



# Health and Social Care Act 2008

## 2008 CHAPTER 14

### PART 1 **U.K.**

#### THE CARE QUALITY COMMISSION

### CHAPTER 3 **E+W**

#### QUALITY OF HEALTH AND SOCIAL CARE

##### *Reviews and investigations*

#### **[<sup>F1</sup>46** Reviews and performance assessments [<sup>F2</sup>: registered service providers] **E+W**

- (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.
- (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

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**Changes to legislation:** *Health and Social Care Act 2008, Section 46 is up to date with all changes known to be in force on or before 02 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (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.]

#### **Textual Amendments**

- F1** S. 46 substituted (7.7.2014 for specified purposes, 1.10.2014 in so far as not already in force) by [Care Act 2014 \(c. 23\)](#), **ss. 91(2)**, 127(1); S.I. 2014/1714, arts. 2(b), 4
- F2** Words in s. 46 heading inserted (1.4.2023) by [Health and Care Act 2022 \(c. 31\)](#), **ss. 163(2)**, 186(6); S.I. 2023/371, reg. 2(e)

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**Changes and effects yet to be applied to :**

- s. 46(2) omitted by [2012 c. 7 Sch. 5 para. 157\(b\)](#)
- s. 46(4) words substituted by [2012 c. 7 Sch. 5 para. 157\(c\)](#)
- s. 46(6)(a) words substituted by [2012 c. 7 Sch. 5 para. 157\(c\)](#)
- specified provision(s) amendment to earlier commencing [SI 2009/462 art. 1\(4\) Sch. 5 para. 2](#) by [S.I. 2009/580 art. 2](#) (This amendment does not affect the commencements made by [S.I. 2009/462](#))