



# 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*

#### **50 Failings by English local authorities**

- (1) This section applies where the Commission conducts a review under section 46 or 49, or a review or investigation under section 48, in respect of an English local authority.
- (2) If the Commission considers that the local authority is failing to discharge any of its adult social services functions to an acceptable standard, then subject to subsection (3) the Commission must—
  - (a) inform the Secretary of State of that fact, and
  - (b) recommend any special measures which it considers the Secretary of State should take.
- (3) If the Commission considers that the failure is not substantial, it may instead—
  - (a) give the local authority a notice under subsection (4), and
  - (b) inform the Secretary of State that it has done so.
- (4) A notice under this subsection is a notice which specifies—
  - (a) the respects in which the Commission considers that the local authority is failing,
  - (b) the action which the Commission considers the local authority should take to remedy the failure, and

---

**Status:** *This is the original version (as it was originally enacted).*

---

- (c) the time by which the Commission considers the action should be taken.
- (5) If the Commission recommends that the Secretary of State should take special measures in relation to the local authority, the Commission must, if the Secretary of State so requests—
- (a) conduct a further review under section 48 in relation to the authority, and
  - (b) include in its report under subsection (4) of that section a report on such matters as the Secretary of State may specify.