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Care Standards Act 2000

2000 CHAPTER 14

PART I

INTRODUCTORY

Registration authorities

VALID FROM 01/07/2001

5 Registration authorities.

For the purposes of this Act—

- (a) the registration authority in relation to England is the National Care Standards Commission;
- (b) the registration authority in relation to Wales is the National Assembly for Wales (referred to in this Act as “the Assembly”).

Commencement Information

- II** S. 5 partly in force; s. 5 not in force at Royal Assent see s. 122; s. 5 in force for W. at 1.7.2001 by [S.I. 2001/2190](#), [art. 2](#), [Sch.](#) Table; s. 5 in force for E. for certain purposes at 1.4.2002 by [S.I. 2001/3852](#), [art. 3\(2\)\(7\)\(c\)](#) (subject to transitional provisions in [Sch. 1](#) and with transitional provisions in [Sch. 2](#)) (as amended by [S.I. 2001/4150](#), [2002/1493](#), [2002/1790](#), [2002/2001](#), [2002/3210](#))

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VALID FROM 20/11/2003

[^{F1}5A General duties of Commission for Healthcare Audit and Inspection

- (1) The Commission for Healthcare Audit and Inspection (referred to in this Act as “the CHAI”) shall have the general duty of keeping the Secretary of State informed about—
 - (a) the provision in England of independent health services; and
 - (b) in particular, the availability and quality of the services.
- (2) The CHAI shall have the general duty of encouraging improvement in the quality of independent health services provided in England.
- (3) The CHAI shall make information about independent health services provided in England available to the public.
- (4) When asked to do so by the Secretary of State, the CHAI shall give him advice or information on such matters relating to the provision in England of independent health services as may be specified in his request.
- (5) The CHAI may at any time give advice to the Secretary of State on—
 - (a) any changes which the CHAI thinks should be made, for the purpose of securing improvement in the quality of independent health services provided in England, in the standards set out in statements under section 23;
 - (b) any other matter connected with the provision in England of such services.
- (6) In the exercise of its functions under this Act the CHAI must have particular regard to the need to safeguard and promote the rights and welfare of children.
- (7) The Secretary of State may by regulations confer additional functions on the CHAI in relation to the provision in England of independent health services.
- (8) In this section “independent health services” means services of the kind provided by persons for whom the CHAI is the registration authority.]

Textual Amendments

- F1** S. 5A inserted (20.11.2003 for certain purposes and 1.4.2004 otherwise) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\)](#), ss. {103}, 199; [S.I. 2004/759](#), [art. 3\(1\)](#)

VALID FROM 20/11/2003

[^{F2}5B General duties of Commission for Social Care Inspection

- (1) The Commission for Social Care Inspection (referred to in this Act as “the CSCSI”) shall have the general duty of keeping the Secretary of State informed about—
 - (a) the provision in England of registered social care services; and
 - (b) in particular, the availability and quality of the services.
- (2) The CSCSI shall have the general duty of encouraging improvement in the quality of registered social care services provided in England.

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- (3) The CSCI shall make information about registered social care services provided in England available to the public.
- (4) When asked to do so by the Secretary of State, the CSCI shall give him advice or information on such matters relating to the provision in England of registered social care services as may be specified in his request.
- (5) The CSCI may at any time give advice to the Secretary of State on—
 - (a) any changes which the CSCI thinks should be made, for the purpose of securing improvement in the quality of registered social care services provided in England, in the standards set out in statements under section 23;
 - (b) any other matter connected with the provision in England of registered social care services.
- (6) In the exercise of its functions under this Act the CSCI must have particular regard to the need to safeguard and promote the rights and welfare of children.
- (7) The Secretary of State may by regulations confer additional functions on the CSCI in relation to the provision in England of registered social care services.
- (8) In this section, “registered social care services” means services of the kind provided by persons for whom the CSCI is the registration authority.]

Textual Amendments

- F2** S. 5B inserted (20.11.2003 for certain purposes and 1.4.2004 otherwise) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\)](#), ss. {104}, 199; S.I. 2004/759, [art. 4\(2\)](#)

6 National Care Standards Commission.

- (1) There shall be a body corporate, to be known as the National Care Standards Commission (referred to in this Act as “the Commission”), which shall exercise in relation to England the functions conferred on it by or under this Act or any other enactment.
- (2) The Commission shall, in the exercise of its functions, act—
 - (a) in accordance with any directions in writing given to it by the Secretary of State; and
 - (b) under the general guidance of the Secretary of State.
- (3) Schedule 1 shall have effect with respect to the Commission.
- (4) The powers of the Secretary of State under this Part to give directions include power to give directions as to matters connected with the structure and organisation of the Commission, for example—
 - (a) directions about the establishment of offices for specified areas or regions;
 - (b) directions as to the organisation of staff into divisions.

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Commencement Information

- I2** S. 6 partly in force; s. 6 not in force at Royal Assent see s. 122; s. 6 in force for E. for certain purposes at 16.3.2001 by S.I. 2001/1193, arts. 1(3), 2(1)(b); s. 6 in force for E. at 9.4.2002 in so far as not already in force by S.I. 2001/1193, arts. 1(3), 2(3)(a)

VALID FROM 01/07/2001

7 General duties of the Commission.

- (1) The Commission shall have the general duty of keeping the Secretary of State informed about the provision in England of Part II services and, in particular, about—
 - (a) the availability of the provision; and
 - (b) the quality of the services.
- (2) The Commission shall have the general duty of encouraging improvement in the quality of Part II services provided in England.
- (3) The Commission shall make information about Part II services provided in England available to the public.
- (4) When asked to do so by the Secretary of State, the Commission shall give the Secretary of State advice or information on such matters relating to the provision in England of Part II services as may be specified in the Secretary of State's request.
- (5) The Commission may at any time give advice to the Secretary of State on—
 - (a) any changes which the Commission thinks should be made, for the purpose of securing improvement in the quality of Part II services provided in England, in the standards set out in statements under section 23; and
 - (b) any other matter connected with the provision in England of Part II services.
- (6) The Secretary of State may by regulations confer additional functions on the Commission in relation to Part II services provided in England.
- (7) In this section and section 8, "Part II services" means services of the kind provided by persons registered under Part II, other than the provision of—
 - (a) medical or psychiatric treatment, or
 - (b) listed services (as defined in section 2).

Commencement Information

- I3** S. 7 partly in force; s. 7 not in force at Royal Assent see s. 122; s. 7(7) in force for W. at 1.7.2001 by S.I. 2001/2190, art. 2, Sch. Table; s. 7 in force for E. at 1.4.2002 by S.I. 2001/3852, art. 3(2)(7)(d) (subject to transitional provisions in Sch. 1 and with transitional provisions in Sch. 2) (as amended by S.I. 2001/4150, 2002/1493, 2002/1790, 2002/2001, 2002/3210)

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VALID FROM 01/07/2001

8 General functions of the Assembly.

- (1) The Assembly shall have the general duty of encouraging improvement in the quality of Part II services provided in Wales.
- (2) The Assembly shall make information about Part II services provided in Wales available to the public.
- (3) In relation to Part II services provided in Wales, the Assembly shall have any additional function specified in regulations made by the Assembly; but the regulations may only specify a function corresponding to a function which, by virtue of section 7, is exercisable by the Commission in relation to Part II services provided in England.
- (4) The Assembly may charge a reasonable fee determined by it in connection with the exercise of any power conferred on it by or under this Act.
- (5) The Assembly may provide training for the purpose of assisting persons to attain standards set out in any statements published by it under section 23.

Commencement Information

- I4** S. 8 partly in force; s. 8 not in force at Royal Assent see s. 122; s. 8 in force for W. for certain purposes at 1.7.2001 by S.I. 2001/2190, art. 2, Sch. Table; s. 8 in force for W. for certain purposes at 1.4.2002 by S.I. 2002/920, arts. 1(4), 3(3) (subject to art. 3(4)(5) and to transitional provisions in Schs. 1-3); s. 8 in force for W. for certain purposes at 30.1.2003 by S.I. 2003/152, art. 2; s. 8 in force for W. for certain purposes at 2.10.2003 by S.I. 2003/2528, art. 2; s. 8 in force for W. for certain purposes at 1.4.2004 by S.I. 2004/1015, art. 2; s. 8 in force for W. for certain purposes at 7.4.2004 by S.I. 2004/1730, art. 2

VALID FROM 01/07/2001

9 Co-operative working.

- (1) The Commission for Health Improvement (“CHI”) and the National Care Standards Commission (“NCSC”) may, if authorised to do so by regulations, arrange—
 - (a) for prescribed functions of the NCSC to be exercised by CHI on behalf of the NCSC;
 - (b) for prescribed functions of CHI, so far as exercisable in relation to England, to be exercised by the NCSC on behalf of CHI,and accordingly CHI and the NCSC each have power to exercise functions of the other in accordance with arrangements under this subsection.
- (2) The Assembly and CHI may arrange for any functions of the Assembly mentioned in section 10(6) to be exercised by CHI on behalf of the Assembly; and accordingly CHI has power to exercise functions of the Assembly in accordance with arrangements under this subsection.

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- (3) The Assembly and CHI may, if authorised to do so by regulations, arrange for prescribed functions of CHI, so far as exercisable in relation to Wales, to be exercised by the Assembly on behalf of CHI; and accordingly the Assembly has power to exercise functions of CHI in accordance with arrangements under this subsection.
- (4) References in this section to exercising functions include a reference to assisting with their exercise.
- (5) Regulations under this section shall be made by the Secretary of State; but the Secretary of State may not make regulations under subsection (3) without the agreement of the Assembly.

Commencement Information

- I5** S. 9 partly in force; s. 9 not in force at Royal Assent see s. 122; s. 9(3)-(5) in force for W. at 1.7.2001 by S.I. 2001/2190, art. 2, Sch. Table; s. 9 in force for W. for certain purposes at 1.4.2002 by S.I. 2002/920, arts. 1(4), 3(3) (subject to transitional provisions in Schs. 1-3); s. 9(1)(2) in force for W. for certain purposes at 30.1.2003 by S.I. 2003/152, art. 2; s. 9(1)(2) in force for W. for certain purposes at 2.10.2003 by S.I. 2003/2528, art. 2

VALID FROM 01/04/2002

10 Inquiries.

- (1) The Secretary of State may cause an inquiry to be held into any matter connected with the exercise by the Commission of its functions.
- (2) The appropriate Minister may cause an inquiry to be held into any matter connected with a service provided in or by an establishment or agency.
- (3) Before an inquiry is begun, the person causing the inquiry to be held may direct that it shall be held in private.
- (4) Where no direction has been given, the person holding the inquiry may if he thinks fit hold it, or any part of it, in private.
- (5) Subsections (2) to (5) of section 250 of the ^{M1}Local Government Act 1972 (powers in relation to local inquiries) shall apply in relation to an inquiry under this section as they apply in relation to a local inquiry under that section; and references in those provisions as so applied to a Minister shall be taken to include references to the Assembly.
- (6) Subsections (3) and (4) apply in relation to an inquiry under section 35 of the ^{M2}Government of Wales Act 1998 into any matter relevant to the exercise of—
 - (a) any functions exercisable by the Assembly by virtue of section 5(b) or 8(3); or
 - (b) any other functions exercisable by the Assembly corresponding to functions exercisable by the Commission in relation to England,
 as they apply in relation to an inquiry under this section.
- (7) The report of the person who held the inquiry shall, unless the Minister who caused the inquiry to be held considers that there are exceptional circumstances which make

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it inappropriate to publish it, be published in a manner which that Minister considers appropriate.

Commencement Information

- I6** S. 10 partly in force; s. 10 not in force at Royal Assent see s. 122; s. 10(1)-(5)(7) in force for E. at 1.4.2002 by S.I. 2001/3852, art. 3(2)(7)(e) (subject to transitional provisions in Sch. 1 and with transitional provisions in Sch. 2) (as amended by S.I. 2001/4150, 2002/1493, 2002/1790, 2002/2001, 2002/3210); s. 10(2)-(7) in force for W. for certain purposes at 1.4.2002 by S.I. 2002/920, arts. 1(4), 3(3) (subject to art. 3(4)(5) and to transitional provisions in Schs. 1-3); s. 10(2)-(7) in force for W. for certain purposes at 30.1.2003 by S.I. 2003/152, art. 2; s. 10(2)-(7) in force for W. for certain purposes at 1.4.2004 by S.I. 2004/1015, art. 2; s. 10(2)-(7) in force for W. for certain purposes at 7.4.2004 by S.I. 2004/1730, art. 2

Marginal Citations

- M1** 1972 c. 70.
M2 1998 c. 38.

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