

Status: This version of this part contains provisions that are prospective.

Changes to legislation: Care Act 2014, PART 2 is up to date with all changes known to be in force on or before 22 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 4 **E+W**

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

PART 2 **E+W**

PROVISION TO BE INSERTED IN SOCIAL SERVICES AND WELL-BEING (WALES) ACT 2014

PROSPECTIVE

“SCHEDULE A1 **E+W**”

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

General

- 1 Sections 50 (direct payments to meet an adult's needs), 51 (direct payments to meet a child's needs) and 53 (direct payments: further provision) apply in relation to section 117 of the Mental Health Act 1983 but as if the following modifications were made to those sections.

Modifications to section 50

- 2 For subsection (1) of section 50 substitute—
- “(1) Regulations may require or allow a local authority to make payments to an adult to whom section 117 of the Mental Health Act 1983 (after-care) applies that are equivalent to the cost of providing or arranging for the provision of after-care services for the adult under that section.”
- 3 In subsection (3) of that section—
- (a) in paragraph (a), for “who has needs for care and support (“A”)” substitute “in respect of the provision to the adult (“A”) of after-care services under section 117 of the Mental Health Act 1983”, and
- (b) in paragraph (c)(i), for “of meeting A's needs” substitute “of discharging its duty towards A under section 117 of the Mental Health Act 1983”.
- 4 In subsection (4) of that section—
- (a) in paragraph (a), for “who has needs for care and support (“A”)” substitute “to whom section 117 of the Mental Health Act 1983 applies (“A”)”, and
- (b) in paragraph (d)(i), for “meeting A's needs” substitute “discharging its duty towards A under section 117 of the Mental Health Act 1983”.
- 5 In subsection (5) of that section—

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- (a) in paragraph (a), for “A's needs for care and support” substitute “ the provision to A of after-care services under section 117 of the Mental Health Act 1983 ”, and
- (b) in paragraph (b), for “towards the cost of meeting A's needs for care and support” substitute “ equivalent to the cost of providing or arranging the provision to A of after-care services under section 117 of the Mental Health Act 1983 ”.

- 6 In subsection (6)(b) of that section, for “A's needs for care and support” substitute “ the provision to A of after-care services under section 117 of the Mental Health Act 1983 ”.

Modifications to section 51

- 7 For subsection (1) of section 51 substitute—
- “(1) Regulations may require or allow a local authority to make payments to a person in respect of a child to whom section 117 of the Mental Health Act 1983 (after-care) applies that are equivalent to the cost of providing or arranging the provision of after-care services for the child under that section.”
- 8 In subsection (3)(a) and (b) of that section, for “who has needs for care and support” (in each place it occurs) substitute “ to whom section 117 of the Mental Health Act 1983 applies ”.
- 9 In subsection (5)(a) of that section, for “meeting the child's needs” substitute “ discharging its duty towards the child under section 117 of the Mental Health Act 1983 ”.

Modifications to section 53

- 10 In subsection (1) of section 53—
- (a) in the opening words, for “50, 51 or 52” substitute “ 50 or 51 ”,
 - (b) omit paragraphs (a), (b) and (c),
 - (c) in paragraph (i), for “a local authority's duty or power to meet a person's needs for care and support or a carer's needs for support is displaced” substitute “ a local authority's duty under section 117 of the Mental Health Act 1983 (after-care) is discharged ”, and
 - (d) in paragraph (k), for “50 to 52” substitute “ 50 and 51 ”.
- 11 Omit subsections (2) to (8) of that section.
- 12 After subsection (8) of that section insert—
- “(8A) Regulations under sections 50 and 51 must specify that direct payments to meet the cost of providing or arranging for the provision of after-care services under section 117 of the Mental Health Act 1983 (after-care) must be made at a rate that the local authority estimates to be equivalent to the reasonable cost of securing the provision of those services to meet those needs.”
- 13 In subsection (9) of that section—
- (a) for “, 51 or 52” substitute “ or 51 ”, and
 - (b) for “care and support (or, in the case of a carer, support)” substitute “ after-care services ”.

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- 14 In subsection (10) of that section, for “care and support (or, in the case of a carer, support) to meet needs” substitute “ after-care services ”.”

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 15(2)-(3B) substituted for s. 15(2)(3) by [2022 c. 31 s. 166\(2\)](#)
- s. 26(1)-(2A) substituted for s. 26(1)(2) by [2022 c. 31 s. 166\(4\)](#)