



# Care Act 2014

## 2014 CHAPTER 23

### PART 1

#### CARE AND SUPPORT

##### *Continuity of care and support when adult moves*

#### **38 Case where assessments not complete on day of move**

- (1) If, on the day of the intended move as mentioned in section 37(1)(b), (2)(b) or (3)(b), the second authority has yet to carry out the assessment or assessments under section 37(6), or has done so but has yet to take the other steps required under this Part in the adult's case, it must—
  - (a) meet the adult's needs for care and support, and the needs for support of any carer who is continuing as the adult's carer, which the first authority has been meeting, and
  - (b) where the first authority has been keeping a care account in the adult's case, itself keep that account on the same basis as the first authority has been keeping it.
- (2) The second authority is subject to the duty under subsection (1) until it has—
  - (a) carried out the assessment or assessments under section 37(6), and
  - (b) taken the other steps required under this Part in the adult's case.
- (3) In deciding how to meet the adult's needs for care and support under subsection (1), the second authority must involve—
  - (a) the adult,
  - (b) any carer who is continuing as the adult's carer, and
  - (c) any person whom the adult asks the authority to involve or, where the adult lacks capacity to ask the authority to do that, any person who appears to the authority to be interested in the adult's welfare.

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*Status: This is the original version (as it was originally enacted).*

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- (4) In deciding how to meet the needs for support of any carer who is continuing as the adult's carer, the second authority must involve—
  - (a) the carer,
  - (b) the adult needing care, if the carer asks the authority to do so, and
  - (c) any other person whom the carer asks the authority to involve.
- (5) In performing the duty under subsection (3)(a) or (4)(a), the second authority must take all reasonable steps to reach agreement with the adult or carer about how it should meet the needs in question.
- (6) The first authority is not required to meet the adult's needs for care and support or, if the adult has a carer, such needs for support as the carer has, for so long as the second authority is subject to the duty under subsection (1).
- (7) Where, having complied with the duty under subsection (1), the second authority is not required to meet the adult's needs for care and support under section 18 because the adult is still ordinarily resident in the area of the first authority, the second authority may recover from the first authority the costs it incurs in complying with the duty under subsection (1).
- (8) Regulations may specify matters to which the second authority must have regard in deciding how to perform the duty under subsection (1).