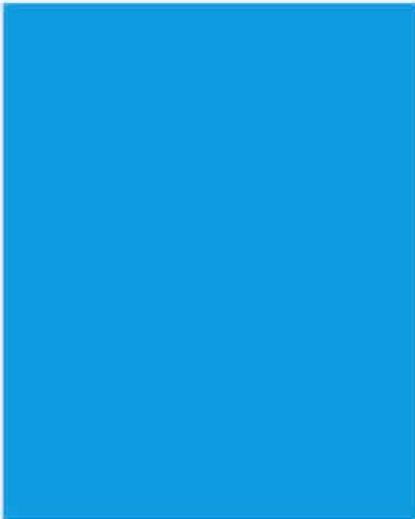


The functions of clinical commissioning group



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Introduction

This paper sets out the range of core clinical commissioning group (CCG) functions as set out in legislation. They have been grouped into the following categories:

- commissioning functions and duties relating to CCGs
- finance
- governance, and
- cooperation.

It distinguishes between:

- the key statutory duties of CCGs – the “must dos” that CCGs will be legally responsible for delivering, and their
- key statutory powers – ie the things that CCGs have the freedom to do, if they wish, to help meet these duties.

The duties and powers are those that apply to all CCGs from April 2013 onwards (subject to any conditions imposed or directions given to individual CCGs by the NHS Commissioning Board as part of the establishment process).

CCGs will have the flexibility within the legislative framework to decide how far to carry out these functions themselves, in groups (eg through a lead CCG) or in collaboration with local authorities, and how far to use external commissioning support. However, a CCG will always retain legal responsibility for its functions. This can never be delegated.

This list is intended as a summary and aid for CCGs of their core powers and duties. It does not claim to include all powers and duties of CCGs, nor is it a substitute for CCGs considering relevant legislation, directions and guidance and seeking legal advice where appropriate. It does not include all general statutory functions that apply to public bodies. CCGs will also be subject to public law duties that apply to all public bodies.

This document will be updated at least yearly to reflect any additional legislative requirements.

References to the NHS Act 2006 are to that Act as amended (including as amended by the Health and Social Care Act 2012). Pending publication of a consolidated version of the NHS Act 2006 which includes the amendments inserted into it by the Health and Social Care Act 2012, links to the new NHS Act 2006 provisions are given to those provisions as set out in the Health and Social Care Act 2012.

Commissioning functions and duties relating to clinical commissioning groups

Function	Power / Duty	Statutory reference	Link to legislation
Duty to commission certain specified health services	Duty	<p>Section 3 NHS Act 2006</p> <p>Under section 3(1), a CCG must arrange for the provision of certain specified health services to such extent as it considers necessary to meet the reasonable requirements of the persons for whom it has responsibility. This duty does not apply in relation to a service or facility if the Board has a duty to arrange for its provision.</p> <p>The services in question include:</p> <ul style="list-style-type: none"> • hospital accommodation; and • medical, ophthalmic, nursing and ambulance services. <p>Under section 3(1A), a CCG has responsibility for –</p> <p>(a) persons who are provided with primary medical services by a member of the group; and</p> <p>(b) persons who usually reside in the group's area and are not provided with primary medical services by a member of any CCG.</p> <p>Regulations may provide that a CCG has responsibility for additional persons (section 3(1B)) or that section 3(1A) does not apply in relation to certain persons or in prescribed circumstances.</p> <p>In exercising its functions under sections 3 and 3A, a CCG must act consistently with –</p> <p>(a) the discharge by the Secretary of State and the Board of their duty under section 1(1);</p> <p>(b) the objectives and requirements for the time being specified in the Board mandate published by the Secretary of State under section 13A.</p>	<p>Health and Social Care Act 2012</p> <p>Section 13</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/section/13</p>

Function	Power / Duty	Statutory reference	Link to legislation
Power to commission certain health services	Power	<p>Section 3A NHS Act 2006</p> <p>Each CCG has the power to arrange for the provision of such services or facilities as it considers appropriate for the purposes of the health service that relate to securing improvement in –</p> <ul style="list-style-type: none"> (a) the physical and mental health of persons for whom it has responsibility; or (b) the prevention, diagnosis and treatment of illness in those persons. <p>A CCG may not arrange for the provision of a service or facility if the Board has a duty to arrange for its provision under sections 3B or 4.</p>	<p>Health and Social Care Act 2012</p> <p>Section 14</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/section/14</p>
Power to make arrangements for the provision of vehicles for disabled persons	Power	<p>Section 5 NHS Act 2006</p> <p>Schedule 1 (paragraph 9)</p> <p>CCGs may make arrangements for the provision of vehicles for disabled people or those who appear to have a physical impairment.</p>	<p>Health and Social Care Act 2012</p> <p>Section 17(10)</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/section/17</p>
Power to conduct, commission or assist the conduct of research into specified matters	Power	<p>Section 5 NHS Act 2006</p> <p>Schedule 1 (paragraph 13)</p> <p>A CCG has the power to conduct, commission or assist the conduct of research into –</p> <ul style="list-style-type: none"> (a) any matters relating to the causation, prevention, diagnosis or treatment of illness; and (b) any such other matters connected with any service provided under the 2006 Act as the CCG considers appropriate. <p>CCGs also have related functions under section 5, including the ability to obtain and analyse data.</p>	<p>Health and Social Care Act 2012</p> <p>Section 6</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/section/6/enacted</p>
Exercise of specified EU health functions	Duty	<p>Section 6D NHS Act 2006</p> <p>If provided for in regulations, a CCG may exercise specified EU health functions.</p> <p>Note – the term “EU health function” is defined under section 6D(2)(a).</p> <p>The Secretary of State may give directions to a CCG about the exercise of its functions under any regulations made.</p>	<p>Health and Social Care Act 2012</p> <p>Section 19, sub - section 6D</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/section/19/enacted</p>

Function	Power / Duty	Statutory reference	Link to legislation
Duty to comply with Standing Rules	Duty	<p>Section 6E NHS Act 2006</p> <p>Provides that regulations may impose requirements (to be known as “standing rules”) in accordance with this section on CCGs.</p> <p>The regulations may, in relation to the commissioning functions of CCGs, make provision—</p> <ul style="list-style-type: none"> (a) requiring CCGs to arrange for specified treatments or other specified services to be provided or to be provided in a specified manner or within a specified period; (b) as to the arrangements that CCGs must make for the purpose of making decisions as to— <ul style="list-style-type: none"> (i) the treatments or other services that are to be provided; (ii) the manner in which or period within which specified treatments or other specified services are to be provided; (iii) the persons to whom specified treatments or other specified services are to be provided; (c) as to the arrangements that CCGs must make for enabling persons to whom specified treatments or other specified services are to be provided to make choices with respect to specified aspects of them. <p>Any regulations made under this section cannot impose a requirement on only one CCG.</p>	<p>Health and Social Care Act 2012</p> <p>Section 20</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/section/20</p> <p>Standing Rules December 2012</p> <p>https://www.wp.dh.gov.uk/health/files/2012/12/Equalities-overarching-document-standing-rules-FINAL-3-12-12.pdf</p>
Exercise of Secretary of State’s public health functions	Duty	<p>Section 7A NHS Act 2006</p> <p>The Secretary of State may arrange for a CCG to exercise any of his public health functions.</p> <p>If so arranged, a CCG may exercise any of the Secretary of State’s public health functions as covered by the arrangement.</p> <p>Where the Secretary of State arranges for the Board to exercise such functions, the Board may arrange for a CCG to exercise that function.</p>	<p>Health and Social Care Act 2012</p> <p>Schedule 4, paragraph 5</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/schedule/4</p>
Power to enter into agreements with another defined health service body that are NHS contracts	Power	<p>Section 9 NHS Act 2006</p> <p>A CCG has the ability, as a health service body, to enter into an NHS contract arrangement under which one health service body (“the commissioner”) arranges for it to be provided by another health service body (“the provider”).</p>	<p>Health and Social Care Act 2012</p> <p>Schedule 4, paragraph 6</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/schedule/4</p>

Function	Power / Duty	Statutory reference	Link to legislation
Power to make commissioning arrangements in relation to the exercise of certain functions with any person or body, including public authorities and voluntary organisations	Power	<p>Section 12ZA NHS Act 2006</p> <p>CCGs have the power to make commissioning arrangements in relation to the exercise of certain functions with any person or body, including public authorities and voluntary organisations.</p>	<p>Health and Social Care Act 2012</p> <p>Section 38</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/section/38</p>
Information on safety of services provided by the health service	Duty	<p>Section 13R NHS Act 2006</p> <p>The Board must give advice and guidance, to such persons as it considers appropriate, for the purpose of maintaining and improving the safety of the services provided by the health service.</p> <p>A CCG must have regard to any advice or guidance given to it.</p> <p>A CCG must have regard to any advice or guidance given to it by the Board under section 13R(4) (advice or guidance for the purpose of maintaining and improving the safety of the services provided by the health service).</p>	<p>Health and Social Care Act 2012</p> <p>Section 23</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/section/23</p>
Duty to promote the NHS Constitution	Duty	<p>Section 14P NHS Act 2006</p> <p>Under section 14P each CCG has a duty, when exercising its functions, to –</p> <p>(a) act with a view to securing that health services are provided in a way which promotes the NHS Constitution; and</p> <p>(b) promote awareness of the NHS Constitution among patients, staff and members of the public.</p>	<p>Health and Social Care Act 2012</p> <p>Section 26</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/section/26/enacted</p>
Duty as to effectiveness and efficiency	Duty	<p>Section 14Q NHS Act 2006</p> <p>Each CCG must exercise its functions effectively, efficiently and economically.</p>	<p>Health and Social Care Act 2012</p> <p>Section 26</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/section/26</p>

Function	Power / Duty	Statutory reference	Link to legislation
Duty as to the improvement in quality of services	Duty	<p>Section 14R NHS Act 2006</p> <p>Each CCG must exercise its functions with a view to securing continuous improvement in the quality of services provided to individuals for or in connection with the prevention, diagnosis or treatment of illness.</p> <p>A CCG must, in particular, act with a view to securing continuous improvement in the outcomes that are achieved and, in particular, outcomes which show the effectiveness of their services, the safety of the services provided, and the quality of the experience of the patient.</p> <p>In discharging this duty, the CCG must have regard to any relevant guidance published by the Board.</p>	<p>Health and Social Care Act 2012</p> <p>Section 26</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/section/26/enacted</p>
Duty in relation to quality of primary medical services	Duty	<p>Section 14S NHS Act 2006</p> <p>Each CCG must assist and support the Board in discharging its duty, so far as relating to securing continuous improvement in the quality of primary medical services.</p>	<p>Health and Social Care Act 2012</p> <p>Section 26</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/section/26/enacted</p>
Duty as to reducing inequalities	Duty	<p>Section 14T NHS Act 2006</p> <p>Each CCG whilst carrying out its functions must have a regard to the need to reduce inequalities between patients with respect to their ability to access health services, and reduce inequalities between patients with respect to the outcomes achieved for them.</p>	<p>Health and Social Care Act 2012</p> <p>Section 26</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/section/26/enacted</p>
Duty to promote involvement of each patient	Duty	<p>Section 14U NHS Act 2006</p> <p>Each CCG must, whilst carrying out its functions, promote the involvement of patients, and their carers and representatives, in decisions, which relate to the prevention or diagnosis of illness in the patient, or their care or treatment.</p> <p>In discharging this duty, the CCG must have regard to any relevant guidance published by the Board.</p>	<p>Health and Social Care Act 2012</p> <p>Section 26</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/section/26/enacted</p>
Duty as to patient choice	Duty	<p>Section 14V NHS Act 2006</p> <p>Each CCG must, whilst carrying out its functions, act with a view to enabling patients to make choices in respect of aspects of health services provided to them.</p>	<p>Health and Social Care Act 2012</p> <p>Section 26</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/section/26</p>

Function	Power / Duty	Statutory reference	Link to legislation
Duty to obtain appropriate advice	Duty	<p>Section 14W NHS Act 2006</p> <p>Each CCG has a duty to obtain advice appropriate for enabling it effectively to discharge its functions. The advice must be taken from persons who, when taken together, have a broad range of professional expertise in –</p> <p>(a) the prevention, diagnosis or treatment of illness; and</p> <p>(b) the protection or improvement of public health.</p> <p>Each CCG must have regard to any guidance published by the Board relating to the duty under section 14W.</p>	<p>Health and Social Care Act 2012</p> <p>Section 26</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/section/26/enacted</p>
Duty to promote innovation	Duty	<p>Section 14X NHS Act 2006</p> <p>Each CCG must, in exercising its functions, promote innovation in the provision of health services (including innovation in the arrangements made for their provision).</p>	<p>Health and Social Care Act 2012</p> <p>Section 26</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/section/26/enacted</p>
Duty in respect of research	Duty	<p>Section 14Y NHS Act 2006</p> <p>Each CCG has a duty, when exercising its functions, to promote research and the use of evidence obtained from research.</p>	<p>Health and Social Care Act 2012</p> <p>Section 26</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/section/26/enacted</p>
Duty as to promoting education and training	Duty	<p>Section 14Z NHS Act 2006</p> <p>Each CCG has a duty, when exercising its functions, to have regard to the need to promote education and training for the persons mentioned in section 1F(1).</p>	<p>Health and Social Care Act 2012</p> <p>Section 26</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/section/26/enacted</p>

Function	Power / Duty	Statutory reference	Link to legislation
Duty to promote integration	Duty	<p>Section 14Z1 NHS Act 2006</p> <p>Each CCG has a duty to exercise its functions with a view to securing that health services are provided in an integrated way.</p> <p>This duty applies when the CCG considers that integration would –</p> <ul style="list-style-type: none"> (a) improve the quality of the health services (including the outcomes that are achieved); (b) reduce inequalities in access; (c) reduce inequalities in outcomes. <p>The same duty applies in relation to the provision of health-related services (note – the term “health-related services” is defined in section 14Z1(3)).</p>	<p>Health and Social Care Act 2012</p> <p>Section 26</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/section/26/enacted</p> <p>See also Schedule 2 Part 1 Constitution of clinical commissioning groups</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/schedule/2</p>
Duty as to public involvement and consultation	Duty	<p>Section 14Z2 NHS Act 2006</p> <p>Under section 14Z2, each CCG has a duty, in relation to health services provided (or which are to be provided) under arrangements made by the CCG exercising its functions, to make arrangements so as to secure that individuals to whom the services are being (or may be) provided are involved at various specified stages, including:</p> <ul style="list-style-type: none"> • in planning commissioning arrangements; • in the development and consideration of proposals for change; • in decisions affecting the operation of commissioning arrangements where implementation would have an impact on the manner in which services are delivered or the range of services available. <p>This involvement can be by way of consultation or otherwise.</p>	<p>Health and Social Care Act 2012</p> <p>Section 26</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/section/26/enacted</p>
Guidance on commissioning by the Board	Duty	<p>Section 14Z8 NHS Act 2006</p> <p>The Board must publish guidance for CCGs on the discharge of their commissioning functions.</p> <p>Each CCG must have regard to guidance under this section.</p>	<p>Health and Social Care Act 2012</p> <p>Section 26</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/section/26/enacted</p>

Function	Power / Duty	Statutory reference	Link to legislation
Power to request that the Board exercises its functions	Power	<p>Section 14Z9 NHS Act 2006</p> <p>A CCG has the power to request that the Board exercise any of its functions under section 3 or 3A (or any other functions of the CCG which are related to the exercise of those functions).</p>	<p>Health and Social Care Act 2012</p> <p>Section 26</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/section/26/enacted</p>
Power of Board to provide assistance or support	Duty	<p>Section 14Z10 NHS Act 2006</p> <p>Under this section the Board has the power to provide assistance or support. A CCG must comply with any restrictions imposed under section 14Z10(4) – restrictions on the use of any financial or other assistance.</p>	<p>Health and Social Care Act 2012</p> <p>Section 26</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/section/26/enacted</p>
Duty to prepare and publish a commissioning plan (but only to the extent that the CCG must plan for the financial year ending 31 March 2014)	Duty	<p>Section 14Z11 NHS Act 2006</p> <p>Each CCG must prepare a commissioning plan before the start of each financial year (as determined by the Board).</p> <p>The plan must address in particular how the CCG proposes to discharge its duties under sections 14R (improvement in quality of services), 14T (reducing inequalities), 14Z2 (public involvement and consultation), and 223H to 223J (financial duties).</p> <p>The CCG must publish the plan; give a copy to the Board; and give a copy to each relevant Health and Wellbeing Board.</p> <p>CCGs must have regard to any guidance published by the Board under section 14Z11(7).</p>	<p>Health and Social Care Act 2012</p> <p>Section 26</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/section/26/enacted</p>
Power to revise a CCG's commissioning plan	Power (and duty upon exercise of the power)	<p>Section 14Z12 NHS Act 2006</p> <p>CCGs have the power to revise their commissioning plans.</p> <p>Where the revision is significant, it must re-publish the revised plan and provide a copy to the Board and each relevant Health and Wellbeing Board.</p> <p>Where the plan is revised in any other way, the CCG must publish a document setting out the changes made to the plan and give a copy to the Board and each relevant Health and Wellbeing Board.</p> <p>This section applies to the extent that it relates to the plan for the year ending 31 March 2014.</p>	<p>Health and Social Care Act 2012</p> <p>Section 26</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/section/26/enacted</p>

Function	Power / Duty	Statutory reference	Link to legislation
Duty to consult about commissioning plan and to publish a summary of the expressed views of the individuals consulted and how the CCG has taken account of those views	Duty	<p>Section 14Z13 NHS Act 2006</p> <p>Section 14Z13 imposes various duties on CCGs in relation to consultation about commissioning plans. These duties apply where a CCG is preparing a commissioning plan or significantly revising a commissioning plan.</p>	<p>Health and Social Care Act 2012</p> <p>Section 26</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/section/26/enacted</p>
Reports by CCGs	Duty	<p>Section 14Z15 NHS Act 2006</p> <p>CCGs have a duty to prepare an annual report for each financial year (other than the CCG's first financial year) setting out how it has discharged its functions in the previous financial year. Section 14Z15 imposes other related duties, including a duty on CCGs to consult each relevant Health and Wellbeing Board when reviewing the extent to which the CCG has contributed to the delivery of any joint health and wellbeing strategy (one of the factors the annual report must address under section 14Z15(2)).</p> <p>The annual report must be published and presented by way of a meeting to members of the public.</p>	<p>Health and Social Care Act 2012</p> <p>Section 26</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/section/26/enacted</p>
Circumstances in which 14Z18 and 14Z19 apply	Duty	<p>Section 14Z17 NHS Act 2006</p> <p>Section 14Z17 sets out the circumstances when sections 14Z18 and 14Z19 apply, namely where the Board has reason to believe:</p> <ul style="list-style-type: none"> • that the area of a CCG is no longer appropriate or • that a CCG might have failed, might be failing or might fail to discharge any of its functions <p>For the purposes of section 14Z17, failure to discharge a function includes failure to discharge it properly, and failure to discharge properly includes a failure to discharge consistently with what the Board considers to be in the interests of the health service.</p>	<p>Health and Social Care Act 2012</p> <p>Section 26</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/section/26/enacted</p>
Providing documents and information		<p>Section 14Z18 NHS Act 2006</p> <p>Section 14Z18 provides the Board with the ability to require documents and information. If so required, the CCG must provide the requested information, documents, or other records if they are in its possession or control at the time in question. The request can also be made to any member or employee of the CCG who has possession or control.</p>	<p>Health and Social Care Act 2012</p> <p>Section 26</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/section/26/enacted</p>

Function	Power / Duty	Statutory reference	Link to legislation
Providing explanation		<p>Section 14Z19 NHS Act 2006</p> <p>Section 14Z19 provides the Board with the ability to require an explanation. The explanation may be required orally or in writing.</p> <p>If required by the Board, the CCG must provide the requested explanation (as to how the CCG is proposing to exercise its functions).</p>	<p>Health and Social Care Act 2012</p> <p>Section 26</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/section/26/enacted</p>
Permitted disclosures of information	Power	<p>Section 14Z23 NHS Act 2006</p> <p>Section 14Z23 sets out the permitted disclosures of information for CCGs in the exercise of their functions, including:</p> <ul style="list-style-type: none"> information that has previously been lawfully disclosed to the public; disclosures made in accordance with any enactment or court order; disclosures necessary for the purpose of facilitating the exercise of any of the CCG's functions. 	<p>Health and Social Care Act 2012</p> <p>Section 26</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/section/26/enacted</p>
Care Trusts	Power	<p>Section 77 NHS Act 2006</p> <p>CCGs have the power to enter into partnership arrangements with local authorities. This includes the power to be designated as a Care Trust, in conjunction with a local authority.</p> <p>Section 77 (as amended) sets out the steps that must be taken before a Care Trust is designated and other related requirements.</p>	<p>Health and Social Care Act 2012</p> <p>Section 200</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/section/200</p>
Supply of goods and services to local authorities	Power and duty	<p>Section 80 NHS Act 2006</p> <p>Power to supply to local authorities (and such public bodies as the Secretary of State may determine) any goods or materials of a kind used in the health service.</p> <p>Power to make available to local authorities (and such public bodies) any facilities the provision of which is arranged by the CCG, any facilities of the CCG, and the services of persons employed by the CCG.</p> <p>Power to arrange for the carrying out of maintenance work in connection with any land or building for the maintenance of which a local authority is responsible.</p> <p>Duty to make available to local authorities any services or facilities the provision of which is arranged by the CCG, the services of persons employed by the CCG, and any facilities of the CCG, so far as is reasonably necessary to enable local authorities to discharge their functions relating to social services, education and public health.</p> <p>(Schedule 4, paragraph 28.)</p>	<p>NHS Act 2006 section 80</p> <p>http://www.legislation.gov.uk/ukpga/2006/41/section/80</p>

Function	Power / Duty	Statutory reference	Link to legislation
Exercise of functions if directed	Duty	<p>Section 98A NHS Act 2006</p> <p>This provides (among other things) for the Board to exercise the Secretary of State's functions in relation to the provision of primary medical services. If directed by the Board, each relevant CCG must comply with the direction. A CCG exercising a function specified in a direction must report to the Board on matters arising out of the exercise of the functions.</p>	<p>Health and Social Care Act</p> <p>Section 49</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/section/49</p>
Payment for medical examinations before application for admission to hospital under Mental Health Act	Duty	<p>Section 236 NHS Act 2006</p> <p>CCGs have a duty to pay medical practitioners in relation to examinations carried out under Part 2 of the Mental Health Act 1983</p>	<p>Health and Social Care Act 2012</p> <p>Schedule 4, paragraph 123</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/schedule/4/paragraph/123</p>
Role of CCGs in respect of emergencies	Duty	<p>Section 252A NHS Act 2006</p> <p>Each CCG must take appropriate steps to secure that it is properly prepared for dealing with relevant emergencies (as defined in section 252A(10)).</p>	<p>Health and Social Care Act 2012</p> <p>Section 46</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/section/46</p>
Role of CCGs in respect of emergencies	Duty	<p>Section 253 NHS Act 2006</p> <p>If directed by the Secretary of State, each CCG covered by the direction must comply with the direction.</p>	<p>Health and Social Care Act 2012</p> <p>Section 47</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/section/47</p>

Other primary legislation

Updated versions of the legislation including amendments made by the Health and Social Care Act 2012 are not publicly available yet. The right hand column below provides a link to both the legislation without Health and Social Care Act 2012 amendments included, and the sections of the Health and Social Care Act 2012 which include the relevant amendments.

Function	Power / Duty	Statutory reference	Link to legislation
Procurement under the Public Sector (Social Value) Act 2012	Duty	<p>Public Sector (Social Value) Act 2012</p> <p>The Act requires all commissioners and procurers at the pre-procurement stage to consider how what is to be procured may improve social, environmental and economic well being of the relevant area, how they might secure any such improvement and to consider the need to consult. The Act will only apply to public services contracts and framework agreements to which the Public Contracts Regulations 2006 apply.</p>	http://www.legislation.gov.uk/ukpga/2012/3/contents
Local authorities and NHS bodies: duty to act under guidance from the Secretary of State specific to autism	Duty	<p>Sections 2 & 3 Autism Act 2009</p> <p>Defines the duties of a CCG as a prescribed NHS body, to follow guidance issued by the Secretary of State specific to autism.</p> <p>(Schedule 5, paragraph 171 of Health and Social Care Act 2012.)</p>	http://www.legislation.gov.uk/ukpga/2009/15/section/2 http://www.legislation.gov.uk/ukpga/2009/15/section/3
Children and young people: persons qualifying for advice and assistance	Duty	<p>Sections 24 and 24C Children Act 1989</p> <p>CCGs, among others, have a duty under section 24 to advise and assist certain young people that have been accommodated for a period of three months or more. CCGs may make arrangements for such accommodation (Schedule 5, paragraph 49 of Health and Social Care Act 2012).</p> <p>CCGs are subject to the duty under section 24C to inform the local authority within whose area the child proposes to live where a child who is accommodated under arrangements made by the CCG ceases to be so accommodated, after reaching the age of sixteen (Schedule 5, paragraph 50 of Health and Social Care Act 2012.)</p>	http://www.legislation.gov.uk/ukpga/1989/41/section/24 http://www.legislation.gov.uk/ukpga/1989/41/section/24C http://www.legislation.gov.uk/ukpga/2012/7/schedule/5/paragraph/49 http://www.legislation.gov.uk/ukpga/2012/7/schedule/5/paragraph/50
Secure accommodation orders	Duty	<p>Section 27 Children Act 1989</p> <p>As a prescribed authority, a CCG has a duty to comply with any request from a local authority to help exercise any of its functions relating to support for children and families if compatible with its own duties (Schedule 5, paragraph 51 of Health and Social Care Act 2012).</p>	http://www.legislation.gov.uk/ukpga/1989/41/section/27 http://www.legislation.gov.uk/ukpga/2012/7/schedule/5/paragraph/51

Function	Power / Duty	Statutory reference	Link to legislation
Provision of accommodation to children	Duty	<p>Section 85 Children Act 1989</p> <p>CCGs, among others, are a prescribed person for the purposes of section 80 as they may make arrangements for provision of accommodation to children pursuant to the NHS Act 2006. They must, therefore comply with the duty under section 85 to notify the responsible authority when they cease to accommodate a child (Schedule 5, paragraph 55 of Health and Social Care Act 2012).</p>	<p>http://www.legislation.gov.uk/ukpga/1989/41/section/80</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/schedule/5/paragraph/54</p>
Children's services: arrangements to safeguard and promote welfare	Duty	<p>Section 11 Children Act 2004</p> <p>A CCG must make arrangements for ensuring that—</p> <p>(a) its functions are discharged having regard to the need to safeguard and promote the welfare of children; and</p> <p>(b) any services provided by another person pursuant to arrangements made by the person or body in the discharge of their functions are provided having regard to that need.</p> <p>CCGs have a duty to ensure that their functions are discharged having regard to the need to safeguard and promote the welfare of children.</p> <p>(Schedule 5, paragraph 129 of Health and Social Care Act 2012.)</p>	<p>http://www.legislation.gov.uk/ukpga/2004/31/section/11</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/schedule/5/paragraph/129</p>
Copyright	Power	<p>Section 48 Copyright, Designs and Patents Act 1988</p> <p>CCGs have the ability to issue copies of relevant works without infringing copyright, provided that the issuing is done in relation to the CCG's 'public business'.</p> <p>(Schedule 14, paragraph 52 of Health and Social Care Act 2012.)</p>	<p>http://www.legislation.gov.uk/ukpga/1988/48/section/48</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/schedule/5/paragraph/44</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/schedule/14/paragraph/52</p>

Function	Power / Duty	Statutory reference	Link to legislation
Emergencies	Duty	<p>Section 6 Corporate Manslaughter and Corporate Homicide Act 2007</p> <p>The duties of care owed under the Act are modified for “relevant NHS bodies” in respect of the way they respond to emergency circumstances. A CCG is included in the definition of “relevant NHS body” and is, therefore, subject to this modified duty of care (Schedule 5, paragraph 147 of Health and Social Care Act 2012).</p> <p>Note - under section 3 the duty of care owed by a public authority in respect of a decision as to matters of public policy (including in particular the allocation of public resources or the weighing of competing public interests) is not a “relevant duty of care”.</p>	<p>http://www.legislation.gov.uk/ukpga/2007/19/section/6</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/schedule/5/paragraph/147</p>
Needs assessment	Duty	<p>Section 7 Disabled Persons (Services, Consultation and Representation) Act 1986</p> <p>A CCG comes within the amended definition of a “health authority” and is, therefore, subject to the duty under section 7 to make arrangements for an assessment of the needs of a person with respect to the provision of services in relation to the discharge of a patient from hospital (Schedule 5, paragraph 39 of Health and Social Care Act 2012).</p>	<p>http://www.legislation.gov.uk/ukpga/1986/33/section/7</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/schedule/5/paragraph/40</p>
Establishment and conduct of domestic homicide reviews	Duty	<p>Sections 9(2) & 9(3) Domestic Violence, Crime and Victims Act 2004</p> <p>If directed by the Secretary of State, a CCG has a duty to conduct a domestic homicide review.</p> <p>If holding or participating in a domestic homicide review, a CCG has a duty to have regard to any guidance produced by the Secretary of State.</p> <p>(Sections 55, 179; Schedule 5, paragraph 126; Schedule 14, paragraph 95 of Health and Social Care Act 2012.)</p>	<p>http://www.legislation.gov.uk/ukpga/2004/28/section/9</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/schedule/5/paragraph/126</p>

Function	Power / Duty	Statutory reference	Link to legislation
Public sector equality duty	Duty	<p>Section 149 Equality Act 2010</p> <p>A CCG, as a public authority, must, in the exercise of its functions, have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act.</p> <p>A CCG must advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it.</p> <p>(Schedule 5, paragraph 182 of Health and Social Care Act 2012.)</p> <p>Note – the other requirements of the Equality Act 2010 will also apply to CCGs as relevant.</p>	<p>http://www.legislation.gov.uk/ukpga/2010/15/section/149</p> <p>http://www.equalityhumanrights.com/advic-e-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/</p>
Freedom of Information	Duty	<p>Freedom of Information Act 2000 Schedule 1 Part 3</p> <p>A CCG is a “public authority” for the purposes of the Act and is under a duty to comply with its provisions.</p> <p>(Section 55; Schedule 5, paragraph 99 of Health and Social Care Act 2012.)</p>	<p>http://www.legislation.gov.uk/ukpga/2000/36/contents</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/schedule/5/paragraph/99</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/schedule/14/paragraph/81</p>
Mayor of London's health inequalities strategy	Duty	<p>Section 309E Greater London Authority Act 1999</p> <p>CCGs are included among the prescribed relevant bodies for the purposes of the Mayor of London's health inequalities strategy (Schedule 5, paragraph 94 of Health and Social Care Act 2012).</p> <p>No specific duties are set out. However, the Mayor is to publish a strategy to respond to health inequalities and this will set out the roles and responsibilities of relevant bodies in implementing this strategy.</p>	<p>http://www.legislation.gov.uk/ukpga/1999/29/section/390</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/schedule/5/paragraph/94</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/schedule/14/paragraph/76</p>
Duty to have regard to NHS Constitution	Duty	<p>Section 2 Health Act 2009</p> <p>CCGs must, in performing their NHS functions, have regard to the NHS Constitution.</p> <p>(Schedule 5, paragraphs 173, 174 of Health and Social Care Act 2012.)</p> <p>Note that there is also a specific duty on CCGs to promote the NHS Constitution under new section 14P.</p>	<p>http://www.legislation.gov.uk/ukpga/2009/21/section/2</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/schedule/5/paragraph/175</p>

Function	Power / Duty	Statutory reference	Link to legislation
General health and safety duty re employees	Duty	Section 2 Health and Safety at Work 1974 As employers, CCGs are subject to the general duty under section 2 to ensure, so far as reasonably practicable, the health and safety and welfare of employees at work.	http://www.legislation.gov.uk/ukpga/1974/37
Duty to persons affected by CCG's undertaking	Duty	Section 3 Health and Safety at Work 1974 Duty on CCGs as employers to ensure, so far as reasonably practicable, that persons who may be affected by the CCG's undertaking are not exposed to risks to their health and safety.	http://www.legislation.gov.uk/ukpga/1974/37
General health and safety duty	Duty	Section 4 Health and Safety at Work 1974 General duty as an employer to ensure that the CCG's premises are safe for visitors etc.	http://www.legislation.gov.uk/ukpga/1974/37
Requirements as to procurement and patient choice	Duty	Section 75 Health and Social Care Act 2012 If provided for in regulations, CCGs must comply with requirements relating to procurement, patient choice and competition. (Note – see also sections 76 and 77 which confer powers on Monitor that can be exercised in relation to CCGs.)	http://www.legislation.gov.uk/ukpga/2012/7/section/75
Continuation of the provision of services	Duty	Section 98 Health and Social Care Act 2012 This sets out the conditions relating to the continuation of the provision of services, dealing with the requirements on commissioners and licence holders. A CCG must co-operate with those persons appointed to assist in the management of a licence holder (provider)'s affairs, business and property. A CCG must also have regard to the relevant guidance published by Monitor.	http://www.legislation.gov.uk/ukpga/2012/7/section/98
Duty to provide information if request by Monitor	Duty	Section 104 Health and Social Care Act 2012 Duty to provide documents and information if requested by Monitor under section 104.	http://www.legislation.gov.uk/ukpga/2012/7/section/104
Duty to have regard to Monitor notification	Duty	Section 126 Health and Social Care Act 2012 Duty to have regard to a notification issued by Monitor under section 126 when arranging for the provision of health care services for the purposes of the NHS (section 126 concerns notification to commissioners following an application under section 124).	http://www.legislation.gov.uk/ukpga/2012/7/section/126

Function	Power / Duty	Statutory reference	Link to legislation
Quality in health care	Duty	<p>Sections 45 and 148 Health and Social Care (Community Health and Standards) Act 2003</p> <p>CCGs have a duty as prescribed NHS bodies to put and keep in place arrangements for the purpose of monitoring and improving the quality of health care provided by and for that body. Health care means services provided to individuals in the connection with the prevention, diagnoses, or treatment of an illness (including mental illness).</p> <p>(Schedule 5, paragraph 121, and Schedule 14, paragraph 90 of Health and Social Care Act 2012.)</p>	<p>http://www.legislation.gov.uk/ukpga/2003/43/section/45</p> <p>http://www.legislation.gov.uk/ukpga/2003/43/section/148</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/schedule/5/paragraph/121</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/schedule/14/paragraph/90</p>
Staff training	Power	<p>Section 63 Health Services & Public Health Act 1968</p> <p>CCGs have the power to provide, or make arrangements for the provision of, training for NHS staff or persons contemplating employment in the NHS (Schedule 5, paragraph 12 of Health and Social Care Act 2012).</p>	<p>http://www.legislation.gov.uk/ukpga/1968/46/section/63</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/schedule/5/paragraph/12</p>
Human rights	Duty	<p>Section 6 Human Rights Act 1998</p> <p>Duty as a public authority to act consistently with the rights under the European Convention on Human Rights. Public authority means a person whose functions are of a public nature.</p> <p>As public authorities CCGs are subject to the Human Rights Act.</p>	<p>http://www.legislation.gov.uk/ukpga/1998/42/contents</p>
Independent mental capacity advocate service	Duty	<p>Sections 37 and 38 Mental Capacity Act 2005</p> <p>Require a CCG as an NHS body to instruct an independent mental capacity advocate in certain circumstances where it proposes –</p> <p>(a) to provide, or to secure the provision of, serious medical treatment to a person who lacks capacity to consent to the treatment (section 37) or</p> <p>(b) to make arrangements for such a person's accommodation (section 38).</p> <p>(Mental Capacity Act 2005 (Independent Mental Capacity Advocates) (General) Regulations 2006, as amended by regulation 16 of the National Health Service and Public Health (Functions and Miscellaneous Provisions) Regulations 2013.)</p>	<p>http://www.legislation.gov.uk/ukpga/2005/9/section/37</p> <p>http://www.legislation.gov.uk/ukpga/2005/9/section/38</p> <p>http://www.legislation.gov.uk/uksi/2006/1832/regulation/3/made</p> <p>http://www.legislation.gov.uk/uksi/2013/261/regulation/16/made</p>

Function	Power / Duty	Statutory reference	Link to legislation
After care of patients with mental health problems	Duty	<p>Section 117 Mental Health Act 1983</p> <p>CCGs must, together with relevant voluntary agencies, arrange for the provision of after care for persons previously detained under the Mental Health Act, at the time that they cease to be detained. Such after care should be provided until the local social services authority is satisfied that such services are no longer required.</p> <p>(Section 40 of Health and Social Care Act 2012.)</p>	<p>http://www.legislation.gov.uk/ukpga/1983/20/section/117</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/section/40</p>
Notification of hospitals having arrangements for special cases	Duty	<p>Section 140 Mental Health Act 1983</p> <p>Duty to notify local social services authorities of the availability of suitable hospital places for emergency admissions and for under 18s (section 45 of the Health and Social Care Act 2012).</p>	<p>http://www.legislation.gov.uk/ukpga/1983/20/section/140</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/section/45</p>

Secondary Legislation

Function	Power / Duty	Statutory reference	Link to legislation
<p>National Health Service Commissioning Board and Clinical Commissioning Groups (Responsibilities and Standing Rules) Regulations 2012</p> <p>These regulations apply to the “relevant body”, defined as the Board or a CCG.</p>			
Persons for whom a CCG has responsibility	Duty	<p>Regulation 4</p> <p>Schedule 1 paragraph 2 of the regulations sets out the persons that a CCG has responsibility for (in addition to those mentioned in section 3(1A) of the Act), subject to the limitations set out in sub-paragraphs (2) – (4).</p>	<p>http://www.legislation.gov.uk/uksi/2012/2996/regulation/4/made</p>
Circumstances in which duty may be imposed on another CCG	Duty	<p>Regulation 14</p> <p>Sets out the circumstances where the duty imposed under section 117 of the Mental Health Act 1983 may be imposed on another CCG.</p>	<p>http://www.legislation.gov.uk/uksi/2012/2996/regulation/14/made</p>

Function	Power / Duty	Statutory reference	Link to legislation
Incorporation of commissioning contract terms	Duty	<p>Regulation 17</p> <p>The Board must draft terms and conditions providing for the matters specified in regulation 16 (Matters to be included in commissioning contracts) and such other terms as the Board considers appropriate. A CCG must incorporate the terms drafted relating to the matters in regulation 16 and must, if required by the Board, incorporate the other terms considered appropriate by the Board.</p> <p>Pursuant to regulation 18, the Board must consult with CCGs before drafting the terms and conditions for the first time, or before revising the terms and conditions or model commissioning contracts.</p> <p>The requirements in regulations 16 and 17 apply in relation to commissioning contracts entered into on or after 1 February 2013.</p>	http://www.legislation.gov.uk/ukxi/2012/2996/regulation/17/made
NHS Continuing Healthcare – assessment and provision	Duty	<p>Regulation 21</p> <p>Sets out the procedure for assessment and provision of NHS Continuing Healthcare, and imposes duties on relevant bodies (including CCGs).</p>	http://www.legislation.gov.uk/ukxi/2012/2996/regulation/21/made
NHS Continuing Healthcare – joint working with social services authorities	Duty	<p>Regulation 22</p> <p>Provides that, insofar as is reasonably practicable, a CCG should consult and co-operate with the relevant social services authority before making a decision about a person's eligibility for Continuing Healthcare and in making the arrangements.</p>	http://www.legislation.gov.uk/ukxi/2012/2996/regulation/22/made
NHS Continuing Health Care - review of decisions	Duty	<p>Regulation 23</p> <p>Sets out the Board's duty in relation to review of decisions.</p> <p>As a relevant body, a CCG must implement the decision of the review panel as soon as reasonably practicable, unless it determines in accordance with paragraph 9 that there are exceptional reasons not to do so.</p>	http://www.legislation.gov.uk/ukxi/2012/2996/regulation/23/made
NHS Continuing Health Care - appointment of review panels	Duty	<p>Regulation 24</p> <p>A CCG member of a review panel must be appointed by the Board, following nomination by the CCG. A CCG must, when requested to do so by the Board, provide the Board with its nomination for the review panel as soon as reasonably practicable and ensure that CCG members are, as far as reasonably practicable, available to participate in review panels.</p>	http://www.legislation.gov.uk/ukxi/2012/2996/regulation/24/made

Function	Power / Duty	Statutory reference	Link to legislation
NHS Continuing Health Care - disqualification for appointment as member of review panel	Duty	<p>Regulation 25</p> <p>Sets out the disqualifications for appointment as a CCG member of the panel.</p> <p>(See also regulation 26 regarding cessation of disqualification and regulation 27 regarding termination of appointment.)</p>	http://www.legislation.gov.uk/uksi/2012/2996/regulation/25/made
Persons who enter relevant premises or who develop a need for nursing care	Duty	<p>Regulation 28</p> <p>Where a CCG is responsible for a person who is resident in relevant premises, or may need to become resident in such premises, and may need nursing care, the CCG must carry out an assessment of the need for nursing care. The CCG must consider whether it needs to comply with its obligation under regulation 21(2) before carrying out such an assessment.</p>	http://www.legislation.gov.uk/uksi/2012/2996/regulation/28/made
Flat rate payments for nursing care in residential accommodation	Duty	<p>Regulation 29</p> <p>Provides for continuity in relation to flat rate payments where those payments were being made immediately before 1 April 2013.</p> <p>Duty on the relevant body to continue payment.</p>	http://www.legislation.gov.uk/uksi/2012/2996/regulation/29/made
High band payments for nursing care in residential accommodation	Duty	<p>Regulation 30</p> <p>Provides for continuity in relation to high band payments where those payments were being made immediately before 1 April 2013.</p> <p>Duty on the relevant body to continue payment.</p>	http://www.legislation.gov.uk/uksi/2012/2996/regulation/30/made
Urgent need for nursing care	Power	<p>Regulation 31</p> <p>Nothing in regulations 28-30 prevents a CCG, as a relevant body, from providing temporary nursing care where there is urgent need for such care.</p>	http://www.legislation.gov.uk/uksi/2012/2996/regulation/31/made
Revocation and transitional provisions (NHS Continuing Health Care)	Duty	<p>Regulation 32</p> <p>Makes various transitional provisions to ensure continuity from 1 April 2013.</p>	http://www.legislation.gov.uk/uksi/2012/2996/regulation/32/made
Funding and commissioning of drugs and other treatments	Duty	<p>Regulation 34</p> <p>A CCG must have in place arrangements for making decisions and adopting policies on whether a particular health care intervention is to be made available for persons for whom the CCG (as the relevant body) has responsibility.</p> <p>Regulation 35 sets out publishing requirements relating to the decision made and regulation 36 imposes a duty in relation to the provision of written information.</p>	http://www.legislation.gov.uk/uksi/2012/2996/regulation/34/made

Function	Power / Duty	Statutory reference	Link to legislation
Transitional provisions in relation to healthcare intervention	Duty	<p>Regulation 37</p> <p>Makes transitional provision in relation to the duties that apply in relation to healthcare intervention.</p>	http://www.legislation.gov.uk/uksi/2012/2996/regulation/37/made
Duty to ensure persons are offered a choice of health service provider	Duty	<p>Regulation 39</p> <p>A CCG must make arrangements to ensure that a person who requires an elective referral and for whom that CCG has responsibility is given the choice of any clinically appropriate health service provider with whom the CCG has a commissioning contract and any clinically appropriate team led by a named consultant.</p> <p>Where the referral is for elective mental health services, the choice offered is in respect of the first outpatient appointment with a health care professional or a member of a health care professional's team, or any clinically appropriate team led by a named health service provider to whom the patient has been referred.</p>	http://www.legislation.gov.uk/uksi/2012/2996/regulation/39/made
Exceptions to duty to offer choice		<p>Regulation 40 and 41</p> <p>The duty as to choice does not apply to the following services:</p> <ul style="list-style-type: none"> • cancer services which are subject to the 2 week maximum waiting time by virtue of Regulation 52; • maternity services; • mental health services; • any service necessary to provide urgent care. <p>The duty to offer choice does not apply to the following persons:</p> <ul style="list-style-type: none"> • those detained under the Mental Health Act; • those detained in or on temporary release from prison; • those serving as a member of the armed forces. 	http://www.legislation.gov.uk/uksi/2012/2996/regulation/40/made http://www.legislation.gov.uk/uksi/2012/2996/regulation/41/made
Duty to publicise and promote information about choice	Duty	<p>Regulation 42</p> <p>A CCG must ensure that the availability of choice under regulation 39 arrangements is publicised and promoted.</p> <p>See also regulation 43 which makes transitional provision in relation to such arrangements.</p>	http://www.legislation.gov.uk/uksi/2012/2996/regulation/42/made

Function	Power / Duty	Statutory reference	Link to legislation
Duty to meet maximum waiting time standards	Duty	<p>Regulation 45</p> <p>A CCG must ensure that it makes arrangements so that persons for whom it has responsibility and who require elective referral commence appropriate treatment within the set waiting time limits.</p> <p>See also regulation 46, which provides for the waiting time period, and regulation 47 (application of duty to offer an alternative provider).</p>	http://www.legislation.gov.uk/uksi/2012/2996/regulation/45/made
Duty to offer an alternative provider	Duty	<p>Regulation 48</p> <p>A CCG must, for patients for whom it has responsibility and where the criteria in regulation 47 are met, take all reasonable steps to ensure that the patient is offered an alternative treatment provider where treatment would commence earlier than the person referred would have commenced treatment had they continued to wait for treatment at the original provider.</p> <p>See also regulation 49, which sets out exceptions to the duty in regulation 48.</p>	http://www.legislation.gov.uk/uksi/2012/2996/regulation/48/made
Duty to have regard to guidance	Duty	<p>Regulation 50</p> <p>Provides that, when carrying out its duties under regulations 45 and 48, a CCG must have regard to the document entitled “The Referral to Treatment Consultant-led Waiting Times Rules Suite” dated January 2012.</p>	http://www.legislation.gov.uk/uksi/2012/2996/regulation/50/made
Duty to notify the Board	Duty	<p>Regulation 51</p> <p>The CCG is under a duty to notify the Board in writing where it receives notification from the patient (or a person acting on their behalf) that they have not, or will not, commence treatment within 18 weeks.</p>	http://www.legislation.gov.uk/uksi/2012/2996/regulation/51/made
Duty to arrange to provide an appointment	Duty	<p>Regulation 52</p> <p>A CCG must make arrangements for patients where an urgent referral for suspected cancer is made by a general medical practitioner, or general dental practitioner within the required waiting time limits.</p> <p>See also regulation 53, which provides for a duty to offer an alternative provider where the patient will not have an appointment within the relevant period.</p>	http://www.legislation.gov.uk/uksi/2012/2996/regulation/52/made
Duty to provide advice and assistance	Duty	<p>Regulation 54</p> <p>Each CCG must establish a service which provides advice and assistance to persons who meet the criteria in regulations 47(2) or (3), or 53(1)(a) to (c), and that such service is adequately published. The CCG must also ensure that any health service provider establishes the same.</p>	http://www.legislation.gov.uk/uksi/2012/2996/regulation/54/made

Function	Power / Duty	Statutory reference	Link to legislation
Transitional provisions – Waiting Times Directions	Duty	Regulation 55 Makes transitional provisions in relation to responsibility for persons under the Waiting Times Directions.	http://www.legislation.gov.uk/ukxi/2012/2996/regulation/54/made
National Health Service (Procurement, Patient Choice and Competition) Regulations 2013			
Requirements as to procurement, patient choice and competition (General requirements)	Duty	Regulation 3 Sets out the general requirements that CCGs (as relevant bodies) must comply with when procuring health care services for the purposes of the NHS.	http://www.legislation.gov.uk/ukxi/2013/257/regulation/3/made
Advertisements and expressions of interest	Duty	Regulation 4 Requires relevant bodies (including CCGs) to publish a contract notice on the website maintained by the Board for the purposes of regulation 4. Sets out the requirements for a contract notice and related duties on relevant bodies.	http://www.legislation.gov.uk/ukxi/2013/257/regulation/4/made
Award of a new contract without a competition	Power	Regulation 5 As relevant bodies, CCGs have the power to award a new contract without competition where the CCG is satisfied that the services to which the contract relates are capable of being provided only by that provider.	http://www.legislation.gov.uk/ukxi/2013/257/regulation/5/made
Conflicts between interests in purchasing health care services and supplying such services	Duty	Regulation 6 As relevant bodies, CCGs must not award a contract for the provision of health care services for the purposes of the NHS where conflicts, or potential conflicts, between the interests involved in commissioning such services and the interests involved in providing them affect, or appear to affect, the integrity of the award of that contract. Relevant bodies must also keep a record of how any conflicts are managed. Regulation 6(3) defines “interest”.	http://www.legislation.gov.uk/ukxi/2013/257/regulation/6/made

Function	Power / Duty	Statutory reference	Link to legislation
Qualification of providers	Duty	<p>Regulation 7</p> <p>(1) For the purpose of taking a decision referred to in paragraph (2), a relevant body must establish and apply transparent, proportionate and non-discriminatory criteria.</p> <p>(2) The decisions are—</p> <p>(a) determining which providers qualify to be included on a list from which a patient is offered a choice of provider in respect of first outpatient appointment with a consultant or a member of a consultant’s team,</p> <p>(b) determining which providers qualify to be included on a list from which a patient is otherwise offered a choice of provider,</p> <p>(c) determining which providers to enter into a framework agreement with, and</p> <p>(d) selecting providers to bid for potential future contracts to provide health care services for the purposes of the NHS.</p> <p>(3) When taking a decision referred to in paragraph (2)(a), a relevant body may not refuse to include a provider on a list where that provider meets the criteria established by the relevant body for the purposes of that decision.</p> <p>(4) When taking a decision referred to in paragraph (2)(b), a relevant body may not refuse to include a provider on a list where that provider meets the criteria established by the relevant body for the purposes of that decision, except where to do so would mean exceeding a limit set by the relevant body on the number of providers to be included on the list.</p> <p>(5) When taking a decision referred to in paragraph (2)(c), a relevant body may not refuse to enter into a framework agreement with a provider that meets the criteria established by the relevant body for the purposes of that decision, except where to do so would mean exceeding a limit set by the relevant body on the number of providers who are to enter into the framework agreement.</p> <p>(6) When taking a decision referred to in paragraph (2)(d), a relevant body may not refuse to select a provider that meets the criteria established by the relevant body for the purposes of that decision, except where to do so would mean exceeding a limit set by the relevant body on the number of selected providers.</p> <p>(7) In this regulation, a “framework agreement” means an agreement or other arrangement between one or more relevant bodies and one or more providers which establishes the terms under which the provider will enter into one or more contracts, for the provision of health care services for the purposes of the NHS, with a relevant body in the period during which the framework agreement applies.</p>	http://www.legislation.gov.uk/ukxi/2013/257/regulation/7/made

Function	Power / Duty	Statutory reference	Link to legislation
Assistance or support for purchasing activities	Duty	Regulation 8 Where a CCG (as a relevant body) has arrangements for a person to assist or support it in the exercise of its functions (in so far as those functions involve the commissioning of health care services for the purposes of the NHS), the CCG must ensure that the person acts in accordance with specified requirements within the regulations, in so far as they apply in relation to an activity performed by that person.	http://www.legislation.gov.uk/uksi/2013/257/regulation/8/made
Record of contracts awarded	Duty	Regulation 9 As a relevant body, a CCG must maintain and publish on the website maintained by the Board, a record of each contract it awards for the provision of health care services for the purposes of the NHS. Regulation 9 sets out what this record must contain.	http://www.legislation.gov.uk/uksi/2013/257/regulation/9/made
Anti-competitive behaviour	Duty / power	Regulation 10 Prohibits anti-competitive behaviour except in certain defined circumstances.	http://www.legislation.gov.uk/uksi/2013/257/regulation/10/made
Patient choice: choice of alternative provider	Duty	Regulation 12 Where regulation 48 of the National Health Service Commissioning Board and Clinical Commissioning Groups (Responsibilities and Standing Rules) Regulations 2012 applies, a CCG as a relevant body must offer a person a choice of alternative provider in accordance with regulation 48(4) of those Regulations.	http://www.legislation.gov.uk/uksi/2013/257/regulation/12/made
Directions by Monitor	Duty	Regulation 15 If directed by Monitor, a CCG must comply.	http://www.legislation.gov.uk/uksi/2013/257/regulation/15/made
National Institute for Health and Care Excellence (Constitution and Functions) and the Health and Social Care Information Centre (Functions) Regulations 2013			
NICE technology appraisal recommendations	Duty	Regulation 7 Sets out NICE's ability to make a technology appraisal recommendation (a) in relation to a health technology identified in a direction by the Secretary of State; (b) that recommends that relevant health bodies provide funding within a specified period to ensure that the health technology be made available for the purposes of treatment of patients. As a relevant body, CCGs must comply with a technology appraisal recommendation by NICE. (Regulation 7(b) sets out the circumstances in which a CCG is a relevant body).	http://www.legislation.gov.uk/uksi/2013/259/regulation/7/made

Function	Power / Duty	Statutory reference	Link to legislation
National Health Service and Public Health (Functions and Miscellaneous Provisions) Regulations 2013			
Prior authorisation of and reimbursement of costs of services provided in another EEA state: provision of information to the Board	Duty	<p>Regulation 7</p> <p>Where a patient for whom the CCG has responsibility (as defined by regulation 2) makes an application to the Board for reimbursement or prior authorisation, the CCG must within seven working days (from receipt of the request) provide the Board with the information requested; or inform the Board that it does not have such information.</p> <p>Depending upon the outcome of the application, the CCG may have to reimburse the Board for the amount that it paid to the patient</p>	http://www.legislation.gov.uk/uksi/2013/261/regulation/7/made
Joint exercise of functions with Local Health Board	Power	<p>Regulation 13</p> <p>The functions of a CCG that are set out in the Schedule to the Regulations may, subject to restrictions and conditions considered appropriate by the CCG, be exercised jointly with a Local Health Board,</p>	http://www.legislation.gov.uk/uksi/2013/261/regulation/13/made
Joint committee of CCG and Local Health Board	Power	<p>Regulation 14</p> <p>Any function exercisable jointly under regulation 13 may be exercised by a joint committee of the CCG and Local Health Board.</p>	http://www.legislation.gov.uk/uksi/2013/261/regulation/14/made
National Health Service (Clinical Commissioning Groups – Disapplication of Responsibility) Regulations 2013			
Persons for whom a CCG does not have responsibility in relation to its duty to commission services	Power / Duty	<p>Regulation 2</p> <p>A CCG does not have a duty to commission services for certain groups of people or persons in specified circumstances, even if they would otherwise be the responsibility of the CCG.</p> <p>Note that CCGs still have duties in relation to accident and emergency services for all those present in the CCG's area.</p>	http://www.legislation.gov.uk/uksi/2013/350/regulation/2/made

Finance

Function	Power / Duty	Statutory reference	Link to legislation
Raising additional income	Power	<p>Section 14Z5 NHS Act 2006</p> <p>A CCG has the power to raise additional income in accordance with section 7(2)(a), (b) and (e) to (h) of the Health and Medicines Act 1988. This power must only be exercised to the extent that it does not to any significant extent interfere with the performance by the group of its functions.</p> <p>Sub-sections 7(2) (a), (b) and (e)-(f) allow for the raising of additional income through:</p> <ul style="list-style-type: none"> • acquiring, producing, manufacturing or supplying goods; • acquiring land by agreement and management of the land; • providing instructions to any person; • developing and exploiting with intellectual property; • an appropriate action which will facilitate one of the above; and • making appropriate charges relating to any such power as listed above. 	<p>Health and Social Care Act 2012</p> <p>Section 26</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/section/26/enacted</p>
Power to make grants	Power	<p>Section 14Z6 NHS Act 2006</p> <p>A CCG has the power to make payments by way of grant or loan to a voluntary organisation which provides or arranges for the provision of services which are similar to the services in respect of which the CCG has functions.</p> <p>Any payments made under section 14Z6 can be made subject to such terms and conditions as the CCG considers appropriate.</p>	<p>Health and Social Care Act 2012</p> <p>Section 26</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/section/26/enacted</p>
Responsibility for payments to providers	Duty	<p>Section 14Z7 NHS Act 2006</p> <p>If the Board has published a document under section 14Z7 (payments to providers), CCGs must make payments in accordance with that document.</p>	<p>Health and Social Care Act 2012</p> <p>Section 26</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/section/26/enacted</p>

Function	Power / Duty	Statutory reference	Link to legislation
Duty to comply with any restrictions imposed on the use of any financial or other assistance or support, provided by the Board under section 14Z10	Duty	Section 14Z10(5) NHS Act 2006 A CCG must comply with any restrictions imposed on it by the Board under section 14Z10(4) relating to a CCG's use of financial or other advice or assistance.	Health and Social Care Act 2012 Section 26 http://www.legislation.gov.uk/ukpga/2012/7/section/26/enacted
Means of meeting expenditure of CCGs out of public funds	Duty	Section 223G NHS Act 2006 Allows the Board to determine the amount allocated to each CCG. The Board may direct the CCG in relation to the application of sums paid to it as a new allotment, increasing a previously made allotment; and the payment of sums by the CCG to the Board relating to charges or other sums concerning the valuation of disposal of assets. If so directed by the Board, the CCG must comply.	Health and Social Care Act 2012 Section 27 http://www.legislation.gov.uk/ukpga/2012/7/section/27
Financial duties of CCGs: expenditure	Duty	Section 223H NHS Act 2006 Each CCG has a duty to perform its functions for each financial year so as to ensure that its expenditure meets the requirements of section 223H.	Health and Social Care Act 2012 Section 27 http://www.legislation.gov.uk/ukpga/2012/7/section/27
Financial duties of CCGs: use of resources	Duty	Section 223I NHS Act 2006 Section 223I imposes various financial duties on CCGs in relation to resource use. Any capital or revenue resource use by a CCG must not exceed the amounts set out by the Board.	Health and Social Care Act 2012 Section 27 http://www.legislation.gov.uk/ukpga/2012/7/section/27
Financial duties of CCGs: additional controls on resource use	Duty	Section 223J NHS Act 2006 If directed by the Board in relation to additional controls on resource use, CCGs must comply with such directions.	Health and Social Care Act 2012 Section 27 http://www.legislation.gov.uk/ukpga/2012/7/section/27
Financial duties of CCGs: payments in respect of quality – publication	Duty	Section 223K NHS Act 2006 If the Board makes a payment to a CCG in respect of quality, the CCG must publish an explanation of how the group has spent any payment made to it.	Health and Social Care Act 2012 Section 27 http://www.legislation.gov.uk/ukpga/2012/7/section/27

Function	Power / Duty	Statutory reference	Link to legislation
Accounting duties of CCGs	Duty	<p>NHS Act 2006 Schedule 1A Paragraph 17</p> <p>A CCG must keep proper accounts and records relating to the accounts.</p> <p>A CCG must prepare annual accounts for each financial year.</p> <p>Annual accounts must be audited in accordance with the requirements specified in paragraph 17.</p> <p>A copy of a CCG's annual audited accounts must be sent to the Board no later than the date specified by the Board.</p> <p>The "financial year" for the purposes of paragraph 17 is defined (paragraph 17(9)) as beginning on the day the CCG is established and ending on 31 March.</p> <p>CCGs must also comply with any additional requirements, as directed by the Board in accordance with paragraph 17,</p>	<p>Health and Social Care Act 2012</p> <p>Schedule 2</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/schedule/2</p>
Duty to provide information	Duty	<p>NHS Act 2006 Schedule 1A Paragraph 18</p> <p>If directed, a CCG must provide financial information to the Board</p>	<p>Health and Social Care Act 2012</p> <p>Schedule 2</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/schedule/2</p>

Other primary legislation

Updated versions of the legislation including amendments made by the Health and Social Care Act 2012 are not publicly available yet. The right hand column below provides a link to both the legislation without Health and Social Care Act 2012 amendments included, and the sections of the Health and Social Care Act 2012 which include the relevant amendments.

Function	Power / Duty	Statutory reference	Link to legislation
Recovery of charges	Power	<p>Section 165 Health and Social Care (Community Health and Standards) Act 2003</p> <p>CCGs have the power to apply provisions about recovery of charges to non-NHS hospitals. Does not apply to NHS funded hospital treatment unless in "health service hospital" (Schedule 5, paragraph 123 of Health and Social Care Act 2012).</p>	<p>http://www.legislation.gov.uk/ukpga/2003/43/section/165</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/schedule/5/paragraph/123</p>

Function	Power / Duty	Statutory reference	Link to legislation
Price payable by commissioners for NHS services	Duty	<p>Section 115 Health and Social Care Act 2012</p> <p>A CCG must comply with requirements relating to the price payable for NHS services.</p> <p>If a health care service is specified in the national tariff, the price to be paid for the provision of that service is the price as determined in accordance with the national tariff.</p> <p>If the service is not specified in the national tariff, the price payable is to be determined in accordance with the rules provided for in the national tariff for that purpose.</p>	http://www.legislation.gov.uk/ukpga/2012/7/section/115/enacted
Local modifications of prices: agreements	Duty	<p>Section 124 Health and Social Care Act 2012</p> <p>A CCG has the power to agree that the price payable to the provider for providing service for the purposes of the NHS, in such circumstances or areas as may be determined in accordance with the agreement, is the price determined in accordance with the national tariff for that service as modified in accordance with the agreement.</p> <p>(See also section 125: applications for local modifications of prices by service provider.)</p>	http://www.legislation.gov.uk/ukpga/2012/7/section/124/enacted
Requirements relating to Monitor's fund in special administration cases	Duty	<p>Section 135 Health and Social Care Act 2012</p> <p>Monitor may establish and maintain a fund for the purposes of section 134 (financial assistance in special administration cases). Monitor may impose requirements on commissioners in order to raise money for investment in such a fund.</p>	http://www.legislation.gov.uk/ukpga/2012/7/section/135
Charges to be paid to Monitor	Duty	<p>Section 138 Health and Social Care Act 2012</p> <p>If required by regulations, a CCG may be required to pay charges to Monitor in the context of Monitor's functions relating to securing continued provision of health care services for the purposes of the NHS.</p> <p>(Note – the Secretary of State may limit by an order made under section 138 the maximum amount that Monitor may raise from charges imposed by virtue of section 138 for each financial year.)</p>	http://www.legislation.gov.uk/ukpga/2012/7/section/138

Function	Power / Duty	Statutory reference	Link to legislation
Financial assistance to voluntary organisations	Power	<p>Section 64 Health Services and Public Health Act 1968</p> <p>Section 64 confers the power to give financial assistance to voluntary organisations. The power applies to specified “relevant services”.</p> <p>The definition of “relevant service” has been amended to include services that a CCG has the duty or power to make arrangements for by virtue of the 2006 Act (Schedule 5, Paragraph 13 of Health and Social Care Act 2012).</p>	<p>http://www.legislation.gov.uk/ukpga/1968/46/section/64</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/schedule/5/paragraph/13</p>

Secondary Legislation

Function	Power / Duty	Statutory reference	Link to legislation
Payments in respect of quality	Duty	<p>National Health Service (Clinical Commissioning Groups – Payments in Respect of Quality) Regulations 2013</p> <p>These regulations apply in respect of the Board’s power under section 223K to make payments to a CCG in respect of quality.</p> <p>Regulation 6 specifies how CCGs may spend payments made by the Board under section 223K.</p>	<p>http://www.legislation.gov.uk/uksi/2013/474/contents/made</p>

Governance

Function	Power / Duty	Statutory reference	Link to legislation
Role and general functions of CCGs	Duty	<p>Section 11 NHS Act 2006</p> <p>Each CCG has the function of arranging for the provision of services for the purposes of the health service in England in accordance with the 2006 Act.</p>	<p>Health and Social Care Act 2012</p> <p>Schedule 10</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/section/10</p>
Status of CCGs	Power	<p>NHS Act 2006, Schedule 1A, Part 1</p> <p>A CCG is a body corporate.</p> <p>A CCG is not to be regarded as a servant or agent of the crown or as enjoying any status, privilege or immunity of the crown.</p> <p>The property of a CCG is not to be regarded as property held on behalf of the crown.</p>	<p>Health and Social Care Act</p> <p>Schedule 2</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/schedule/2</p>
General powers	Power	<p>Section 2 NHS Act 2006</p> <p>A CCG may do anything which is calculated to facilitate, or is conducive to or incidental to, the discharge of any function conferred on it by the NHS Act 2006.</p>	<p>Health and Social Care Act 2012</p> <p>Section 55</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/section/55</p> <p>Schedule 4</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/schedule/4</p>
Power to apply to the Board to vary constitution	Power	<p>Section 14E NHS Act 2006</p> <p>A CCG has the power to apply to the Board to vary its constitution.</p>	<p>Health and Social Care Act 2012</p> <p>Section 25</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/section/25</p>
Power to consent to the Board's proposed amendments to a CCG constitution	Power	<p>Section 14F NHS Act 2006</p> <p>A CCG has the ability to consent to a proposal by the Board to vary its constitution.</p> <p>Note – the Board must consult with the CCG in question and any other CCG that the Board thinks might be affected by the variation before varying the constitution (section 14F(4)).</p>	<p>Health and Social Care Act 2012</p> <p>Section 25</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/section/25</p>

Function	Power / Duty	Statutory reference	Link to legislation
Power for two or more CCGs to apply to the Board in the context of a proposed merger	Power	<p>Section 14G NHS Act 2006</p> <p>Two or more CCGs have the ability to apply to the Board for those groups to be dissolved and another CCG to be established (ie a merger).</p> <p>Section 14G sets out the requirements for such an application and the related ability of the applicant CCGs to modify the application or the proposed constitution (with the agreement of the Board) at any time prior to the Board determining the application.</p>	<p>Health and Social Care Act</p> <p>Section 25</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/section/25</p> <p>See also Schedule 2, Part 1 Constitution of clinical commissioning groups</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/schedule/2</p>
Power to apply to the Board to be dissolved.	Power	<p>Section 14H NHS Act 2006</p> <p>A CCG has the power to apply to the Board to be dissolved.</p> <p>Regulations may make further provision relating to dissolution.</p>	<p>Health and Social Care Act 2012</p> <p>Section 25</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/section/25</p>
Duty to publish constitution that complies with statutory requirements	Duty	<p>Section 14J NHS Act 2006</p> <p>A CCG must publish its constitution and, if the constitution is varied under section 14E or 14F, the varied constitution must also be published.</p> <p>The constitution must meet the requirements set out in Schedule 1A, Part 1 of the NHS Act 2006.</p>	<p>Health and Social Care Act 2012</p> <p>Section 25</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/section/25</p> <p>Schedule 2</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/schedule/2</p>

Function	Power / Duty	Statutory reference	Link to legislation
Duty to have a properly constituted governing body	Duty	<p>Section 14L NHS Act 2006</p> <p>A CCG must have a governing body. Section 14L sets out the primary functions of the governing bodies of CCGs, as follows:</p> <ul style="list-style-type: none"> • ensuring that the CCG has made appropriate arrangements for ensuring that it complies with its obligations under section 14Q; and • ensuring that it complies with such generally accepted principles of good governance as are relevant to it. <p>Section 14L also specifies additional functions that the governing bodies and who may be a member.</p> <p>Regulations may make further provisions relating to the role of governing bodies.</p>	<p>Health and Social Care Act 2012</p> <p>Section 25</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/section/25</p>
Duty for the CCG governing body to have a properly constituted audit committee and a remuneration committee	Duty	<p>Section 14M NHS Act 2006</p> <p>Section 14M requires that the governing body of a CCG must have an audit committee and a remuneration committee.</p> <p>Section 14M also specifies the functions of each committee.</p>	<p>Health and Social Care Act</p> <p>Section 25</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/section/25</p>
Duty to comply with the register of interests and management of conflict of interest requirements, including the duty to have regard to guidance issued by the Board in relation to this	Duty	<p>Section 14O NHS Act 2006</p> <p>Section 14O imposes various duties on CCGs in relation to registers of interests and the management of conflicts of interest, including:</p> <ul style="list-style-type: none"> • each CCG must maintain one or more register of interests of the specified persons listed in section 14O, including members of the CCG and members of the CCG's governing body; • each CCG has a duty to publish the registers; • each CCG must make arrangements for managing conflicts and potential conflicts of interest; <p>Each CCG must have regard to guidance published by the Board in relation to registers of interests and the management of conflicts of interest.</p>	<p>Health and Social Care Act 2012</p> <p>Section 25</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/section/25</p>

Function	Power / Duty	Statutory reference	Link to legislation
Arrangements with other CCGs	Power	<p>Section 14Z3 NHS Act 2006</p> <p>Any two or more CCGs have the power to make arrangements (ie to delegate or exercise functions jointly).</p> <p>This section applies in relation to a CCG's "commissioning functions", which is defined in section 14Z3(7) to mean "the functions of [CCGs] in arranging for the provision of services as part of the health service...".</p> <p>CCGs entering into arrangements under section 14Z3 may establish and maintain a pooled fund.</p>	<p>Health and Social Care Act 2012</p> <p>Section 26</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/section/26/enacted</p>
Joint exercise of functions with Local Health Boards	Power	<p>Section 14Z4 NHS Act 2006</p> <p>If provided for in regulations, a CCG may exercise prescribed functions jointly with a Local Health Board.</p>	<p>Health and Social Care Act 2012</p> <p>Section 26</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/section/26/enacted</p>
Co-operation with Board in relation to use of intervention powers	Duty	<p>Section 14Z21 NHS Act 2006</p> <p>Where the Board has given a direction that a function of a CCG is to be exercised by the Board or by another CCG or the accountable officer of another CCG, the CCG in question must cooperate with the Board or with the CCG or the accountable officer of the CCG as relevant.</p>	<p>Health and Social Care Act 2012</p> <p>Section 26</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/section/26/enacted</p>
Required details for a constitution	Duty	<p>NHS Act 2006 Schedule 1A Paragraph 2</p> <p>Provides the matters that must be specified in a CCG constitution, as follows:</p> <ul style="list-style-type: none"> the name of the CCG (which must also comply with any prescribed requirements); members of the CCG; and the area of the CCG. 	<p>Health and Social Care Act 2012</p> <p>Schedule 2</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/schedule/2</p>
Arrangements for discharge of CCG functions	Duty	<p>NHS Act 2006 Schedule 1A Paragraph 3</p> <p>A CCG constitution must specify the arrangements made by the CCG for the discharge of its functions (including employment functions). Paragraph 3 also sets out related CCG functions .</p>	<p>Health and Social Care Act 2012</p> <p>Schedule 2</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/schedule/2</p>

Function	Power / Duty	Statutory reference	Link to legislation
Decision-making procedure and transparency in decision making	Duty	<p>NHS Act 2006 Schedule 1A Paragraph 4</p> <p>A CCG constitution must specify the procedure to be followed by CCGs in making decisions and arrangements for securing transparency about decisions.</p>	<p>Health and Social Care Act 2012</p> <p>Schedule 2</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/schedule/2</p>
Arrangements regarding conflicts of interest and register of interests	Duty	<p>NHS Act 2006 Schedule 1A Paragraph 5</p> <p>A CCG constitution must specify the arrangements made by the CCG to discharge its duties relating to registers of interest and the management of conflicts of interest.</p>	<p>Health and Social Care Act 2012</p> <p>Schedule 2</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/schedule/2</p>
Effective member participation	Duty	<p>NHS Act 2006 Schedule 1A Paragraph 6</p> <p>The provision made in a CCG's constitution to comply with paragraphs 3 and 4 must ensure that there is effective participation by each member in the exercise of the CCG's functions.</p>	<p>Health and Social Care Act 2012</p> <p>Schedule 2</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/schedule/2</p>
Arrangements by the CCG for the discharge of its governing body's functions	Duty	<p>NHS Act 2006 Schedule 1A Paragraph 7</p> <p>A CCG constitution must specify the arrangements made by the CCG for the discharge of the functions of its governing body.</p> <p>Paragraph 7 specifies certain other related functions, including:</p> <ul style="list-style-type: none"> • a requirement that arrangements under paragraph 7 include provision of the audit committee and remuneration committee of the governing body; and • the ability to provide for the appointment of other committees or sub-committees of the governing body. <p>Individuals on the audit committee do not have to be members of the governing body.</p>	<p>Health and Social Care Act 2012</p> <p>Schedule 2</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/schedule/2</p>
Governing body decision making	Duty	<p>NHS Act 2006 Schedule 1A Paragraph 8</p> <p>A CCG constitution must specify the procedure to be followed by the governing body in making decisions.</p> <p>The constitution must also specify the arrangements made by the CCG for securing transparency in the decision making process by governing bodies.</p>	<p>Health and Social Care Act 2012</p> <p>Schedule 2</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/schedule/2</p>

Function	Power / Duty	Statutory reference	Link to legislation
Other matters within constitution	Power	NHS Act 2006 Schedule 1A Paragraph 9 A CCG may provide for other matters in its constitution.	Health and Social Care Act 2012 Schedule 2 http://www.legislation.gov.uk/ukpga/2012/7/schedule/2
Ability for CCG to act as an employer	Power	NHS Act 2006 Schedule 1A Paragraph 11 A CCG has the ability to appoint employees and pay them according to the requirements of paragraph 11.	Health and Social Care Act 2012 Schedule 2 http://www.legislation.gov.uk/ukpga/2012/7/schedule/2
Accountable officer	Duty	NHS Act 2006 Schedule 1A Paragraph 12 A CCG must have an accountable officer appointed by the Board. Paragraph 12 specifies further functions that CCGs have in relation to their accountable officer. Paragraph 12 also specifies the responsibilities of the accountable officer, including: <ul style="list-style-type: none"> ensuring that the CCG complies with its obligations relating to its duty to exercise functions effectively, efficiently and economically (section 14Q); ensuring that the CCG complies with its obligations under section 14R (duty as to securing continuous improvement); other matters as specified by the Board. 	Health and Social Care Act 2012 Schedule 2 http://www.legislation.gov.uk/ukpga/2012/7/schedule/2
Remuneration and allowances for governing body	Power	NHS Act 2006 Schedule 1A Paragraph 13 Paragraph 13 specifies various functions that a CCG has in relation to its governing body, including that a CCG may pay members of its governing body remuneration and travelling or other allowances as it considers appropriate	Health and Social Care Act 2012 Schedule 2 http://www.legislation.gov.uk/ukpga/2012/7/schedule/2
Payment of allowances	Power	NHS Act 2006 Schedule 1A Paragraph 14 Paragraph 14 confers additional powers on CCGs in relation to the payment of allowances.	Health and Social Care Act 2012 Schedule 2 http://www.legislation.gov.uk/ukpga/2012/7/schedule/2

Function	Power / Duty	Statutory reference	Link to legislation
Externally financed development agreements	Power	<p>NHS Act 2006 Schedule 1A Paragraph 16</p> <p>CCGs have the power to enter into externally financed development agreements.</p> <p>(Note – the phrase “externally financed development agreement” is defined to mean one that has been certified as such in writing by the Secretary of State (paragraph 16(2), (3)).</p>	<p>Health and Social Care Act 2012</p> <p>Schedule 2</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/schedule/2</p>
Provision of information to the Board	Duty	<p>NHS Act 2006 Schedule 1A Paragraph 19</p> <p>If required by the Secretary of State, a CCG must provide the Board with information in accordance with paragraph 19.</p>	<p>Health and Social Care Act 2012</p> <p>Schedule 2</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/schedule/2</p>
Incidental powers	Powers	<p>NHS Act 2006 Schedule 1A Paragraph 20</p> <p>Paragraph 20 further specifies the incidental powers conferred on CCGs by section 2 to include:</p> <ul style="list-style-type: none"> • the power to enter into agreements; • the power to acquire and dispose of property; • the power to accept gifts. 	<p>Health and Social Care Act 2012</p> <p>Schedule 2</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/schedule/2</p>
Authentication of CCG's seal	Duty	<p>NHS Act 2006 Schedule 1A Paragraph 21</p> <p>Paragraph 21 imposes a requirement that the application of a CCG's seal must be authenticated by the signature of any person who has been authorised for that purpose</p>	<p>Health and Social Care Act 2012</p> <p>Schedule 2</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/schedule/2</p>

Secondary Legislation

Function	Power / Duty	Statutory reference	Link to legislation
<p>National Health Service (Clinical Commissioning Groups) Regulations 2012</p> <p>These Regulations make further provision for a range of matters relating to CCGs, including:</p> <ul style="list-style-type: none"> • membership and naming requirements; • governance; • variation of a CCG's constitution; • merger and dissolution of CCGs. 			

Function	Power / Duty	Statutory reference	Link to legislation
Prescribed descriptions of primary medical services	Duty	<p>Regulation 2</p> <p>Regulation 2 sets out further provisions relating to sections 14A(3) and (4) of the 2006 Act, including the prescribed description of primary medical services and related definitions.</p>	http://www.legislation.gov.uk/uksi/2012/1631/regulation/2/made
CCG naming requirements	Duty	<p>Regulation 3</p> <p>Regulation 3 sets out the basic requirements in relation to CCG names, including that the name must not be so similar to an existing CCG that the two could be confused. CCG names must also comply with the requirements set out in Regulations 4, 5 and 6.</p>	http://www.legislation.gov.uk/uksi/2012/1631/regulation/3/made
CCG naming requirements	Duty	<p>Regulation 4</p> <p>The name of a CCG must begin with “NHS” in capital letters.</p>	http://www.legislation.gov.uk/uksi/2012/1631/regulation/4/made
CCG naming requirements	Duty	<p>Regulation 5</p> <p>The name of a CCG must include a geographical reference directly after the “NHS” suffix. Regulation 5 makes further provision for the meaning of “geographical reference”</p>	http://www.legislation.gov.uk/uksi/2012/1631/regulation/5/made
CCG naming requirements	Duty	<p>Regulation 6</p> <p>The name of a CCG must end with the words “Clinical Commissioning Group”.</p>	http://www.legislation.gov.uk/uksi/2012/1631/regulation/6/made
CCG’s governing body	Duty	<p>Regulation 11</p> <p>Regulation 11 sets out further requirements in relation to a CCG’s governing body, including that the governing body must have at least six members and that the governing body must include at least one of the following:</p> <ul style="list-style-type: none"> • an employee of the CCG who has a professional qualification in accountancy and the expertise or experience to lead the financial management of the CCG; • a registered nurse (but not one who falls within the definition provided in Regulation 12(1)); • an individual who is a secondary care specialist (but not one who falls within the definition provided in Regulation 12(1)); • a lay person qualified for membership by virtue of Regulation 12(3); and • another lay person qualified for membership by virtue of Regulation 12(4). 	http://www.legislation.gov.uk/uksi/2012/1631/regulation/11/made

Function	Power / Duty	Statutory reference	Link to legislation
Membership requirements	Duty	<p>Regulation 12</p> <p>Regulation 12 sets out further requirements in relation to membership, including the limitations noted above in relation to “registered nurse” and “secondary care specialist” but also the requirements in relation to lay persons.</p>	http://www.legislation.gov.uk/uksi/2012/1631/regulation/12/made
Governance requirements	Duty	<p>Regulation 13</p> <p>Regulation 13 requires that a CCG’s governing body must have a chair and a deputy chair. It also disqualifies certain persons from such positions (including the CCG’s accountable officer).</p>	http://www.legislation.gov.uk/uksi/2012/1631/regulation/13/made
Audit committee requirements	Duty	<p>Regulation 14</p> <p>Under Regulation 14, the audit committee of a CCG’s governing body must have a chair. The chair must be a lay person with qualifications, expertise or experience such as to enable the person to express informed views about financial management and audit matters. Certain persons are also disqualified from holding this position (Regulation 14(3)).</p>	http://www.legislation.gov.uk/uksi/2012/1631/regulation/14/made
Remuneration committee requirements	Duty	<p>Regulation 15</p> <p>Regulation 15 requires that the remuneration committee of a CCG’s governing body must have a chair. All members of the governing body apart from lay members are disqualified from being chair.</p>	http://www.legislation.gov.uk/uksi/2012/1631/regulation/15/made
Transparency	Duty	<p>Regulation 16</p> <p>Regulation 16 sets out certain requirements in relation to transparency, including that a CCG’s governing body must publish papers considered at meetings of its governing body, except where the governing body considers that it would not be in the public interest to do so in relation to a particular paper or part of a paper.</p> <p>Regulation 16 also requires the publication of certain remuneration related information.</p>	http://www.legislation.gov.uk/uksi/2012/1631/regulation/16/made
Exclusions that apply to members of governing bodies	Duty	<p>Schedules 4 and 5</p> <p>Set out the exclusions that apply in relation to members of CCG governing bodies.</p> <p>Note that from 1 April 2013 Schedule 4 has been amended – see the National Treatment Agency (Abolition) and the Health and Social Care Act 2012 (Consequential, Transitional and Savings Provisions) Order 2013.</p>	<p>http://www.legislation.gov.uk/uksi/2012/2996/contents/made</p> <p>http://www.legislation.gov.uk/uksi/2013/235/pdfs/uksi_20130235_en.pdf</p>

Cooperation

Function	Power / Duty	Statutory reference	Link to legislation
Performance of functions outside England	Power	<p>Section 6(1A) NHS Act 2006</p> <p>A CCG's functions may be performed outside England and Wales, in so far as they relate to:</p> <ul style="list-style-type: none"> (a) holidays for patients, (b) the transfer of patients to or from Scotland, Northern Ireland, the Isle of Man or the Channel Islands, or (c) the return of patients who have received treatment in England and Wales, to countries or territories outside the British Islands (including the Republic of Ireland). 	<p>Health and Social Care Act 2012</p> <p>Section 14</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/section/14</p>
Joint exercise of functions with Local Health Boards	Power	<p>Section 14Z4 NHS Act 2006</p> <p>If provided for in regulations, a CCG may exercise any prescribed functions jointly with a Local Health Board.</p>	<p>Health and Social Care Act 2012</p> <p>Section 26</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/section/26/enacted</p>
Arrangements between NHS bodies and local authorities	Power	<p>Section 75 NHS Act 2006</p> <p>The Secretary of State may by regulations make provision for or in connection with enabling prescribed NHS bodies (on the one hand) and prescribed local authorities (on the other) to enter into prescribed arrangements in relation to the exercise of prescribed functions of the NHS bodies, and prescribed health-related functions of the local authorities.</p>	<p>Health and Social Care Act 2012</p> <p>Schedule 4, paragraph 138</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/schedule/4</p>
Co-operation with local authorities	Duty	<p>Section 82 NHS Act 2006</p> <p>CCGs as defined NHS bodies have a duty to co-operate with local authorities.</p>	<p>Health and Social Care Act 2012</p> <p>Schedule 4, paragraph 138</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/schedule/4</p>

Function	Power / Duty	Statutory reference	Link to legislation
Exercise of functions in relation to the provision of primary ophthalmic services	Duty	Section 125A NHS Act 2006 If directed by the Board, the CCG must exercise the directed function(s) relating to the provision of primary ophthalmic services. If directed, the relevant CCG(s) must report to the Board on matters arising out of the exercise of the function to which the direction relates.	Health and Social Care Act 2012 Schedule 4, paragraph 62 http://www.legislation.gov.uk/ukpga/2012/7/schedule/4
Review and scrutiny by local authorities	Duty	Section 244 NHS Act 2006 Section 244 applies to CCGs, as relevant NHS bodies. If provided in regulations, a local authority may require any member or employee of a relevant NHS body to attend before it and answer questions. This includes a member of a committee or sub-committee of a CCG (section 244(3A)).	Health and Social Care Act 2012 Section 190 http://www.legislation.gov.uk/ukpga/2012/7/section/190
Co-operation in relation to public health functions	Duty	Section 247B NHS Act 2006 Section 247B applies to a CCG as a body that exercises functions similar to those of the Secretary of State under section 2A. Accordingly, CCGs have a duty to cooperate with the Secretary of State in the exercise by the Secretary of State of functions under section 2A.	Health and Social Care Act 2012 Section 60 http://www.legislation.gov.uk/ukpga/2012/7/section/60

Other primary legislation

Updated versions of the legislation including amendments made by the Health and Social Care Act 2012 are not publicly available yet. The right hand column below provides a link to both the legislation without Health and Social Care Act 2012 amendments included, and the sections of the Health and Social Care Act 2012 which include the relevant amendments.

Function	Power / Duty	Statutory reference	Link to legislation
Assessments etc for adoption support services	Duty	Section 4 Adoption and Children Act 2002 CCGs have a duty to work with local authorities in respect of the need to maintain adoption services via the provision of facilities for this purpose (Schedule 5, paragraph 105 of Health and Social Care Act 2012).	http://www.legislation.gov.uk/ukpga/2002/38/section/4 http://www.legislation.gov.uk/ukpga/2012/7/schedule/5/paragraph/105

Function	Power / Duty	Statutory reference	Link to legislation
Co-operation between authorities – services for carers	Duty	<p>Section 3 Carers (Equal Opportunities) Act 2004</p> <p>As a relevant authority, each CCG has a duty to consider requests from local authorities for assistance in the planning of services for carers (Schedule 5, paragraph 125 of Health and Social Care Act 2012).</p>	<p>http://www.legislation.gov.uk/ukpga/2004/15/section/3</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/schedule/5/paragraph/125</p>
Co-operation to reduce child poverty in local area	Duty	<p>Section 20 and 21(3) Child Poverty Act 2010</p> <p>Specified “partner authorities” have a duty under section 21 to cooperate with the local authority in making arrangements with a view to reducing, and mitigating the effects of, child poverty in the responsible local authority’s area.</p> <p>There is also a duty to have regard to guidance from the Secretary of State (section 23(4)). Sections 24-26 specify the nature of the arrangements that must be made.</p> <p>The definition of partner authority includes CCGs (Schedule 5, paragraph 183 of Health and Social Care Act 2012).</p>	<p>http://www.legislation.gov.uk/ukpga/2010/9/section/20</p> <p>http://www.legislation.gov.uk/ukpga/2010/9/section/21</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/schedule/5/paragraph/183</p>
Joint child poverty strategy for local area	Duty	<p>Section 23 Child Poverty Act 2010</p> <p>CCGs have a duty to have regard to guidance.</p>	<p>http://www.legislation.gov.uk/ukpga/2010/9/section/23</p>
Co-operation to improve well-being of children	Duty	<p>Section 10 Children Act 2004</p> <p>CCGs for their area have a duty to co-operate with local authorities and each other to improve well-being of children (Schedule 5, paragraph 128 of Health and Social Care Act 2012).</p>	<p>http://www.legislation.gov.uk/ukpga/2004/31/section/10</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/schedule/5/paragraph/128</p>
Local Safeguarding Children Board	Duty	<p>Section 13 Children Act 2004</p> <p>CCGs have a duty to be a Board Partner of a Local Safeguarding Children Board. Each Partner must cooperate with the Local Authority in the establishment and operation of the Board (Schedule 5, paragraph 131 of Health and Social Care Act 2012).</p>	<p>http://www.legislation.gov.uk/ukpga/2004/31/section/13</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/schedule/5/paragraph/131</p>
Providing information to local authority when child ceases to be accommodated	Duty	<p>Section 24C Children Act 1989</p> <p>CCGs are subject to the duty to inform the local authority within whose area the child proposes to live where a child who is accommodated under arrangements made by the CCG ceases to be so accommodated, after reaching the age of sixteen (Schedule 5, paragraph 50 of Health and Social Care Act 2012).</p>	<p>http://www.legislation.gov.uk/ukpga/1989/41/section/24C</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/schedule/5/paragraph/50</p>

Function	Power / Duty	Statutory reference	Link to legislation
Assisting local authority investigations under Children Act	Duty	<p>Section 47 Children Act 1989</p> <p>Where a local authority is conducting enquiries under this section, CCGs have a duty, as a prescribed person, to assist the local authority in its investigations (where it is reasonable to provide such assistance) (Schedule 5, paragraph 53 of Health and Social Care Act 2012).</p>	<p>http://www.legislation.gov.uk/ukpga/1989/41/section/47</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/schedule/5/paragraph/53</p>
Children accommodated by CCG	Duty	<p>Section 85 Children Act 1989</p> <p>CCGs have a duty to notify the appropriate officer of the responsible local authority where a child is provided with accommodation under arrangements made by the CCG for a consecutive period of at least three months or with the intention of accommodating him for that period (Schedule 5, paragraph 55 of Health and Social Care Act 2012).</p>	<p>http://www.legislation.gov.uk/ukpga/1989/41/section/85</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/schedule/5/paragraph/55</p>
Duty to work with local authority to improve well-being of young children	Duty	<p>Section 4 Childcare Act 2006</p> <p>Specified “relevant partners” have a duty to work with the local authority in connection with the authority’s arrangements for improving well-being etc. of young children.</p> <p>CCGs are included in the definition of “relevant partner” (Schedule 5, paragraph 137 of Health and Social Care Act 2012).</p>	<p>http://www.legislation.gov.uk/ukpga/2006/21/section/4</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/schedule/5/paragraph/137</p>
Category 2 responders	Duty	<p>Schedule 1 Civil Contingencies Act 2004</p> <p>CCGs have been designated as Category 2 responders (Schedule 5, paragraph 132 of Health and Social Care Act 2012)</p>	<p>http://www.legislation.gov.uk/ukpga/2004/36/schedule/1</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/schedule/5/paragraph/132</p>
Co-operation with Category 1 responders	Duty	<p>Civil Contingencies Act 2004 and Regulation 4(5) Civil Contingencies (Contingency Planning) Regulations 2005</p> <p>As a Category 2 responder, each CCG is subject to this duty, which requires the CCG to co-operate with general Category 1 responders within its area in connection with the performance by that general Category 1 responder of its duties to assess risk and prepare plans (Schedule 5, paragraph 132 of Health and Social Care Act 2012).</p>	<p>http://www.legislation.gov.uk/uksi/2005/2042/regulation/4/made</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/schedule/5/paragraph/132</p>

Function	Power / Duty	Statutory reference	Link to legislation
Attendance at local resilience forum meetings	Duty	<p>Civil Contingencies Act 2004 and Regulation 4(6) of the Civil Contingencies (Contingency Planning) Regulations 2005</p> <p>Each CCG is subject to the duty on Category 2 responders to attend, so far as reasonably practicable, meetings of the “local resilience forum” for its area or be effectively represented at that meeting if it is invited to do so by all of the relevant general Category 1 responders, or if not invited, the CCG must decide whether it is appropriate for it to attend or be represented at such a forum (Schedule 5, paragraph 132 of Health and Social Care Act 2012).</p>	<p>http://www.legislation.gov.uk/ukxi/2005/2042/regulation/4/made</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/schedule/5/paragraph/132</p>
Cooperation with police	Duty	<p>Section 5 Crime and Disorder Act 1998</p> <p>As amended by the Police Reform Act 2002, section 5 of the Crime and Disorder Act 1998 provides that CCGs have a duty to work in co-operation with the police to formulate and implement a strategy to reduce the use of drugs, alcohol and other substances reduce reoffending and reduce crime and disorder (Schedule 5, paragraph 84 of Health and Social Care Act 2012).</p>	<p>http://www.legislation.gov.uk/ukpga/1998/37/section/5</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/schedule/5/paragraph/84</p>
Local provision of youth justice services	Duty	<p>Section 38 Crime and Disorder Act 1998</p> <p>CCGs have a duty to co-operate with local authorities in the exercise of their duties in relation to the provision of youth justice services (Schedule 5, paragraph 85 of Health and Social Care Act 2012).</p>	<p>http://www.legislation.gov.uk/ukpga/1998/37/section/38</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/schedule/5/paragraph/85</p>
Youth offending teams	Duty	<p>Section 39 Crime and Disorder Act 1998</p> <p>CCGs have a duty to cooperate with local authorities establishing a youth offending team (Schedule 5, paragraph 86 of Health and Social Care Act 2012).</p>	<p>http://www.legislation.gov.uk/ukpga/1998/37/section/39</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/schedule/5/paragraph/86</p>
Providing information to the Youth Justice Board	Duty	<p>Section 41 Crime and Disorder Act 1998</p> <p>CCGs have a duty to furnish information to the Youth Justice Board or submit a report when required by the Board (Schedule 5, paragraph 88 of Health and Social Care Act 2012).</p>	<p>http://www.legislation.gov.uk/ukpga/1998/37/section/41</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/schedule/5/paragraph/88</p>

Function	Power / Duty	Statutory reference	Link to legislation
Acting in accordance with Secretary of State guidance – Youth Justice Board	Duty	Section 42 Crime and Disorder Act 1998 CCGs have a duty to act in accordance with any guidance given by the Secretary of State (Schedule 5, paragraph 89 of Health and Social Care Act 2012).	http://www.legislation.gov.uk/ukpga/1998/37/section/42 http://www.legislation.gov.uk/ukpga/2012/7/schedule/5/paragraph/89
Cooperation with police, probation and prison services	Duty	Section 325 Criminal Justice Act 2003 As a “specified person” for the purposes of section 325, each CCG has a duty to co-operate with the police, probation and prison services in relation to arrangements for assessing risks of violent or sexual offenders (Schedule 5, paragraph 124 of Health and Social Care Act 2012).	http://www.legislation.gov.uk/ukpga/2003/44/section/325 http://www.legislation.gov.uk/ukpga/2012/7/schedule/5/paragraph/124
Duty to assist local authority - Special Educational Needs	Duty	Section 322 Education Act 1996 CCGs have a duty to assist a local authority in the discharge of its functions under Part IV (Special Educational Needs) of the Education Act 1996 at the request of the local authority (Schedule 5, paragraph 78 of Health and Social Care Act 2012).	http://www.legislation.gov.uk/ukpga/1996/56/section/322 http://www.legislation.gov.uk/ukpga/2012/7/schedule/5/paragraph/78
Power to supply information about young person or young adult	Power	Section 332 Education Act 1996 As prescribed public bodies, CCGs have the power to supply information about a young person or relevant young adult to any person or body providing support to that person (Schedule 5, paragraph 170 of Health and Social Care Act 2012).	http://www.legislation.gov.uk/ukpga/1996/56/section/332 http://www.legislation.gov.uk/ukpga/2012/7/schedule/5/paragraph/170
Supply of information to local authority	Power	Section 16 Education & Skills Act 2008 CCGs have the power to supply information to a local authority to assist it in its functions under part 1 of the Education and Skills Act 2008 (amended by section 55; Schedule 5, paragraphs 168, 169 of Health and Social Care Act 2012).	http://www.legislation.gov.uk/ukpga/2008/25/section/16 http://www.legislation.gov.uk/ukpga/2012/7/schedule/5/paragraph/169
Supply of information about a young person/ relevant young adult	Power	Section 77 Education & Skills Act 2008 CCGs have the power to supply information about a young person or relevant young adult to any person or body involved in the provision of services in pursuance of section 68 or 70(1)(b) for the purpose of the provision of those services (amended by section 55; Schedule 5, paragraphs 168, 170 of Health and Social Care Act 2012).	http://www.legislation.gov.uk/ukpga/2008/25/section/77 http://www.legislation.gov.uk/ukpga/2012/7/schedule/5/paragraph/170

Function	Power / Duty	Statutory reference	Link to legislation
Supply of information – employment medical advisers	Duty	<p>Section 60 Health & Safety at Work Act 1974</p> <p>Section 60 concerns making arrangements for a medical practitioner to provide the medical records of persons under 18 to employment medical advisers, and applies to CCGs (Schedule 5, paragraph 19 of Health and Social Care Act 2012).</p>	<p>http://www.legislation.gov.uk/ukpga/1974/37/section/60</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/schedule/5/paragraph/19</p>
Providing information to CQC	Duty	<p>Section 64 Health & Social Care Act 2008</p> <p>CCGs have a duty to provide the CQC with documents and information that it considers necessary or expedient to carry out its regulatory functions (Schedule 5, paragraph 162 of Health and Social Care Act 2012).</p>	<p>http://www.legislation.gov.uk/ukpga/2008/14/section/64</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/schedule/5/paragraph/162</p>
Responses to consultation on proposals for the national tariff	Power	<p>Section 120 Health and Social Care Act 2012</p> <p>Provides that CCGs may object to methods proposed by Monitor under section 118, in respect of the national tariff.</p> <p>(Note – Monitor is required to consult with CCGs, among others, under section 118.)</p>	<p>http://www.legislation.gov.uk/ukpga/2012/7/section/120/enacted</p>
Joint strategic needs assessments	Duty	<p>Section 192 Health and Social Care Act 2012</p> <p>A local authority, and a CCG that has a boundary within or overlapping or coinciding with that local authority, have a duty to prepare a joint strategic needs assessment</p> <p>Relates to section 116 of the Local Government and Involvement in Health Act 2007</p> <p>CCGs have a duty to cooperate in relation to the preparation of joint strategic needs assessments.</p> <p>Note that, under section 196 of the Health and Social Care Act 2012, the functions of the local authority and its partner CCGs under sections 116 and 116A are to be exercised by the Health and Wellbeing Board established by the local authority.</p>	<p>http://www.legislation.gov.uk/ukpga/2012/7/section/192</p> <p>http://www.legislation.gov.uk/ukpga/2007/28/section/116</p>
Joint health and wellbeing strategies	Duty	<p>Section 193 Health and Social Care Act 2012</p> <p>Relates to section 116 of the Local Government and Involvement in Health Act 2007</p> <p>Imposes a duty on local authorities and CCGs to produce, and on local authorities to publish, a joint health and wellbeing strategy for meeting the needs identified in the JSNA.</p>	<p>http://www.legislation.gov.uk/ukpga/2012/7/section/193</p>

Function	Power / Duty	Statutory reference	Link to legislation
Establishment of Health and Wellbeing Boards	Duty	<p>Section 194 Health and Social Care Act 2012</p> <p>Each CCG must appoint a person to represent it on its relevant Health and Wellbeing Board (with the agreement of the HWB this may be a joint appointment).</p> <p>Each CCG has a duty to cooperate with its HWB in relation to the discharge of the HWB's functions.</p>	http://www.legislation.gov.uk/ukpga/2012/7/section/194/enacted
Supplying information to Health and Wellbeing Boards	Duty	<p>Section 199 Health and Social Care Act 2012</p> <p>The representative of a CCG must supply information to Health and Wellbeing Boards as requested.</p>	http://www.legislation.gov.uk/ukpga/2012/7/section/199
Advice or assistance to public authorities in the Isle of Man or the Channel Isles	Power	<p>Section 298 Health and Social Care Act 2012</p> <p>Enables CCGs to provide advice to public authorities in the Isle of Man or the Channel Isles, and covers terms such as payments (see also Schedule 21 of the Act).</p>	<p>http://www.legislation.gov.uk/ukpga/2012/7/section/298</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/schedule/21</p>
Furthering sustainable development outside UK	Power	<p>Section 9 International Development Act 2002</p> <p>Each CCG has the power, as a relevant public body, to make arrangements for the purposes of furthering sustainable development in countries outside the United Kingdom, improving the welfare of the population of one or more such countries, or alleviating the effects of a natural or man-made disaster or other emergency on the population of one or more such countries (Schedule 5, paragraph 10 of Health and Social Care Act 2012).</p>	<p>http://www.legislation.gov.uk/ukpga/2002/1/section/9</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/schedule/5</p>
Power to be partnership organisations	Power	<p>Section 113(1A) Local Government Act 1972</p> <p>CCGs have the power to be partnership organisations of local authorities and are able to receive the services of local authorities officers (Schedule 5, paragraph 17 of Health and Social Care Act 2012).</p>	<p>http://www.legislation.gov.uk/ukpga/1972/70/section/113</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/schedule/5/paragraph/17</p>

Function	Power / Duty	Statutory reference	Link to legislation
Duty of co-operation with local authority – targets	Duty	<p>Section 106(3) and Section 111 Local Government and Public Involvement in Health Act 2007</p> <p>As partner authorities, CCGs have a duty to co-operate with the responsible local authority in determining local improvement targets, additional targets, or changes to or removal of existing targets, in local area agreements relating to it. CCGs also have a related duty to have regard to Secretary of State guidance.</p> <p>Under section 111, as partner authorities, CCGs have a duty, in determining changes to or the removal of designated targets, or additional local improvement targets, relating to the partner authority, to co-operate and have regard to guidance.</p>	<p>http://www.legislation.gov.uk/ukpga/2007/28/section/106</p> <p>http://www.legislation.gov.uk/ukpga/2007/28/section/111</p>
Local improvement targets	Duty	<p>Section 108 Local Government and Public Involvement in Health Act 2007</p> <p>Where there is a local area agreement, both the responsible local authority and each partner authority (including CCGs) must, in exercising their functions, have regard to every local improvement target specified in the local area agreement which relates to it.</p>	<p>http://www.legislation.gov.uk/ukpga/2007/28/section/108</p>

Function	Power / Duty	Statutory reference	Link to legislation
Joint health and wellbeing strategy	Duty	<p>Section 116A Local Government and Public Involvement in Health Act 2007</p> <p>Where an assessment of the relevant needs has been prepared under section 116, the responsible local authority and each of its CCG partners must prepare a strategy for meeting the needs included in the assessment by the exercise of the functions of the local authority, the Board or the CCGs (“a joint health and wellbeing strategy”).</p> <p>When preparing the strategy, the local authority and each of its CCG partners must consider whether the needs could be met more effectively by making the arrangements under section 75 of the 2006 Act.</p> <p>The local authority and its partner CCGs must have regard to the mandate published by the Secretary of State under section 13A of the 2006 Act and any guidance issued by the Secretary of State .</p> <p>The local authority and its partner CCGs must also involve the Local Healthwatch organisation for the area of the responsible local authority and the people who live or work in that area.</p> <p>A statement of the local authority and its partner CCGs’ views on how arrangements could be better integrated can be included in the strategy.</p> <p>Note that, under section 196 of the Health and Social Care Act 2012, the functions of the local authority and its partner CCGs under sections 116 and 116A are to be exercised by the Health and Wellbeing Board established by the local authority.</p>	http://www.legislation.gov.uk/ukpga/2012/7/section/193
Duty to have regard to JSNAs and joint health and wellbeing strategies	Duty	<p>Section 116B(1) Local Government and Public Involvement in Health Act 2007</p> <p>In exercising any functions, the responsible local authority and its partner CCG must have regard to the following:</p> <ul style="list-style-type: none"> • any relevant needs assessment prepared under section 116; and • any relevant joint health and wellbeing strategy prepared under section 116A. 	http://www.legislation.gov.uk/ukpga/2012/7/section/193
Duty to provide information to the Court	Duty	<p>Section 39 Mental Health Act 1983</p> <p>Under section 39, CCGs have a duty to provide the Court on request with information about availability of hospital places in order to admit a person in pursuance of a hospital order or interim hospital order (paragraph 28, Schedule 5).</p>	http://www.legislation.gov.uk/ukpga/1983/20/section/39 http://www.legislation.gov.uk/ukpga/2012/7/schedule/5/paragraph/28

Function	Power / Duty	Statutory reference	Link to legislation
Provision of accommodation in premises maintained by voluntary organisations	Power	<p>Section 24 and 26(1C) National Assistance Act 1948</p> <p>Section 24 sets out the circumstances of local authority liability for the provision of accommodation. CCGs have the power to give consent to the provision of accommodation in premises maintained by voluntary organisations. No arrangements may be made without the CCG's prior consent (Schedule 5, paragraphs 3 and 4 of Health and Social Care Act 2012).</p>	<p>http://www.legislation.gov.uk/ukpga/Geo6/11-12/29/section/26</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/schedule/5/paragraph/3</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/schedule/5/paragraph/4</p>
Community care assessment	Power	<p>Section 47 National Health Service and Community Care Act 1990</p> <p>If, in the course of a community care assessment, a local authority believes a person is in need of an NHS assessment, the relevant CCG will be invited to assist with the assessment (Schedule 5, paragraph 59 of Health and Social Care Act 2012).</p>	<p>http://www.legislation.gov.uk/ukpga/1990/19/section/47</p> <p>http://www.legislation.gov.uk/ukpga/2012/7/schedule/5/paragraph/59</p>

Secondary Legislation

Function	Power / Duty	Statutory reference	Link to legislation
Controlled drugs	Duty	<p>Controlled Drugs (Supervision of Management and Use) Regulations 2013</p> <p>Provides for arrangements regarding the safe management and use of controlled drugs.</p> <p>Makes provision for the establishment of designated bodies and controlled drugs accountable officers (CDAO). Also makes provision for the establishment of local intelligence networks, with membership drawn from responsible bodies (defined to include CCGs).</p> <p>CCGs have a duty to assist the relevant CDAO of the Board in certain specified circumstances – regulation 13.</p>	<p>http://www.legislation.gov.uk/uksi/2013/373/contents/made</p>

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