



Care Act 2014

2014 CHAPTER 23

PART 2 **E+W**

CARE STANDARDS

Performance ratings

91 **Reviews and performance assessments** **E+W**

- (1) Chapter 3 of Part 1 of the Health and Social Care Act 2008 (the Care Quality Commission: quality of health and social care) is amended as follows.
- (2) For section 46 (periodic reviews of health and social care provision) substitute—

“46 Reviews and performance assessments

- (1) The Commission must, in respect of such regulated activities and such registered service providers as may be prescribed—
 - (a) conduct reviews of the carrying on of the regulated activities by the service providers,
 - (b) assess the performance of the service providers following each such review, and
 - (c) publish a report of its assessment.
- (2) Regulations under subsection (1) may prescribe—
 - (a) all regulated activities or regulated activities of a particular description;
 - (b) all registered service providers or particular registered service providers;
 - (c) the whole of a regulated activity or a particular aspect of it.
- (3) The assessment of the performance of a registered service provider is to be by reference to whatever indicators of quality the Commission devises.

Changes to legislation: Care Act 2014, Section 91 is up to date with all changes known to be in force on or before 28 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (4) The Commission must prepare a statement—
 - (a) setting out the frequency with which reviews under this section are to be conducted and the period to which they are to relate, and
 - (b) describing the method that it proposes to use in assessing and evaluating the performance of a registered service provider under this section.
 - (5) The Commission may—
 - (a) use different indicators for different cases,
 - (b) make different provision about frequency and period of reviews for different cases, and
 - (c) describe different methods for different cases.
 - (6) The Commission must publish—
 - (a) any indicators it devises for the purpose of subsection (3), and
 - (b) the statement it prepares for the purpose of subsection (4).
 - (7) Before doing so, the Commission—
 - (a) must consult the Secretary of State and such other persons, or other persons of such a description, as may be prescribed, and
 - (b) may also consult any other persons it considers appropriate.
 - (8) The Commission may from time to time revise—
 - (a) any indicators it devises for the purpose of subsection (3), and
 - (b) the statement it prepares for the purpose of subsection (4);
 and, if it does so, it must publish the indicators and statement as revised.
 - (9) Subsection (7) applies to revised indicators and a revised statement, so far as the Commission considers the revisions in question to be significant.
 - (10) In this section “registered service provider” means a person registered under Chapter 2 as a service provider.
 - (11) Consultation undertaken before the commencement of this section is as effective for the purposes of subsection (7) as consultation undertaken after that commencement.”
- (3) Sections 47 (frequency and period of reviews under section 46) and 49 (power to extend periodic review function) are repealed.
 - (4) In section 48 (special reviews and investigations), in subsection (1)—
 - (a) omit “, with the approval of the Secretary of State,”, and
 - (b) at the end insert “ ; but the Commission may not conduct a review or investigation under subsection (2)(ba) or (bb) without the approval of the Secretary of State. ”
 - (5) Omit subsection (1A) of that section.
 - (6) In subsection (2) of that section, for “a periodic review” substitute “ a review under section 46 ”.
 - (7) In that subsection, after paragraph (ba) (but before the following “or”) insert—
 - “(bb) the exercise of the functions of English local authorities in arranging for the provision of adult social services,”.

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(8) After subsection (3) of that section insert—

“(3A) A review or investigation under subsection (2)(b), in so far as it involves a review or investigation into the arrangements made for the provision of the adult social services in question, is to be treated as a review under subsection (2)(bb) (and the requirement for approval under subsection (1) is accordingly to apply).”

(9) In consequence of the preceding provisions of this section—

- (a) in section 50(1) of the Health and Social Care Act 2008 (failings by English local authorities), omit “or 49”;
- (b) in section 51(1) of that Act (failings by Welsh NHS bodies), omit “or 49”;
- (c) in section 70(3)(a) of that Act (provision by Commission to Monitor of material relevant to review under section 46 or 49), omit “or 49”;
- (d) in section 72(a) of that Act (provision by Commission to Comptroller and Auditor General of material relevant to review under section 46 or 49), omit “or 49”;
- (e) in section 293 of the Health and Social Care Act 2012, omit subsections (1) and (2);
- (f) in Schedule 5 to that Act (amendments in consequence of Part 1 of that Act), omit paragraphs 157, 159, 163 and 164.

Commencement Information

- I1** S. 91(1)(2) in force at 7.7.2014 for specified purposes by [S.I. 2014/1714](#), [art. 2\(b\)](#)
- I2** S. 91(1)(2) in force at 1.10.2014 in so far as not already in force by [S.I. 2014/1714](#), [art. 4](#)
- I3** S. 91(3)-(9) in force at 1.10.2014 by [S.I. 2014/1714](#), [art. 4](#)

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 15(2)-(3B) substituted for s. 15(2)(3) by [2022 c. 31 s. 166\(2\)](#)
- s. 26(1)-(2A) substituted for s. 26(1)(2) by [2022 c. 31 s. 166\(4\)](#)