



Care Act 2014

CHAPTER 23

CARE ACT 2014

PART 1

CARE AND SUPPORT

General responsibilities of local authorities

- 1 Promoting individual well-being
- 2 Preventing needs for care and support
- 3 Promoting integration of care and support with health services etc.
- 4 Providing information and advice
- 5 Promoting diversity and quality in provision of services
- 6 Co-operating generally
- 7 Co-operating in specific cases

Meeting needs for care etc.

- 8 How to meet needs

Assessing needs

- 9 Assessment of an adult's needs for care and support
- 10 Assessment of a carer's needs for support
- 11 Refusal of assessment
- 12 Assessments under sections 9 and 10: further provision
- 13 The eligibility criteria

Charging and assessing financial resources

- 14 Power of local authority to charge
- 15 Cap on care costs

Status: This is the original version (as it was originally enacted).

- 16 Cap on care costs: annual adjustment
- 17 Assessment of financial resources

Duties and powers to meet needs

- 18 Duty to meet needs for care and support
- 19 Power to meet needs for care and support
- 20 Duty and power to meet a carer's needs for support
- 21 Exception for persons subject to immigration control
- 22 Exception for provision of health services
- 23 Exception for provision of housing etc.

Next steps after assessments

- 24 The steps for the local authority to take
- 25 Care and support plan, support plan
- 26 Personal budget
- 27 Review of care and support plan or of support plan
- 28 Independent personal budget
- 29 Care account
- 30 Cases where adult expresses preference for particular accommodation

Direct payments

- 31 Adults with capacity to request direct payments
- 32 Adults without capacity to request direct payments
- 33 Direct payments: further provision

Deferred payment agreements, etc.

- 34 Deferred payment agreements and loans
- 35 Deferred payment agreements and loans: further provision
- 36 Alternative financial arrangements

Continuity of care and support when adult moves

- 37 Notification, assessment, etc.
- 38 Case where assessments not complete on day of move

Establishing where a person lives, etc.

- 39 Where a person's ordinary residence is
- 40 Disputes about ordinary residence or continuity of care
- 41 Financial adjustments between local authorities

Safeguarding adults at risk of abuse or neglect

- 42 Enquiry by local authority
- 43 Safeguarding Adults Boards
- 44 Safeguarding adults reviews
- 45 Supply of information
- 46 Abolition of local authority's power to remove persons in need of care
- 47 Protecting property of adults being cared for away from home

Provider failure

- 48 Temporary duty on local authority

- 49 Section 48: cross-border cases
- 50 Temporary duty on local authority in Wales
- 51 Temporary duty on Health and Social Care trust in Northern Ireland
- 52 Sections 48 to 51: supplementary

Market oversight

- 53 Specifying criteria for application of market oversight regime
- 54 Determining whether criteria apply to care provider
- 55 Assessment of financial sustainability of care provider
- 56 Informing local authorities where failure of care provider likely
- 57 Sections 54 to 56: supplementary

Transition for children to adult care and support, etc.

- 58 Assessment of a child's needs for care and support
- 59 Child's needs assessment: requirements etc.
- 60 Assessment of a child's carer's needs for support
- 61 Child's carer's assessment: requirements etc.
- 62 Power to meet child's carer's needs for support
- 63 Assessment of a young carer's needs for support
- 64 Young carer's assessment: requirements etc.
- 65 Assessments under sections 58 to 64: further provision
- 66 Continuity of services under other legislation

Independent advocacy support

- 67 Involvement in assessments, plans etc.
- 68 Safeguarding enquiries and reviews

Enforcement of debts

- 69 Recovery of charges, interest etc.
- 70 Transfer of assets to avoid charges

Review of funding provisions

- 71 Five-yearly review by Secretary of State

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- 72 Part 1 appeals

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- 73 Human Rights Act 1998: provision of regulated care or support etc a public function
- 74 Discharge of hospital patients with care and support needs
- 75 After-care under the Mental Health Act 1983
- 76 Prisoners and persons in approved premises etc.
- 77 Registers of sight-impaired adults, disabled adults, etc.
- 78 Guidance, etc.
- 79 Delegation of local authority functions

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- 80 Part 1: interpretation

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- 81 Duty of candour
- 82 Warning notice
- 83 Imposition of licence conditions on NHS foundation trusts
- 84 Trust special administration: appointment of administrator
- 85 Trust special administration: objective, consultation and reports

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- 86 Restriction on applications for variation or removal of conditions
- 87 Rights of appeal
- 88 Unitary board

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- 89 Chief Inspectors
- 90 Independence of the Care Quality Commission

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- 91 Reviews and performance assessments

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- 92 Offence
- 93 Penalties
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- 95 Training for persons working in regulated activity

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- 98 Ensuring sufficient skilled health care workers for the health service
- 99 Quality improvement in education and training, etc.
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- 101 Sections 98 and 100: matters to which HEE must have regard
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- 104 LETBs: appointment etc.
- 105 LETBs: co-operation by providers of health services
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- 107 Commissioning education and training

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- 108 Tariffs

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 127 Commencement
 128 Extent and application
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SCHEDULE 1 — Cross-border placements

- 1 Placements from England to Wales, Scotland or Northern Ireland
 2 Placements from Wales to England, Scotland or Northern Ireland
 3 Placements from Scotland to England, Wales or Northern Ireland
 4 Placements from Northern Ireland to England, Wales or Scotland
 5 Dispute resolution
 6 Financial adjustments
 7 (1) In section 86 of the Social Work (Scotland) Act...
 8 Provision of NHS accommodation not to affect deemed ordinary residence etc.
 9 Direct payments
 10 Particular types of accommodation
 11 Regulations
 12 Interpretation
 13 Consequential provision
 14 Transitory provision

SCHEDULE 2 — Safeguarding Adults Boards

- 1 Membership, etc.
 2 Funding and other resources
 3 Strategic plan
 4 Annual report

SCHEDULE 3 — Discharge of hospital patients with care and support needs

- 1 Cases where hospital patient is likely to have care and support needs after discharge
 2 Assessment notice given by responsible NHS body to local authority

- 3 (1) The relevant authority, having received an assessment notice and...
- 4 Cases where discharge of the patient is delayed
- 5 Delegation to management of independent hospital
- 6 Adjustments between local authorities
- 7 Meaning of “hospital patient”, “NHS hospital”, “NHS body”, etc.
- 8 Further provision about assessment notices, discharge notices, etc.

SCHEDULE 4 — Direct payments: after-care under the Mental Health Act 1983

PART 1 — AFTER-CARE UNDER THE MENTAL HEALTH ACT 1983: DIRECT PAYMENTS

- 1 (1) Sections 31 (adults with capacity to request direct payments),...
- PART 2 — PROVISION TO BE INSERTED IN SOCIAL SERVICES AND WELL-BEING (WALES) ACT 2014

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- 1 Membership
- 2 (1) The members of HEE must include persons who have...
- 3 Non-executive members: terms of office
- 4 Non-executive members: suspension from office
- 5 (1) Where a person is suspended from office as the...
- 6 Non-executive members: pay
- 7 Employees: terms of office
- 8 Employees: pay
- 9 Committees and sub-committees
- 10 Procedure
- 11 Seal and evidence
- 12 Status of HEE

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- 13 Exercise of functions
- 14 Help or advice for other public authorities
- 15 Co-operation
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- 17 Arrangements with devolved authorities
- 18 Failure to exercise functions

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- 25 Accounts
- 26 Annual accounts
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- 28 Annual report

PART 4 — CONSEQUENTIAL AMENDMENTS

- 29 Public Records Act 1958
- 30 Public Bodies (Admission to Meetings) Act 1960
- 31 Parliamentary Commissioner Act 1967
- 32 House of Commons Disqualification Act 1975
- 33 Copyright, Designs and Patents Act 1988
- 34 Freedom of Information Act 2000

35 Equality Act 2010

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- 1 The area for which an LETB is appointed
- 2 Assessment of whether the appointment criteria are being met in relation to LETBs
- 3 Publication and review of the appointment criteria
- 4 Exercise of functions

SCHEDULE 7 — The Health Research Authority

PART 1 — CONSTITUTION

- 1 Membership
- 2 Non-executive members: terms of office
- 3 Non-executive members: suspension from office
- 4 (1) Where a person is suspended from office as the...
- 5 Non-executive members: pay
- 6 Employees: terms of office
- 7 Employees: pay
- 8 Committees and sub-committees
- 9 Regulations may provide for the committee appointed under paragraph 8(1)...
- 10 Procedure
- 11 Seal and evidence
- 12 Status of the HRA

PART 2 — FUNCTIONS

- 13 Exercise of functions
- 14 Help or advice for other public authorities
- 15 Arrangements with devolved authorities
- 16 Failure to exercise functions

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- 17 Funding
- 18 Fees and indemnities
- 19 Accounts
- 20 Annual report

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- 25 Copyright, Designs and Patents Act 1988
- 26 Freedom of Information Act 2000
- 27 Equality Act 2010

SCHEDULE 8 — Research ethics committees: amendments

- 1 Ionising Radiation (Medical Exposure) Regulations 2000 (S.I. 2000/1059)
- 2 Ionising Radiation (Medical Exposure) Regulations (Northern Ireland) 2000 (S.R. 2000/194)
- 3 Health Service (Control of Patient Information) Regulations 2002 (S.I. 2002/1438)
- 4 Nursing Homes Regulations (Northern Ireland) 2005 (S.R. 2005/160)
- 5 Residential Care Homes Regulations (Northern Ireland) 2005 (S.R. 2005/161)

- 6 Independent Health Care Regulations (Northern Ireland) 2005 (S.R. 2005/174)
- 7 Approval of Research on Organs No Longer Required for Procurator Fiscal Purposes (Specified Purposes) (Scotland) Order 2006 (S.S.I. 2006/310)
- 8 Human Tissue Act 2004 (Ethical Approval, Exceptions from Licensing and Supply of Information about Transplants) Regulations 2006 (S.I. 2006/1260)
- 9 Mental Capacity Act 2005 (Appropriate Body) (England) Regulations 2006 (S.I. 2006/2810)
- 10 Mental Capacity Act 2005 (Appropriate Body) (Wales) Regulations 2007 (S.I. 2007/833)
- 11 Human Fertilisation and Embryology (Disclosure of Information for Research Purposes) Regulations 2010 (S.I. 2010/995)
- 12 Independent Health Care (Wales) Regulations 2011 (S.I. 2011/734)