



Health and Social Care (Community Health and Standards) Act 2003

2003 CHAPTER 43

PART 2

STANDARDS

CHAPTER 6

SOCIAL SERVICES: FUNCTIONS OF NATIONAL ASSEMBLY FOR WALES

Provision of social services

92 General function

The Assembly has the general function of encouraging improvement in the provision of Welsh local authority social services.

Commencement Information

II S. 92 in force at 1.4.2004 by S.I. 2004/873, art. 2(c)

93 Reviews of studies and research

- (1) The Assembly may review—
- (a) studies and research undertaken by others in relation to the provision of Welsh local authority social services;
 - (b) the methods used in such studies and research; and
 - (c) the validity of conclusions drawn from such studies and research.

Status: Point in time view as at 01/04/2004.

Changes to legislation: There are currently no known outstanding effects for the Health and Social Care (Community Health and Standards) Act 2003, Chapter 6. (See end of Document for details)

- (2) Where the Assembly conducts a review under this section it must publish such report as it considers appropriate.

Commencement Information

I2 S. 93 in force at 1.4.2004 by S.I. 2004/873, art. 2(c)

94 Reviews and investigations

- (1) The Assembly has the function of conducting reviews of, and investigations into, the way in which local authorities in Wales discharge their social services functions.
- (2) The Assembly may in particular under this section conduct—
- (a) a review of the overall provision of Welsh local authority social services;
 - (b) a review of the provision of any Welsh local authority social service of a particular description; or
 - (c) a review of, or investigation into, the provision of any Welsh local authority social service by a particular person or persons.
- (3) The Assembly may in a review under subsection (2)—
- (a) assess performance against criteria;
 - (b) award performance ratings.
- (4) For the purposes of this section the Assembly may carry out an inspection of—
- (a) any local authority in Wales;
 - (b) any other person providing a Welsh local authority social service.
- (5) Where the Assembly conducts a review or investigation under this section, it must publish a report.
- (6) The Assembly may by regulations require a local authority in Wales to pay a fee to the Assembly in respect of the exercise of the Assembly's function under this section in relation to the functions referred to in section 43(3)(a) and (b) of the Care Standards Act 2000 (c. 14) (adoption and fostering functions).
- (7) A fee under this section shall be of such amount, and shall be payable at such a time, as may be specified in the regulations.
- (8) A fee payable by virtue of this section may, without prejudice to any other method of recovery, be recovered summarily as a civil debt.

Commencement Information

I3 S. 94 partly in force; s. 94 in force at Royal Assent for certain purposes, see s. 199(1)(4)

I4 S. 94(1)-(5) in force at 1.4.2004 by S.I. 2004/873, art. 2(c)

95 Studies as to economy, efficiency etc

- (1) The Assembly has the function of promoting or undertaking comparative or other studies designed to enable it to make recommendations—

Status: Point in time view as at 01/04/2004.

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- (a) for improving economy, efficiency and effectiveness in the discharge by local authorities in Wales of their social services functions;
 - (b) for improving the management of such local authorities in the discharge of those functions.
- (2) The Assembly may also promote or undertake studies designed to enable it to prepare reports as to the impact of the operation of any particular statutory provisions on economy, efficiency and effectiveness in the discharge by local authorities in Wales of their social services functions.
- (3) The Assembly must publish or otherwise make available—
- (a) any recommendations made by it under subsection (1); and
 - (b) a report on the result of any studies under this section.
- (4) The Assembly and the Audit Commission must co-operate with each other with respect to the exercise of their respective functions under this section and sections 33 and 34 of the Audit Commission Act 1998 (c. 18).

Commencement Information

I5 S. 95 in force at 1.4.2004 by S.I. 2004/873, art. 2(c)

96 Additional functions

The Assembly shall have such additional functions in relation to the provision of Welsh local authority social services as—

- (a) correspond to functions conferred on the CSCI by or under this Act; and
- (b) are specified by the Assembly in regulations.

Commencement Information

I6 S. 96 partly in force; s. 96 in force at Royal Assent for certain purposes, see s. 199(1)(4)

I7 S. 96 in force at 1.4.2004 in so far as not already in force by S.I. 2004/873, art. 2(c)

97 General considerations

- (1) This section applies for the purpose of the exercise by the Assembly of its functions—
- (a) under sections 92 to 95; and
 - (b) under regulations under section 96.
- (2) The Assembly shall be concerned in particular with—
- (a) the availability of, and access to, the services;
 - (b) the quality and effectiveness of the services;
 - (c) the management of the services;
 - (d) the economy and efficiency of their provision and their value for money;
 - (e) the availability and quality of information provided to the public about the services;
 - (f) the need to safeguard and promote the rights and welfare of children; and
 - (g) the effectiveness of measures taken by local authorities for the purpose specified in paragraph (f).

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Commencement Information

18 S. 97 in force at 1.4.2004 by S.I. 2004/873, art. 2(c)

Ancillary powers

98 Right of entry

- (1) A person authorised to do so by the Assembly may, if the Assembly considers it necessary or expedient for the purposes of this Chapter, at any reasonable time enter and inspect—
 - (a) any premises owned or controlled by a local authority in Wales;
 - (b) any premises falling within subsection (2), other than premises used wholly or mainly as a private dwelling.
- (2) The premises referred to in subsection (1)(b) are premises—
 - (a) which are used, or proposed to be used, by any person in connection with the provision of a Welsh local authority social service; or
 - (b) which the Assembly reasonably believes to be so used, or proposed to be so used.
- (3) A person who proposes to exercise any power of entry or inspection conferred by this section must if so required produce some duly authenticated document showing his authority to exercise the power.

Commencement Information

19 S. 98 in force at 1.4.2004 by S.I. 2004/873, art. 2(c)

99 Right of entry: supplementary

- (1) A person authorised by virtue of section 98 to enter and inspect premises may, if he considers it necessary or expedient for the purposes of this Chapter—
 - (a) inspect, take copies of and remove from the premises any documents or records (including personal records) relating to the discharge by the local authority of its social services functions;
 - (b) inspect any other item and remove it from the premises;
 - (c) interview in private—
 - (i) any person working at the premises; or
 - (ii) any person accommodated or cared for there who consents to be interviewed; and
 - (d) make any other examination into the state and management of the premises and treatment of persons accommodated or cared for there.
- (2) The power in subsection (1)(a) includes—
 - (a) power to require any person holding or accountable for documents or records kept on the premises to produce them; and

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- (b) in relation to records which are kept by means of a computer, power to require the records to be produced in a form in which they are legible and can be taken away.
- (3) A person authorised by virtue of subsection (1)(a) to inspect any records is entitled to have access to, and to check the operation of, any computer and any associated apparatus or material which is or has been in use in connection with the records in question.
- (4) A person authorised by virtue of section 98 to enter and inspect premises may—
 - (a) require any person to afford him such facilities and assistance with respect to matters within the person's control as are necessary to enable him to exercise his powers under section 98 or this section;
 - (b) take such measurements and photographs and make such recordings as he considers necessary to enable him to exercise those powers.
- (5) Any person who without reasonable excuse—
 - (a) obstructs the exercise of any power conferred by section 98 or this section, or
 - (b) fails to comply with any requirement of section 98 or this section,
 is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Commencement Information

I10 S. 99 in force at 1.4.2004 by S.I. 2004/873, art. 2(c)

100 Power to require information

- (1) The Assembly may at any time require any person specified in subsection (2) to provide it with any information, documents, records (including personal records) or other items—
 - (a) which relates or relate to the discharge by a local authority in Wales of its social services functions; and
 - (b) which the Assembly considers it necessary or expedient to have for the purpose of any of its functions under this Chapter.
- (2) The persons referred to in subsection (1) are—
 - (a) the local authority;
 - (b) a person providing a Welsh local authority social service for the authority; or
 - (c) any NHS body.
- (3) The power in subsection (1) to require the provision of information includes, in relation to records kept by means of a computer, power to require the provision of the records in legible form.
- (4) Any person who without reasonable excuse fails to comply with any requirement imposed by virtue of this section is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Status: Point in time view as at 01/04/2004.

Changes to legislation: There are currently no known outstanding effects for the Health and Social Care (Community Health and Standards) Act 2003, Chapter 6. (See end of Document for details)

Commencement Information

I11 S. 100 in force at 1.4.2004 by S.I. 2004/873, art. 2(c)

101 Power to require explanation

- (1) The Assembly may by regulations make provision requiring prescribed persons to provide to the Assembly, or to persons authorised by it, an explanation of—
 - (a) any documents, records or items inspected, copied or produced under sections 98 to 100,
 - (b) any information provided under those sections, or
 - (c) any matters which are the subject of the exercise of any functions of the Assembly under this Chapter,in cases where the Assembly considers the explanation necessary or expedient for the purposes of this Chapter.
- (2) Regulations under subsection (1) may require explanations to be provided at such times and places as may be specified by the Assembly.
- (3) Any person who without reasonable excuse fails to comply with any requirement imposed by virtue of this section is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Commencement Information

I12 S. 101 partly in force; s. 101 in force at Royal Assent for certain purposes, see s. 199(1)(4)

I13 S. 101 in force at 1.4.2004 in so far as not already in force by S.I. 2004/873, art. 2(c)

Status:

Point in time view as at 01/04/2004.

Changes to legislation:

There are currently no known outstanding effects for the Health and Social Care (Community Health and Standards) Act 2003, Chapter 6.