

2002 No. 603

PUBLIC HEALTH, ENGLAND

The National Care Standards Commission (Director of Private and Voluntary Health Care) Regulations 2002

<i>Made</i> - - - -	<i>18th March 2002</i>
<i>Laid before Parliament</i>	<i>19th March 2002</i>
<i>Coming into force</i>	<i>15th April 2002</i>

The Secretary of State for Health, in exercise of powers conferred on him by paragraph 11(2) of Schedule 1 to the Care Standards Act 2000(a) and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

Citation, commencement and extent

1.—(1) These Regulations may be cited as the National Care Standards Commission (Director of Private and Voluntary Health Care) Regulations 2002 and shall come into force on 15th April 2002.

(2) These Regulations extend to England only.

Interpretation

2. In these Regulations—

“the Act” means the Care Standards Act 2000;

“health care provider” means a person carrying on a health care undertaking;

“the Health Care Regulations” means the Private and Voluntary Health Care (England) Regulations 2001(b);

“health care services” means medical and psychiatric treatment, palliative care and listed services;

“health care undertaking” means an independent hospital, independent clinic or independent medical agency;

“listed services” has the same meaning as in section 2 of the Act.

Functions of the director of private and voluntary health care

3. The prescribed functions of the director of private and voluntary health care are—

(a) subject to Part II of the Act, and to regulations made under the Act relating to the functions of the Commission in respect of registration and inspection(c), to determine—

(a) 2000 c.14. The powers are exercisable by the appropriate Minister, who is defined in section 121(1), in relation to England, Scotland and Northern Ireland, as the Secretary of State, and in relation to Wales, as the National Assembly for Wales. “Prescribed” and “regulations” are defined in section 121(1) of the Act.

(b) S.I. 2001/3968.

(c) See: The National Care Standards Commission (Registration) Regulations 2001 (S.I. 2001/3969) and the National Care Standards Commission (Fees and Frequency of Inspections) Regulations 2001 (S.I. 2001/3980).

- (i) the procedure to be followed by the Commission when considering an application for registration under section 12 of the Act in respect of a health care undertaking; and
 - (ii) the methodology for inspection by persons authorised by the Commission of premises used as, or for the purposes of, a health care undertaking;
- (b) to monitor the effectiveness of the procedure and methodology mentioned in paragraph (a) and, if necessary, to revise them;
- (c) to assess the Commission's requirements for staff with expertise in matters relating to health care services, to advise the Commission accordingly and to assist the Commission in the appointment of such staff;
- (d) to arrange for the provision to the Commission of such additional specialist medical expertise as it may require;
- (e) to ensure that staff with expertise in health care services play an appropriate role in the discharge of the Commission's functions in relation to establishments and agencies which are not health care undertakings;
- (f) to ensure that each member of staff who is registered as a member of any profession to which section 60(2) of the Health Act 1999^(a) applies, or who is a clinical psychologist or child psychotherapist, receives appropriate training and is enabled from time to time to obtain further qualifications appropriate to the work which he performs;
- (g) to monitor action taken by the Commission to enforce the requirements of the Health Care Regulations and to provide advice to regional directors^(b) with a view to ensuring consistent application of those Regulations and the national minimum standards applicable to health care undertakings;
- (h) to discuss with the Commission for Health Improvement ("CHI")^(c) such matters relating to the discharge of the Commission's functions in relation to health care undertakings as appear to him to be appropriate;
- (i) to discuss matters relating to the provision of health care services by health care providers with such bodies as appear to him to be appropriate, including organisations representing patients and bodies which are responsible for regulation of members of a profession working in the provision of health care services;
- (j) to monitor and review the effectiveness of arrangements made by health care providers in accordance with the Health Care Regulations and any national minimum standards applicable to health care undertakings, in relation to—
 - (i) the making of complaints about a health care undertaking; and
 - (ii) the raising of concerns by employees of a health care provider about the safety and welfare of patients;
- (k) to ensure that where a complaint about a health care undertaking is made to the Commission, the complainant is referred to the complaints procedure established by the health care provider and such other action as may be appropriate is taken by the Commission;
- (l) to report to the Commission any significant evidence relating to the rights and safety of patients which might assist health care providers to improve the health care services provided to them;
- (m) to report to the Commission such views of patients receiving health care services provided by a health care provider as are made known to him and are relevant to the discharge by the Commission of its functions in relation to health care undertakings;
- (n) to report to the Commission about the availability and quality of health care services provided by health care providers;
- (o) to report to the Commission on the effectiveness of the Health Care Regulations and the national minimum standards applicable to health care undertakings;

(a) 1999 c.8.

(b) Regional directors are appointed under paragraph 9(1) of Schedule 1 to the Act.

(c) The Commission for Health Improvement ("CHI") was established by section 19 of the Health Act 1999 (c.8).

- (p) to assist the Commission from time to time in the preparation of reports, including its annual report, so far as they concern health care services.

Signed by authority of the Secretary of State for Health

18th March 2002

Jacqui Smith
Minister of State,
Department of Health

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under paragraph 11(2) of Schedule 1 to the Care Standards Act 2000 and prescribe the functions of the director of private and voluntary health care who is to be appointed by, and will be a member of the staff of, the National Care Standards Commission.

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