



Care Act 2014

2014 CHAPTER 23

PART 2

CARE STANDARDS

Performance ratings

91 Reviews and performance assessments

- (1) Chapter 3 of Part 1 of the Health and Social Care Act 2008 (the Care Quality Commission: quality of health and social care) is amended as follows.
- (2) For section 46 (periodic reviews of health and social care provision) substitute—

“46 Reviews and performance assessments

- (1) The Commission must, in respect of such regulated activities and such registered service providers as may be prescribed—
 - (a) conduct reviews of the carrying on of the regulated activities by the service providers,
 - (b) assess the performance of the service providers following each such review, and
 - (c) publish a report of its assessment.
- (2) Regulations under subsection (1) may prescribe—
 - (a) all regulated activities or regulated activities of a particular description;
 - (b) all registered service providers or particular registered service providers;
 - (c) the whole of a regulated activity or a particular aspect of it.
- (3) The assessment of the performance of a registered service provider is to be by reference to whatever indicators of quality the Commission devises.

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- (4) The Commission must prepare a statement—
 - (a) setting out the frequency with which reviews under this section are to be conducted and the period to which they are to relate, and
 - (b) describing the method that it proposes to use in assessing and evaluating the performance of a registered service provider under this section.
 - (5) The Commission may—
 - (a) use different indicators for different cases,
 - (b) make different provision about frequency and period of reviews for different cases, and
 - (c) describe different methods for different cases.
 - (6) The Commission must publish—
 - (a) any indicators it devises for the purpose of subsection (3), and
 - (b) the statement it prepares for the purpose of subsection (4).
 - (7) Before doing so, the Commission—
 - (a) must consult the Secretary of State and such other persons, or other persons of such a description, as may be prescribed, and
 - (b) may also consult any other persons it considers appropriate.
 - (8) The Commission may from time to time revise—
 - (a) any indicators it devises for the purpose of subsection (3), and
 - (b) the statement it prepares for the purpose of subsection (4);
 and, if it does so, it must publish the indicators and statement as revised.
 - (9) Subsection (7) applies to revised indicators and a revised statement, so far as the Commission considers the revisions in question to be significant.
 - (10) In this section “registered service provider” means a person registered under Chapter 2 as a service provider.
 - (11) Consultation undertaken before the commencement of this section is as effective for the purposes of subsection (7) as consultation undertaken after that commencement.”
- (3) Sections 47 (frequency and period of reviews under section 46) and 49 (power to extend periodic review function) are repealed.
 - (4) In section 48 (special reviews and investigations), in subsection (1)—
 - (a) omit “, with the approval of the Secretary of State,”, and
 - (b) at the end insert “ ; but the Commission may not conduct a review or investigation under subsection (2)(ba) or (bb) without the approval of the Secretary of State. ”
 - (5) Omit subsection (1A) of that section.
 - (6) In subsection (2) of that section, for “a periodic review” substitute “ a review under section 46 ”.
 - (7) In that subsection, after paragraph (ba) (but before the following “or”) insert—
 - “(bb) the exercise of the functions of English local authorities in arranging for the provision of adult social services,”.

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(8) After subsection (3) of that section insert—

“(3A) A review or investigation under subsection (2)(b), in so far as it involves a review or investigation into the arrangements made for the provision of the adult social services in question, is to be treated as a review under subsection (2)(bb) (and the requirement for approval under subsection (1) is accordingly to apply).”

(9) In consequence of the preceding provisions of this section—

- (a) in section 50(1) of the Health and Social Care Act 2008 (failings by English local authorities), omit “or 49”;
- (b) in section 51(1) of that Act (failings by Welsh NHS bodies), omit “or 49”;
- (c) in section 70(3)(a) of that Act (provision by Commission to Monitor of material relevant to review under section 46 or 49), omit “or 49”;
- (d) in section 72(a) of that Act (provision by Commission to Comptroller and Auditor General of material relevant to review under section 46 or 49), omit “or 49”;
- (e) in section 293 of the Health and Social Care Act 2012, omit subsections (1) and (2);
- (f) in Schedule 5 to that Act (amendments in consequence of Part 1 of that Act), omit paragraphs 157, 159, 163 and 164.

Commencement Information

- I1** S. 91(1)(2) in force at 7.7.2014 for specified purposes by [S.I. 2014/1714](#), [art. 2\(b\)](#)
- I2** S. 91(1)(2) in force at 1.10.2014 in so far as not already in force by [S.I. 2014/1714](#), [art. 4](#)
- I3** S. 91(3)-(9) in force at 1.10.2014 by [S.I. 2014/1714](#), [art. 4](#)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 15(2)-(3B) substituted for s. 15(2)(3) by [2022 c. 31 s. 166\(2\)](#)
- s. 26(1)-(2A) substituted for s. 26(1)(2) by [2022 c. 31 s. 166\(4\)](#)