



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Status: Point in time view as at 06/04/2015.

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

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- 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.

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- 24 The steps for the local authority to take
- 25 Care and support plan, support plan
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- 28 Independent personal budget
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- 30 Cases where adult expresses preference for particular accommodation

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- 31 Adults with capacity to request direct payments
- 32 Adults without capacity to request direct payments
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- 35 Deferred payment agreements and loans: further provision
- 36 Alternative financial arrangements

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

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- 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
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- 47 Protecting property of adults being cared for away from home

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- 48 Temporary duty on local authority

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- 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
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- 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

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- 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
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- 65 Assessments under sections 58 to 64: further provision
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- 67 Involvement in assessments, plans etc.
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- 75 After-care under the Mental Health Act 1983
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- 79 Delegation of local authority functions

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127 Commencement
128 Extent and application
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SCHEDULES

SCHEDULE 1 — Cross-border placements

Placements from England to Wales, Scotland or Northern Ireland

- 1 (1) Where a local authority in England is meeting an...

Placements from Wales to England, Scotland or Northern Ireland

- 2 (1) Where a local authority in Wales is discharging its...

Placements from Scotland to England, Wales or Northern Ireland

- 3 (1) Where a local authority in Scotland is discharging its...

Placements from Northern Ireland to England, Wales or Scotland

- 4 (1) Where there are arrangements under Article 15 of the...

Dispute resolution

- 5 (1) Any dispute about the application of any of paragraphs...

Financial adjustments

- 6 (1) This paragraph applies where— (a) an adult has been...
7 (1) In section 86 of the Social Work (Scotland) Act...

Provision of NHS accommodation not to affect deemed ordinary residence etc.

- 8 (1) In a case where, as a result of this...

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Direct payments

- 9 (1) Regulations may provide for this Schedule to apply, with...

Particular types of accommodation

- 10 (1) Regulations may provide for this Schedule to apply, with...

Regulations

- 11 Regulations under this Schedule— (a) if they include provision relating...

Interpretation

- 12 (1) This paragraph applies for the purposes of this Schedule....

Consequential provision

- 13 In section 194 of the Social Services and Well-being (Wales)...

Transitory provision

- 14 (1) Pending the commencement of Part 4 of the Social...

SCHEDULE 2 — Safeguarding Adults Boards

Membership, etc.

- 1 (1) The members of an SAB are—

Funding and other resources

- 2 (1) A member of an SAB listed in paragraph 1(1)...

Strategic plan

- 3 (1) An SAB must publish for each financial year a...

Annual report

- 4 (1) As soon as is feasible after the end of...

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

Cases where hospital patient is likely to have care and support needs after discharge

- 1 (1) Where the NHS body responsible for a hospital patient...

Assessment notice given by responsible NHS body to local authority

- 2 (1) The NHS body responsible for a hospital patient, having...
3 (1) The relevant authority, having received an assessment notice and...

Cases where discharge of the patient is delayed

- 4 (1) If the relevant authority, having received an assessment notice...

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Delegation to management of independent hospital

- 5 (1) An NHS body may make arrangements with any person...

Adjustments between local authorities

- 6 (1) Regulations may modify, or otherwise make provision about, the...

Meaning of “hospital patient”, “NHS hospital”, “NHS body”, etc.

- 7 (1) A hospital patient is a person ordinarily resident in...

Further provision about assessment notices, discharge notices, etc.

- 8 Regulations may— (a) specify the form and content of an...

SCHEDULE 4 —

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

SCHEDULE A1 Direct payments: after-care under the Mental Health Act...

SCHEDULE 5 — Health Education England

PART 1 — CONSTITUTION

Membership

- 1 (1) HEE consists of— (a) a chair appointed by the...
2 (1) The members of HEE must include persons who have...

Non-executive members: terms of office

- 3 (1) A person holds office as a non-executive member of...

Non-executive members: suspension from office

- 4 (1) Having decided to suspend a person under paragraph 3(6),...
5 (1) Where a person is suspended from office as the...

Non-executive members: pay

- 6 (1) HEE must pay its non-executive members such remuneration as...

Employees: terms of office

- 7 (1) Each executive member of HEE is appointed as an...

Employees: pay

- 8 (1) HEE must pay its employees such remuneration as it...

Committees and sub-committees

- 9 (1) HEE may appoint committees and sub-committees.

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Procedure

- 10 (1) HEE may regulate its own procedure.

Seal and evidence

- 11 (1) The application of HEE's seal must be authenticated by...

Status of HEE

- 12 (1) HEE is not to be regarded as a servant...

PART 2 — FUNCTIONS

Exercise of functions

- 13 (1) HEE must exercise its functions effectively, efficiently and economically....

Help or advice for other public authorities

- 14 (1) HEE may provide help or advice to another public...

Co-operation

- 15 (1) HEE must, in the exercise of its functions, co-operate...

NHS contracts

- 16 In section 9(4) of the National Health Service Act 2006...

Arrangements with devolved authorities

- 17 (1) HEE may arrange with a devolved authority for HEE—...

Failure to exercise functions

- 18 (1) If the Secretary of State considers that HEE is...

PART 3 — FINANCE AND REPORTS

Funding

- 19 (1) The Secretary of State must pay HEE for each...

Financial duties: expenditure

- 20 (1) HEE must ensure that total expenditure attributable to its...

Financial duties: use of generated income

- 21 Where HEE generates income from carrying out activities for the...

Financial duties: controls on total resource use

- 22 (1) HEE must ensure that— (a) its use of capital...

Financial duties: additional controls on resource use

- 23 (1) The Secretary of State may direct HEE to ensure...

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Losses and liabilities etc

24 (1) Section 265 of the Public Health Act 1875 (which...

Accounts

25 (1) HEE must keep— (a) proper accounts, and

Annual accounts

26 (1) HEE must prepare consolidated annual accounts for each financial...

Interim accounts

27 (1) The Secretary of State may, with the approval of...

Annual report

28 (1) As soon as is feasible after the end of...

PART 4 — CONSEQUENTIAL AMENDMENTS

Public Records Act 1958

29 In Part 2 of the Table in Schedule 1 to...

Public Bodies (Admission to Meetings) Act 1960

30 In the Schedule to the Public Bodies (Admission to Meetings)...

Parliamentary Commissioner Act 1967

31 In Schedule 2 to the Parliamentary Commissioner Act 1967, at...

House of Commons Disqualification Act 1975

32 In Part 2 of Schedule 1 to the House of...

Copyright, Designs and Patents Act 1988

33 In section 48(6) of the Copyright, Designs and Patents Act...

Freedom of Information Act 2000

34 In Part 3 of Schedule 1 to the Freedom of...

Equality Act 2010

35 In Part 1 of Schedule 19 to the Equality Act...

SCHEDULE 6 — Local Education and Training Boards

The area for which an LETB is appointed

1 (1) HEE must ensure that the areas of LETBs—

Assessment of whether the appointment criteria are being met in relation to LETBs

2 (1) HEE must, whenever it considers appropriate, assess—

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Publication and review of the appointment criteria

- 3 (1) HEE must publish the appointment criteria; but before doing...

Exercise of functions

- 4 (1) Regulations may— (a) give LETBs additional functions relating to...

SCHEDULE 7 — The Health Research Authority
PART 1 — CONSTITUTION

Membership

- 1 (1) The HRA consists of— (a) a chair appointed by...

Non-executive members: terms of office

- 2 (1) A person holds office as a non-executive member of...

Non-executive members: suspension from office

- 3 (1) Having decided to suspend a person under paragraph 2(6),...
4 (1) Where a person is suspended from office as the...

Non-executive members: pay

- 5 (1) The HRA must pay its non-executive members such remuneration...

Employees: terms of office

- 6 (1) Each executive member of the HRA is appointed as...

Employees: pay

- 7 (1) The HRA must pay its employees such remuneration as...

Committees and sub-committees

- 8 (1) The HRA must appoint a committee for the purpose...
9 Regulations may provide for the committee appointed under paragraph 8(1)...

Procedure

- 10 (1) The HRA may regulate its own procedure.

Seal and evidence

- 11 (1) The application of the HRA's seal must be authenticated...

Status of the HRA

- 12 (1) The HRA is not to be regarded as a...
PART 2 — FUNCTIONS

Exercise of functions

- 13 (1) The HRA must exercise its functions effectively, efficiently and...

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Help or advice for other public authorities

- 14 (1) The HRA may provide help or advice to another...

Arrangements with devolved authorities

- 15 (1) The HRA may arrange with a devolved authority for...

Failure to exercise functions

- 16 (1) If the Secretary of State considers that the HRA...

PART 3 — FINANCE AND REPORTS

Funding

- 17 The Secretary of State may, with the consent of the...

Fees and indemnities

- 18 (1) Regulations may require payment of a fee in relation...

Accounts

- 19 (1) The HRA must keep accounts in such form as...

Annual report

- 20 (1) As soon as is feasible after the end of...

PART 4 — CONSEQUENTIAL AMENDMENTS

Public Records Act 1958

- 21 In Part 2 of the Table in Schedule 1 to...

Public Bodies (Admission to Meetings) Act 1960

- 22 In the Schedule to the Public Bodies (Admission to Meetings)...

Parliamentary Commissioner Act 1967

- 23 In Schedule 2 to the Parliamentary Commissioner Act 1967, at...

House of Commons Disqualification Act 1975

- 24 In Part 2 of Schedule 1 to the House of...

Copyright, Designs and Patents Act 1988

- 25 In section 48(6) of the Copyright, Designs and Patents Act...

Freedom of Information Act 2000

- 26 In Part 6 of Schedule 1 to the Freedom of...

Equality Act 2010

- 27 In Part 1 of Schedule 19 to the Equality Act...

SCHEDULE 8 — Research ethics committees: amendments

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Ionising Radiation (Medical Exposure) Regulations 2000 (S.I. 2000/1059)

- 1 In regulation 2(1) of the Ionising Radiation (Medical Exposure) Regulations...

Ionising Radiation (Medical Exposure) Regulations (Northern Ireland) 2000 (S.R. 2000/194)

- 2 In regulation 2(1) of the Ionising Radiation (Medical Exposure) Regulations...

Health Service (Control of Patient Information) Regulations 2002 (S.I. 2002/1438)

- 3 In regulation 1(2) of the Health Service (Control of Patient...

Nursing Homes Regulations (Northern Ireland) 2005 (S.R. 2005/160)

- 4 In regulation 2(1) of the Nursing Homes Regulations (Northern Ireland)...

Residential Care Homes Regulations (Northern Ireland) 2005 (S.R. 2005/161)

- 5 In regulation 2(1) of the Residential Care Homes Regulations (Northern...

Independent Health Care Regulations (Northern Ireland) 2005 (S.R. 2005/174)

- 6 In regulation 2(1) of the Independent Health Care Regulations (Northern...

Approval of Research on Organs No Longer Required for Procurator Fiscal Purposes (Specified Purposes) (Scotland) Order 2006 (S.S.I. 2006/310)

- 7 In article 1(2) of the Approval of Research on Organs...

Human Tissue Act 2004 (Ethical Approval, Exceptions from Licensing and Supply of Information about Transplants) Regulations 2006 (S.I. 2006/1260)

- 8 In regulation 1(2) of the Human Tissue Act 2004 (Ethical...

Mental Capacity Act 2005 (Appropriate Body) (England) Regulations 2006 (S.I. 2006/2810)

- 9 In regulation 2 of the Mental Capacity Act 2005 (Appropriate...

Mental Capacity Act 2005 (Appropriate Body) (Wales) Regulations 2007 (S.I. 2007/833)

- 10 In regulation 2 of the Mental Capacity 2005 (Appropriate Body)...

Human Fertilisation and Embryology (Disclosure of Information for Research Purposes) Regulations 2010 (S.I. 2010/995)

- 11 In regulation 2(1) of the Human Fertilisation and Embryology (Disclosure...

Independent Health Care (Wales) Regulations 2011 (S.I. 2011/734)

- 12 In regulation 25 of the Independent Health Care (Wales) Regulations...

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