



# 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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- (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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**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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- 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.