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WELSH STATUTORY INSTRUMENTS

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**2003 No. 993**

**Commission For Health Improvement  
(Functions) (Wales) Regulations 2003**

**PART V**

**INVESTIGATIONS**

**Investigations**

**10.**—(1) The Commission shall carry out an investigation when requested to do so by the National Assembly.

(2) The Commission may carry out an investigation where —

- (a) the Commission receives a request to investigate from any person or body; or
- (b) it otherwise appears to the Commission to be appropriate to do so.

(3) Where the Commission is carrying out an investigation at the request of the National Assembly, it shall investigate such matters falling within section 20(1)(c) of the Act or regulation 2(e) of the Functions Regulations as may be specified in the request.

(4) Where the Commission is carrying out an investigation in any other case, it may investigate such matters falling within section 20(1)(c) or regulation 2(e) of the Functions Regulations of the Act as it considers appropriate.

**Notice of investigation**

**11.** Where it is reasonably practicable to do so, the Commission shall provide written notification of its intention to conduct the investigation and the proposed date on which that investigation is to commence to —

- (a) any person or body which is to be the subject of the investigation;
- (b) in the case of an investigation under regulation 10(2) concerning a Local Health Board, a Special Health Authority or an NHS trust, the National Assembly;
- (c) in the case of an investigation concerning a service provider, the relevant Local Health Board.

**Conducting an investigation of a body which is the subject of a review**

**12.**—(1) If in the course of conducting a clinical governance review or a general review, a matter comes to the notice of the Commission which it considers should properly be the subject of an investigation, the Commission may commence an investigation into that matter.

(2) Where the Commission is conducting a clinical governance review, the Commission shall, where reasonably practicable to do so, provide written notification of the decision and the proposed date on which the investigation is to commence to —

- (a) the person or body which is the subject of the review;

(b) in a case where the body subject to the review is a Local Health Board, a Special Health Authority or an NHS trust, the National Assembly.

(3) Where the Commission is conducting a general review, the Commission shall, where reasonably practicable to do so, provide written notification of the decision and the proposed date on which the investigation is to commence to —

(a) any person or body who is the subject of the review and who is also to be the subject of the investigation;

(b) where that person or body is a service provider, the relevant Local Health Board.

(4) Where the Commission commences such an investigation, the Commission may suspend or continue the clinical governance review or the general review and, where the review was suspended, resume the review at any time.

### **Investigation reports**

**13.**—(1) Following the conclusion of an investigation which has been requested by the National Assembly the Commission shall make a report to the National Assembly and send a copy of the report to —

(a) any person or body which has been the subject of the investigation;

(b) in the case of an investigation concerning a service provider, the relevant Local Health Board.

(2) Following the conclusion of an investigation which has been requested by any other person or body the Commission shall make a report to that person or body and send a copy of the report to —

(a) any person or body which has been the subject of the investigation;

(b) the National Assembly; and

(c) in the case of an investigation concerning a service provider, the relevant Local Health Board.

(3) Following the conclusion of an investigation in any other case, the Commission shall make a report to the person or body which has been the subject of the investigation and shall send a copy of the report to —

(a) the National Assembly; and

(b) in the case of an investigation concerning a service provider, the relevant Local Health Board.

(4) A report made under paragraphs (1) to (3) shall set out —

(a) the findings and conclusions of the Commission;

(b) any recommendations made by the Commission.

### **Special interest reports**

**14.**—(1) If in the course of an investigation a matter comes to the notice of the Commission which it considers should, in the public interest, be brought to the attention of—

(a) any of the persons or bodies to which paragraph (2) applies; and

(b) the public,

the Commission may make the matter the subject of an immediate report in addition to the report to be made at the conclusion of the investigation.

(2) The persons and bodies referred to in paragraph (1) are —

(a) any person or body which is the subject of the investigation;

- (b) the National Assembly;
  - (c) in a case where a service provider is the subject of an investigation, the relevant Local Health Board.
- (3) Copies of any report under paragraph (1) shall be sent to —
- (a) any person or body which is the subject of the investigation;
  - (b) the National Assembly;
  - (c) in a case to which paragraph (2)(c) applies, the relevant Local Health Board; and
  - (d) any other NHS body or service provider or other person or body exercising statutory functions, to whom the Commission considers the report shall be copied.

### **Further action following an investigation**

**15.**—(1) Following the conclusion of an investigation any NHS body concerned shall, with the assistance of the Commission, prepare a written statement of the action which it proposes to take in the light of the report made by the Commission.

(2) A statement prepared under paragraph (1) shall be subject to approval in the case of a Local Health Board, a Special Health Authority or an NHS trust, the National Assembly.

(3) Before deciding whether to approve a statement prepared under paragraph (1), the National Assembly shall consult the Commission.