

# CARE ACT 2014

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 2 – Care standards**

#### **Increasing the independence of the Care Quality Commission**

##### *Section 89 – Chief Inspectors*

505. This section inserts a new paragraph 3A of Schedule 1 to the 2008 Act which places a duty on the non-executive members of CQC to appoint a Chief Inspector of Hospitals, a Chief Inspector of Adult Social Care and a Chief Inspector of General Practice as executive members of the CQC Board.
506. *Subsection (2)* makes provision for CQC to determine the functions each Chief Inspector will exercise on its behalf.
507. *Subsection (3)* places a requirement on the Chief Inspectors to perform their roles in a way that safeguards and promotes CQC's independence.

##### *Section 90 – Independence of the Care Quality Commission*

508. This section repeals or amends several of the Secretary of State's powers in the 2008 Act that could constrain CQC's operational autonomy.
509. This section, and section 91 in part, repeal:
- powers to prescribe, by regulations, CQC's inspection programme and methodology;
  - powers (inserted by the Health and Social Care Act 2012) to approve reviews, investigations and studies CQC wish to undertake into the provision of care;
  - powers to prescribe, by regulations, CQC publication procedures for compliance and investigation reports, reviews and studies; and
  - a power to direct CQC regarding the content of its annual report on the state of health and adult social care services.
510. Powers to set the legal framework for CQC, to appoint the non-executive members of the CQC Board, to approve CQC's remuneration policy and to intervene if CQC fails to properly discharge any of its function will remain.