STATUTORY INSTRUMENTS

2018 No. 54

NATIONAL HEALTH SERVICE, ENGLAND
PUBLIC HEALTH, ENGLAND
SOCIAL CARE, ENGLAND

The Care Quality Commission (Reviews and Performance Assessments) Regulations 2018

Made - - - -	*18th January 2018*
Laid before Parliament	*22nd January 2018*
Coming into force - -	*1st April 2018*

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 46(1) and (2) and 161(4) of the Health and Social Care Act 2008 [F1].

F1 2008 c.14. *See* the definition of prescribed and regulations in section 97(1) of the 2008 Act. Section 46 was substituted by section 91(2) of the Care Act 2014 (c.23).

Citation and commencement

1. These Regulations may be cited as the Care Quality Commission (Reviews and Performance Assessments) Regulations 2018 and come into force on 1st April 2018.

Prescribed registered service providers and regulated activities

2.—(1) For the purposes of section 46(1) of the Health and Social Care Act 2008 (reviews and performance assessments)—

(a) all registered service providers are prescribed;

(b) all regulated activities [F2] are prescribed except to the extent that they are services, activities or procedures which are described in column 2 of the Table.

Table

Column 1- non prescribed activity	***Column 2 - description of non prescribed activity***

National screening programmes	All diagnostic and screening procedures carried on as part of a national screening programme by a body established solely for the purpose of such a programme.
Primary care dental services	All dental care, and services (including care and services carried out for cosmetic purposes) except when carried on by a registered service provider which is an independent hospital, a NHS Trust or a NHS Foundation Trust
Minor cosmetic surgery	Cosmetic surgery procedures (apart from procedures to the eye which correct refractive error) which do not require intravenous sedation, general anaesthesia or the insertion of an implant.
Health and justice services	Any regulated activity carried on in— (a) a prison; (b) a police station; (c) a place for the detention of young offenders; (d) an immigration removal centre; or (e) a sexual assault referral centre except where it is carried on by a registered service provider which is a NHS Trust, a NHS Foundation Trust or a provider of primary medical services.
Hyperbaric therapy	The treatment of disease, disorder or injury within paragraph 4(1) of Schedule 1 (regulated activities) to the 2014 Regulations by providing hyperbaric therapy (being the administration of oxygen (whether or not combined with one or more other gases) to a person who is in a sealed chamber which is gradually pressurised with compressed air).
Independent podiatry surgery	The carrying on of orthopaedic foot surgery by a chiropodist or podiatrist except when it is carried on by a registered service provider which is an independent hospital, a NHS Trust, a NHS Foundation Trust or a provider of primary medical services.
Blood and transplant services	The management of supply of blood and blood derived products etc. within paragraph 8 of Schedule 1 to the 2014 Regulations where the carrying on of that regulated activity is the sole or primary regulated activity carried on by a registered service provider.
Fertility services licenced by the Human Fertilisation and Embryology Authority	The carrying on of surgical procedures in connection with any of the activities listed in Schedule 2 (activities for which licences may be granted) to the Human Fertilisation and Embryology Act 1990 **F3** for which a licence has been granted under section 16 (grant of licence) of that Act **F4** .

Independent laboratories	pathology	Diagnostic and screening procedures within paragraph 7 of Schedule 1 to the 2014 Regulations where performed or provided under a contract for services with another registered service provider except when the regulated activity is carried on by a registered provider which is an independent hospital, a NHS Trust, a NHS Foundation Trust or a provider of primary medical services.
Children's homes		Any regulated activity carried on in a children's home except where it is carried on by a registered service provider which is a NHS Trust, a NHS Foundation Trust or a provider of primary medical services.

(2) In this regulation—

"the 2006 Act" means the National Health Service Act 2006 [F5]

"the 2014 Regulations" mean the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 [F6]

"children's home" means a children's home within the meaning of section 1 (children's homes) of the Care Standards Act 2000 [F7];

"chiropodist or podiatrist" means a person registered with the Health and Care Professions Council as a chiropodist or podiatrist pursuant to article 5 (establishment and maintenance of register) of the **[**[F8]Health Professions Order 2001**]**[F9].

"immigration removal centre" means pre-departure accommodation, a short-term holding facility or a removal centre within the meaning of section 147 (interpretation) of the Immigration and Asylum Act 1999 [F10];

"independent hospital" means a hospital which is not a health service hospital as defined in section 275 (interpretation) of the 2006 Act;

"NHS Foundation Trust" means a foundation trust as defined in section 30 (NHS foundation trusts) of the 2006 Act [F11];

"NHS Trust" means a trust established under section 25 (NHS trusts) of the 2006 Act [F12];

"place for the detention of young offenders" means a place which may be provided for the detention of young offenders under section 43(1) (places for the detention of young offenders) of the Prison Act 1952 [F13];

"Prison" means a prison within the meaning of the Prison Act 1952 [F14];

"provider of primary medical services" means a provider whose sole or main purpose is the provision of primary medical services pursuant to sections 83(2) (primary medical services), 84 (general medical services contracts) or 92 (arrangements by the Board for the provision of primary medical services) of the 2006 Act [F15];

"sexual assault referral centre" is a facility wholly or mainly used to provide treatment, care and support to people who have sustained sexual assault or sexual abuse.

F2 See section 8 of the 2008 Act and regulation 3 of, and Schedules 1 and 2 to, the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 (S.I. 2014/2936) for the definition of "regulated activity".

F3 1990 c.37. Schedule 2 was amended by Schedule 2 and Part 1 of Schedule 8 to the Human Fertilisation and Embryology Act 2008 (c.22) and S.I. 2007/1522.