

2011 No. 1551

NATIONAL HEALTH SERVICE, ENGLAND

**The Care Quality Commission (Additional Functions)
Regulations 2011**

<i>Made</i>	- - - -	<i>19th June 2011</i>
<i>Laid before Parliament</i>		<i>24th June 2011</i>
<i>Coming into force</i>	- -	<i>1st August 2011</i>

The Secretary of State for Health makes the following Regulations in exercise of the powers conferred by sections 59(1) and 161(3) of the Health and Social Care Act 2008(a).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Care Quality Commission (Additional Functions) Regulations 2011 and shall come into force on 1st August 2011.

(2) In these Regulations, “the 2011 Directions” means the High Security Psychiatric Services (Arrangements for Safety and Security at Ashworth, Broadmoor and Rampton Hospitals) Directions 2011(b).

Review of decision to withhold an item delivered or brought to a high security hospital for a patient

2.—(1) The Care Quality Commission shall review a decision made under direction 22(3) of the 2011 Directions (items delivered or brought to hospital premises for patients) to withhold an item if an application to review that decision is made by the intended recipient of the item within six months beginning with the day on which that person receives the information set out in direction 22(4)(c) of those Directions.

(2) On an application under paragraph (1) the Care Quality Commission may direct that the item which is the subject of the application shall not be withheld.

Review of decision to withhold internal post in high security hospitals

3.—(1) The Care Quality Commission shall review a decision made under direction 27(3) of the 2011 Directions (internal post) to withhold internal post, or an item included in such post, if an application to review that decision is made by the sender or the intended recipient of the post or item within six months beginning with the day on which that person receives the information set out in direction 27(4)(b) of those Directions.

(a) 2008 c.14. See the definition of “regulations” in section 97(1).

(b) These Directions were made on 14th June 2011 and come into force on 1st August 2011. They are available at www.dh.gov.uk.

(2) On an application under paragraph (1) the Care Quality Commission may direct that the post or item which is the subject of the application shall not be withheld.

Review of decisions to record and monitor telephone calls in high security hospitals

4.—(1) The Care Quality Commission shall review a decision made in accordance with direction 34(5) of the 2011 Directions (monitoring telephone calls) that a patient's telephone calls will be monitored and recorded if an application to review that decision is made by the patient within six months beginning with the day on which that person receives the information set out in direction 34(6)(c) of those Directions.

(2) On an application under paragraph (1) the Care Quality Commission may direct that the recording and monitoring of the patient's telephone calls shall cease.

Revocation

5. The Care Quality Commission (Additional Functions) Regulations 2009(a) are revoked.

Signed by authority of the Secretary of State for Health.

19th June 2011

Paul Burstow
Minister of State,
Department of Health

(a) S.I. 2009/410.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations give the Care Quality Commission additional functions, namely a duty upon application to review a decision made pursuant to the High Security Psychiatric Services (Arrangements for Safety and Security at Ashworth, Broadmoor and Rampton Hospitals) Directions 2011 to:

- (a) withhold an item delivered or brought to a high security hospital for a patient;
- (b) withhold internal post sent by a patient in a high security hospital to another patient in the same hospital or a member of staff in that hospital; or
- (c) monitor and record a telephone conversation made by a patient in such a hospital.

Regulation 5 revokes the Care Quality Commission (Additional Functions) Regulations 2009 (S.I. 2009/410): the Regulations being revoked conferred similar additional functions in relation to decisions made pursuant to the Safety and Security in Ashworth, Broadmoor and Rampton Hospitals Directions 2000, which were themselves revoked and replaced by the High Security Psychiatric Services (Arrangements for Safety and Security at Ashworth, Broadmoor and Rampton Hospitals) Directions 2011.

A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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STATUTORY INSTRUMENTS

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£4.00