The function in this subsection is to provide the persons mentioned in subsection (6) with information and advice on—
- (a) the views of people who use health or social care services and of other members of the public on their needs for and experiences of health and social care services, and
 - (b) the views of Local Healthwatch organisations and of other persons on the standard of provision of health and social care services and on whether or how the standard could or should be improved.
- (6) The persons referred to in subsection (5) are—
- (a) the Secretary of State;
 - (b) [^{F2}NHS England];
 - ^{F3}(c)
 - (d) English local authorities.
- (7) A person provided with advice under subsection (5) must inform the Healthwatch England committee in writing of its response or proposed response to the advice.
- (8) The Healthwatch England committee may provide the Commission with information and advice on the matters mentioned in subsection (5)(a) and (b); and the Commission must inform the committee in writing of its response or proposed response to the advice.
- (9) The Commission must publish details of arrangements it makes under subsection (1) (including details of payments of remuneration or other amounts); and inclusion of the details in a report under section 83 is not to be regarded as a discharge of the duty imposed by this subsection.
- (10) In performing functions under this section, the Healthwatch England committee must have regard to such aspects of government policy as the Secretary of State may direct.]

Textual Amendments

- F1** Ss. 45A-45C and cross-heading inserted (27.3.2012 for specified purposes, 1.10.2012 for specified purposes, 1.4.2013 in so far as not already in force) by [Health and Social Care Act 2012 \(c. 7\)](#), [ss. 181\(4\)](#), [306\(1\)\(d\)](#), (4); [S.I. 2012/1831](#), [art. 2\(2\)](#) (with [art. 7](#)); [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-9](#))
- F2** Words in [s. 45A](#) substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), [s. 186\(6\)](#), [Sch. 1 para. 1\(1\)\(2\)](#); [S.I. 2022/734](#), [reg. 2\(a\)](#), [Sch.](#) (with [regs. 13, 29, 30](#))
- F3** [S. 45A\(6\)\(c\)](#) omitted (1.7.2022) by virtue of [Health and Care Act 2022 \(c. 31\)](#), [s. 186\(6\)](#), [Sch. 5 para. 38](#); [S.I. 2022/734](#), [reg. 2\(a\)](#), [Sch.](#) (with [regs. 13, 29, 30](#))

Changes to legislation:

There are currently no known outstanding effects for the Health and Social Care Act 2008, Section 45A.