

HEALTH AND SOCIAL CARE ACT 2008

EXPLANATORY NOTES

TERRITORIAL EXTENT

Interaction with other authorities

Schedule 4: Interaction with other authorities

248. *Paragraph 1* defines the inspection authorities to which Schedule 4 applies: they are the five existing criminal justice inspectorates; CIECSS; and the Audit Commission. *Paragraph 2* defines inspection functions for the purposes of the Schedule. *Paragraph 3* defines a public authority for those purposes as any person whose functions are functions of a public nature (excluding any person carrying out functions in connection with Parliamentary proceedings).
249. *Paragraph 4* enables the Commission to delegate any of its inspection functions to another public authority. Where the Commission delegates functions, these will be regarded for the purposes of any legislation as carried out by the Commission.
250. *Paragraph 5* requires the Commission to produce both an inspection programme setting out the inspections it intends to carry out, and an inspection framework, which sets out how it intends to carry out its inspection and reporting functions. These must be prepared from time to time, or at times specified by order by the Secretary of State. Before preparing these documents, the Commission must consult the Secretary of State, the inspection authorities (as defined by paragraph 1) and anyone else specified by an order made by the Secretary of State (unless they have waived their right to be consulted). The Commission must then send the people it has consulted a copy of the programme or framework. This will provide advance notice of the Commission's proposals. It will also allow an opportunity for people to raise concerns about duplication with other inspection bodies or about the overall burden of inspection.
251. The requirements under paragraph 5 do not prevent the Commission from carrying out unannounced inspections.
252. *Paragraph 6* allows the Commission to give a notice to another inspection authority (or other people specified in an order by the Secretary of State), which proposes to carry out an inspection of a prescribed organisation, where the Commission believes the inspection would impose an unreasonable burden on the organisation. This notice can require the inspection authority not to carry out the inspection in the proposed way, or at all.
253. The Secretary of State may specify, by order, circumstances in which this power should not apply. The Secretary of State may also give consent for a particular inspection to be undertaken, if he is satisfied that the inspection will not impose an unreasonable burden or will not do so if carried out in a particular way. Further provisions in relation to this paragraph may be made by order of the Secretary of State.
254. *Paragraphs 7 to 10* cover other aspects of the Commission's relationship with other public authorities. Paragraph 7 requires the Commission to co-operate with the

*These notes refer to the Health and Social Care Act 2008
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inspection authorities or other public authorities specified by an order of the Secretary of State. Paragraph 8 enables the Commission to act jointly with other public authorities. Paragraph 9 enables the Commission to provide advice or assistance to other public authorities. Paragraph 10 allows the Commission to make arrangements with other inspection authorities to carry out inspections on their behalf. These powers allow the Commission to build links with other related public authorities in order to work to minimise the regulatory burden they jointly impose.