



Health and Care Act 2022

2022 CHAPTER 31

PART 6

MISCELLANEOUS

Social care

163 Regulation of local authority functions relating to adult social care

- (1) Chapter 3 of Part 1 of the Health and Social Care Act 2008 (quality of health and social care) is amended as follows.
- (2) In section 46 (reviews and performance assessments by the Care Quality Commission), in the heading, at the end insert “: registered service providers”.
- (3) After section 46 insert—

“46A Reviews and performance assessments: local authorities

- (1) The Commission must, in accordance with this section—
 - (a) conduct reviews of the exercise of regulated care functions by English local authorities,
 - (b) assess the performance of those authorities following each such review, and
 - (c) publish a report of its assessment.
- (2) In this section “regulated care functions” means such functions under Part 1 of the Care Act 2014 (functions relating to adult social care in England) as may be prescribed.
- (3) Regulations under subsection (2) may prescribe—
 - (a) all functions of English local authorities under Part 1 of the Care Act 2014 or some of their functions under that Part;
 - (b) the whole of a function or a particular aspect of it.

Status: This is the original version (as it was originally enacted).

- (4) The Secretary of State—
- (a) must set, and may from time to time revise, objectives and priorities for the Commission in relation to the assessment under this section of the performance of English local authorities, and
 - (b) must inform the Commission of the objectives and priorities.
- (5) The Commission—
- (a) must determine, and may from time to time revise, indicators of quality for the purposes of the assessment under this section of the performance of English local authorities, and
 - (b) must obtain the approval of the Secretary of State in relation to the indicators.
- (6) The Secretary of State may direct the Commission to revise the indicators under subsection (5).
- (7) Different objectives and priorities may be set, and different indicators of quality may be determined, for different cases.
- (8) The Commission—
- (a) must prepare, and may from time to time revise, a statement—
 - (i) setting out the frequency with which reviews under this section are to be conducted and the period to which they are to relate, and
 - (ii) describing the method that it proposes to use in assessing and evaluating the performance of a English local authority under this section, and
 - (b) must obtain the approval of the Secretary of State in relation to the statement.
- (9) The Secretary of State may direct the Commission to revise the statement under subsection (8).
- (10) The statement may—
- (a) make different provision about frequency and period of reviews for different cases, and
 - (b) describe different methods for different cases.
- (11) The Commission must publish—
- (a) the objectives and priorities under subsection (4),
 - (b) the indicators of quality under subsection (5), and
 - (c) the statement under subsection (8).
- (12) For the purposes of this section “English local authority” includes the Council of the Isles of Scilly only so far as references to a local authority in Part 1 of the Care Act 2014 include references to that Council as a result of an order under section 128(4) of that Act.”
- (4) In section 48 (special reviews and investigations)—
- (a) in subsection (2), after “section 46” insert “, 46A”;
 - (b) in subsection (3A), after “treated as a review” insert “or investigation”.

- (5) In section 50 (failings by English local authorities), in subsection (1), after “46” insert “, 46A”.
- (6) In section 60 (inspections)—
- (a) in subsection (1), after paragraph (c) (but before the “or” at the end) insert—
“(ca) the exercise of functions by an English local authority,”;
 - (b) after subsection (2) insert—
“(3) In this section “English local authority” has the same meaning as in section 46A (see subsection (12) of that section).”