



# Health and Social Care Act 2008

## 2008 CHAPTER 14

### PART 1

#### THE CARE QUALITY COMMISSION

### CHAPTER 3

#### QUALITY OF HEALTH AND SOCIAL CARE

##### *Reviews and investigations*

#### **48 Special reviews and investigations**

- (1) The Commission may <sup>F1</sup>...conduct any special review or investigation, and must do so if the Secretary of State so requests [<sup>F2</sup>; but the Commission may not conduct a review or investigation under subsection (2)(ba) or (bb) without the approval of the Secretary of State.].

<sup>F3</sup>(1A) .....

- (2) A special review or investigation is a review (other than [<sup>F4</sup> a review under section 46][<sup>F5</sup>, 46A][<sup>F6</sup> or 46B]) of or an investigation into—

- (a) the provision of NHS care,
- (b) the provision of adult social services,
- [<sup>F7</sup>(ba) the exercise of the functions of [<sup>F8</sup>NHS England] or [<sup>F9</sup>an integrated care board] in arranging for the provision of NHS care under the National Health Service Act 2006 [<sup>F10</sup> or section 117 of the Mental Health Act 1983 (after-care)],]
- [<sup>F11</sup>(bb) the exercise of the functions of English local authorities in arranging for the provision of adult social services,] or
- (c) the exercise of functions by English Health Authorities.

- (3) Such a review or investigation may relate—

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*Changes to legislation: There are currently no known outstanding effects for the Health and Social Care Act 2008, Section 48. (See end of Document for details)*

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- (a) to the overall provision of NHS care or adult social services or to the provision of NHS care or adult social services of a particular description;
- (b) to the overall exercise of functions or to the exercise of functions of a particular description;
- (c) to the provision of care or services or the exercise of functions by bodies or persons generally or by particular bodies or persons.

[<sup>F12</sup>(3A) A review or investigation under subsection (2)(b), in so far as it involves a review or investigation into the arrangements made for the provision of the adult social services in question, is to be treated as a review [<sup>F13</sup>or investigation] under subsection (2)(bb) (and the requirement for approval under subsection (1) is accordingly to apply).]

- (4) Where the Commission conducts a review or investigation under this section, it must publish a report.
- (5) The Commission must consider whether the report raises anything on which it ought to give advice to the Secretary of State under section 53(2).
- (6) If the review or investigation gives rise to a duty to act under section 50(2) <sup>F14</sup>... in respect of an English local authority, subsection (5) does not apply in relation to so much of the report as relates to that local authority.

<sup>F15</sup>(7) .....

- (8) In this section “English Health Authority” means—
  - <sup>F16</sup>(a) .....
  - (b) a Special Health Authority performing functions only or mainly in respect of England.

#### **Textual Amendments**

- F1** Words in s. 48(1) omitted (1.10.2014) by virtue of [Care Act 2014 \(c. 23\)](#), **ss. 91(4)(a)**, 127(1); S.I. 2014/1714, art. 4
- F2** Words in s. 48(1) inserted (1.10.2014) by [Care Act 2014 \(c. 23\)](#), **ss. 91(4)(b)**, 127(1); S.I. 2014/1714, art. 4
- F3** S. 48(1A) omitted (1.10.2014) by virtue of [Care Act 2014 \(c. 23\)](#), **ss. 91(5)**, 127(1); S.I. 2014/1714, art. 4
- F4** Words in s. 48(2) substituted (1.10.2014) by [Care Act 2014 \(c. 23\)](#), **ss. 91(6)**, 127(1); S.I. 2014/1714, art. 4
- F5** Word in s. 48(2) inserted (1.4.2023) by [Health and Care Act 2022 \(c. 31\)](#), **ss. 163(4)(a)**, 186(6); S.I. 2023/371, reg. 2(e)
- F6** Words in s. 48(2) inserted (1.4.2023) by [Health and Care Act 2022 \(c. 31\)](#), **ss. 31(3)**, 186(6); S.I. 2023/371, reg. 2(b)
- F7** S. 48(2)(ba) inserted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), **Sch. 5 para. 158(a)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F8** Words in s. 48 substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), Sch. 1 para. 1(1)(2); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F9** Words in s. 48(2)(ba) substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), **Sch. 4 para. 163**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F10** Words in s. 48(2)(ba) inserted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by [Health and Social Care Act 2012 \(c. 7\)](#), ss. 40(6), 306(4), **Sch. 5 para. 158(a)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F11** S. 48(2)(bb) inserted (1.10.2014) by [Care Act 2014 \(c. 23\)](#), **ss. 91(7)**, 127(1); S.I. 2014/1714, art. 4
- F12** S. 48(3A) inserted (1.10.2014) by [Care Act 2014 \(c. 23\)](#), **ss. 91(8)**, 127(1); S.I. 2014/1714, art. 4

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- F13** Words in s. 48(3A) inserted (1.4.2023) by Health and Care Act 2022 (c. 31), **ss. 163(4)(b)**, 186(6); S.I. 2023/371, reg. 2(e)
- F14** Words in s. 48(6) omitted (1.4.2023) by virtue of Health and Care Act 2022 (c. 31), **ss. 165(2)**, 186(6); S.I. 2023/371, reg. 2(g)
- F15** S. 48(7) omitted (1.10.2014) by virtue of Care Act 2014 (c. 23), **ss. 90(2)**, 127(1); S.I. 2014/2473, art. 3(e)
- F16** S. 48(8)(a) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 158(b)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

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**Commencement Information**

- I1** S. 48 partly in force; S. 48 in force for specified purposes at Royal Assent, see s. 170
- I2** S. 48 in force at 1.4.2009 in so far as not already in force by S.I. 2009/462, art. 2(1), **Sch. 1 para. 17**

**Changes to legislation:**

There are currently no known outstanding effects for the Health and Social Care Act 2008, Section 48.