

STATUTORY INSTRUMENTS

2014 No. 2828

SOCIAL CARE, ENGLAND

**The Care and Support (Ordinary Residence)
(Specified Accommodation) Regulations 2014**

Made - - - - 6th October 2014
Laid before Parliament 27th October 2014
Coming into force in accordance with regulation 1(1)

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 39(1) and 125(7) of the Care Act 2014 ^{M1}.

Marginal Citations

M1 2014 c.23; see section 125(1) for the powers to make regulations.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Care and Support (Ordinary Residence) (Specified Accommodation) Regulations 2014 and come into force immediately after section 39(1) of the Care Act 2014 comes fully into force ^{M2}.

(2) In these Regulations—

“the Act” means the Care Act 2014;

“personal care” means—

- (a) physical assistance given to a person in connection with—
- (i) eating or drinking (including the administration of parenteral nutrition),
 - (ii) toileting (including in relation to the process of menstruation),
 - (iii) washing or bathing,
 - (iv) dressing,
 - (v) oral care,
 - (vi) the care of skin, hair and nails (with the exception of nail care provided by a chiropodist or podiatrist); or

- (b) the prompting, together with supervision, of a person in relation to the performance of any of the activities listed in paragraph (a), where that person is unable to make a decision for themselves in relation to performing the activity without such prompting or supervision.

Marginal Citations

M2 Section 39(1) was commenced for the purpose of making regulations by S.I. 2014/2473.

Specified types of accommodation

2.—^{F1}(1) Subject to paragraph (2), the following] types of accommodation are specified for the purposes of section 39(1) of the Act (where a person is treated as ordinarily resident)—

- (a) care home accommodation (see regulation 3);
- (b) shared lives scheme accommodation (see regulation 4); and
- (c) supported living accommodation (see regulation 5).

^{F2}(2) The types of accommodation referred to in paragraph (1) are specified in relation to an adult for the purposes of section 39(1) of the Act only if the care and support needs of the adult are being met under Part 1 of the Act while the adult lives in that type of accommodation.]

Textual Amendments

- F1** Words in reg. 2 substituted (coming into force in accordance with reg. 1(2)(3) of the amending S.I.) by *The Care and Support (Miscellaneous Amendments) Regulations 2015* (S.I. 2015/644), reg. 1(2)(3), **4(a)**
- F2** Reg. 2(2) inserted (coming into force in accordance with reg. 1(2)(3) of the amending S.I.) by *The Care and Support (Miscellaneous Amendments) Regulations 2015* (S.I. 2015/644), reg. 1(2)(3), **4(b)**

Care home accommodation

3. For the purposes of these Regulations “care home accommodation” means accommodation in a care home within the meaning given by section 3 of the Care Standards Act 2000 ^{M3}.

Marginal Citations

M3 2000 c.14; section 3 was amended by the *Health and Social Care Act 2008* (c.14), section 95 and paragraph 4 of Schedule 5.

Shared lives scheme accommodation

4. For the purposes of these Regulations “shared lives scheme accommodation” means accommodation which is provided for an adult ^{M4} by a shared lives carer, and for this purpose—

“shared lives carer” means an individual who, under the terms of a shared lives agreement, provides, or intends to provide, personal care for adults together with, where necessary, accommodation in the individual's home;

“shared lives agreement” means an agreement entered into between a person carrying on a shared lives scheme and an individual for the provision, by that individual, of personal care to an adult together with, where necessary, accommodation in the individual's home; and

“shared lives scheme” means a scheme carried on (whether or not for profit) by a local authority^{M5} or other person for the purposes of—

- (a) recruiting and training shared lives carers,
- (b) making arrangements for the placing of adults with shared lives carers, and
- (c) supporting and monitoring placements.

Marginal Citations

M4 See section 2(8) of the Act for the meaning of “adult”.

M5 See section 1(4) of the Act for the meaning of “local authority”; the definition is limited to local authorities in England.

Supported living etc

5.—(1) For the purposes of these Regulations “supported living accommodation” means—

- (a) accommodation in premises which are specifically designed or adapted for occupation by adults with needs for care and support to enable them to live as independently as possible; and
- (b) accommodation which is provided—
 - (i) in premises which are intended for occupation by adults with needs for care and support (whether or not the premises are specifically designed or adapted for that purpose); and
 - (ii) in circumstances in which personal care is available if required.

(2) For the purposes of paragraph (1)(b) personal care may be provided by a person other than the person who provides the accommodation.

Signed by authority of the Secretary of State for Health.

Department of Health

Dan Poulter
Parliamentary Under-Secretary of State,

Changes to legislation: There are currently no known outstanding effects for the The Care and Support (Ordinary Residence) (Specified Accommodation) Regulations 2014. (See end of Document for details)

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 39 of the Care Act 2014 (“the Act”) makes provision for establishing an adult's ordinary residence. Section 39(1) makes provision about an adult's ordinary residence in a case where an adult is living in accommodation of a specified type.

These Regulations specify and define three types of accommodation for these purposes: care home accommodation, shared lives scheme accommodation and supported living accommodation.

Where an adult has needs for care and support which can be met only by living in accommodation of a specified type and is living in accommodation of a specified type in England, the adult is to be treated (by virtue of section 39(1) of the Act) as ordinarily resident in the area in which the adult was ordinarily resident immediately before the adult began to live in the specified type of accommodation. If the adult was of no settled residence immediately before beginning to live in a specified type of accommodation, the adult is treated as ordinarily resident in the area in which the adult was present at that time.

A separate impact assessment has not been prepared for these Regulations. These Regulations are part of a package of legislative measures and the relevant impact assessment can be requested via careactconsultation@dh.gsi.gov.uk or from the Department of Health, Richmond House, 79 Whitehall, London SW1A 2NS and is available online at <https://www.gov.uk/government/organisations/department-of-health>.

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