
STATUTORY INSTRUMENTS

2023 No. 1163

**NATIONAL HEALTH SERVICE, ENGLAND
PUBLIC HEALTH, ENGLAND**

**The Care Quality Commission (Additional
Functions) (Amendment) Regulations 2023**

Made - - - - *30th October 2023*
Laid before Parliament *31st October 2023*
Coming into force - - *28th November 2023*

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 59(1) and 161(3) of the Health and Social Care Act 2008(1).

In accordance with section 59(2) of that Act(2), the Secretary of State has consulted NHS England before making these Regulations.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Care Quality Commission (Additional Functions) (Amendment) Regulations 2023.

(2) These Regulations come into force on 28th November 2023.

(3) These Regulations extend to England and Wales.

Amendment of the Care Quality Commission (Additional Functions) Regulations 2011

2.—(1) The Care Quality Commission (Additional Functions) Regulations 2011(3) are amended as follows.

(2) After regulation 4 insert—

(1) [2008 c. 14](#); see section 97(1) for the definition of “regulations”. Section 161(3) was amended by section 294(4) of the Health and Social Care Act [2012 \(c. 7\)](#).
(2) Section 59(2) was substituted by the Health and Social Care Act 2012, Schedule 13, paragraphs 14 and 17 and amended by the Health and Care Act [2022 \(c. 31\)](#), Schedule 5, paragraphs 34 and 39.
(3) [S.I. 2011/1551](#), to which there are amendments not relevant to these Regulations.

“Provision of training, guidance and support to bodies and individuals

4A.—(1) The Commission has the function of providing training, guidance and support to the following in connection with the matters referred to in paragraph (2)—

- (a) bodies which exercise functions in connection with relevant activities (“relevant bodies”); and
- (b) individuals employed or appointed, or formerly employed or appointed, by relevant bodies.

(2) The matters mentioned in paragraph (1) are the raising or making, by those individuals, of concerns, or suggestions for improvements, including the handling of such concerns or suggestions, in relation to the exercise of functions in connection with relevant activities by relevant bodies by which those individuals are, or were formerly, employed or appointed.

(3) In this regulation—

“bodies” means bodies of persons corporate or unincorporated;

“employed” is to be construed in accordance with regulation 2(1) of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014⁽⁴⁾;

“relevant activities” means the provision of NHS care or the carrying on of regulated activities involving or connected with the provision of health care.”⁽⁵⁾.

Signed by authority of the Secretary of State for Health and Social Care

Maria Caulfield
Parliamentary Under Secretary of State
Department of Health and Social Care

30th October 2023

⁽⁴⁾ S.I. 2014/2936, to which there are amendments not relevant to these Regulations.

⁽⁵⁾ See section 97(1) of the Health and Social Care Act 2008 for the definitions of “NHS care”, “regulated activity” and “health care”. The definition of “NHS care” was amended by the Health and Social Care Act 2012, Schedule 5, paragraph 166, and the Health and Care Act 2022, Schedule 1, paragraph 1 and Schedule 4, paragraph 167.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations confer an additional function on the Care Quality Commission (“the Commission”), namely to provide training, guidance and support to certain bodies and individuals. The Regulations insert a new regulation 4A into the Care Quality Commission (Additional Functions) Regulations 2011.

Regulation 4A(1) confers an additional function on the Commission of providing training, guidance and support to bodies exercising functions in connection with the provision of NHS care or carrying on of regulated activities connected with the provision of health care (“relevant activities”), and to individuals who are, or were, employed or appointed by such bodies in connection with certain matters.

Regulation 4A(2) sets out that those matters are the raising of concerns, or the making of suggestions for improvements, by individuals, in relation to relevant activities carried on by bodies by which they are, or were, employed or appointed.

Regulation 4A(3) defines terms used in regulation 4A.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or community bodies is foreseen.