

# HEALTH AND SOCIAL CARE ACT 2008

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## EXPLANATORY NOTES

### TERRITORIAL EXTENT

#### *Reviews and investigations*

#### *Section 48: Special reviews and investigations*

199. **Section 48** enables the Commission to conduct additional reviews and investigations (referred to as ‘special reviews and investigations’). These can cover: any aspect of health and adult social services provided or commissioned by a PCT or English local authority; functions carried out by Strategic Health Authorities; or, where the majority of their functions are carried out in England, functions carried out by Special Health Authorities. Reviews and investigations under this section could look specifically or generally at any issue to do with different kinds of health or adult social care, including the commissioning of that care, how particular functions are carried out or provision by particular people or bodies. Investigations may be carried out where the Commission identifies a risk to a care recipient’s health or welfare. For instance, the Commission might investigate older people’s services in a particular area, and then nationally where there is evidence to suggest a problem is more widespread. The Commission may also carry out reviews into topics of particular interest, for instance, it may carry out a review of care pathways for people with long-term conditions. The Commission must carry out a particular review or investigation if requested by the Secretary of State.
200. The Commission will have to publish reports of any review or investigation carried out under section 48. It must also consider whether its report raises matters which make it appropriate for the Commission to exercise its powers under section 53 to advise the Secretary of State. This duty does not affect or duplicate the duties the Commission has under section 50 (in relation to a failing English local authority). Regulations will set out what procedure should apply to allow people to make representations to the Commission before it publishes a report. As with similar powers in other sections, the reason for this is to give the reviewed body time to comment and to ensure that any comments are considered by the Commission.