EXPLANATORY MEMORANDUM TO

THE CARE QUALITY COMMISSION (MEMBERSHIP) (AMENDMENT) REGULATIONS 2013

2013 No. 2157

1. This explanatory memorandum has been prepared by the Department of Health and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 The instrument makes one amendment to the Care Quality Commission (Membership) Regulations 2008 (S.I. 2008/2252) ("the Membership Regulations").

2.2 The amendment to the Membership Regulations is to make provision for the Care Quality Commission ("the Commission") to be able to have a larger board to accommodate the appointment of three new chief inspectors, for hospitals, social care, and general practice.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Context

4.1 The Regulations raise the maximum number of members of the Commission to provide for a number of new appointments to strengthen the Commission's board.

4.2 In February 2013, Robert Francis QC published the Report on Mid Staffordshire NHS Foundation Trust Public Inquiry. On 26 March 2013, the Government published *Patients First and Foremost*, its initial response to the Report. The document described the new appointment of chief inspectors who will lead for the Commission on the regulation and inspection of providers of health and adult social care services, and a single assessment of providers' performance against quality standards. The three inspectors will be appointed to the Commission's board which requires an increase in the maximum numbers of the Commission.

5. Territorial Extent and Application

5.1 This instrument applies to England.

6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

What is being done and why

7.1 The Department has decided to strengthen the Commission's board by appointing five new non-executive directors who provide a broad skill mix and experience. The three new chief inspectors will sit on the board as executive members and bring specialist knowledge in health, social care and general practice. Therefore it is necessary to increase the Commission's board size by two to a maximum of 14 members, plus chair.

7.2 To implement this change, the alteration to the Membership Regulations is therefore being made to provide for the upper limit on the number of members of the Commission to be extended from twelve to fourteen to accommodate the recruitment of chief inspectors to the Commission's board.

Consolidation

7.3 The Department has no current intention to consolidate the legislation that amends the Membership Regulations.

8. Consultation outcome

8.1 There is no requirement to consult on the amendments to the Membership Regulations. The changes to the Commission's board are minor and technical and do not have a wider impact on the public, patients, services users or businesses. The Department has undertaken close engagement with the Commission in making these changes.

9. Guidance

9.1 None.

10. Impact

10.1 The impact on business, charities or voluntary bodies is nil.

10.2 The impact on the public sector is minimal.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 The Department will keep the maximum number of members of the Commission under review to ensure that the Commission is able to function effectively.

13. Contact

Alex Joiner at the Department of Health (Tel: 0113 254 5440 or email: Alex.joiner@dh.gsi.gov.uk) can answer any queries regarding the instrument.