

Status: Point in time view as at 17/07/2021.

Changes to legislation: Care Act 2014, Cross Heading: Cases where discharge of the patient is delayed is up to date with all changes known to be in force on or before 08 June 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)

SCHEDULES

SCHEDULE 3

DISCHARGE OF HOSPITAL PATIENTS WITH CARE AND SUPPORT NEEDS

Cases where discharge of the patient is delayed

- 4 (1) If the relevant authority, having received an assessment notice and a discharge notice, has not carried out a needs or (where applicable) carer's assessment and the patient has not been discharged by the end of the relevant day, the NHS body responsible for the patient may require the relevant authority to pay the specified amount for each day of the specified period.
- (2) If the relevant authority has not put in place arrangements for meeting some or all of those of the needs under sections 18 to 20 that it proposes to meet in the case of the patient or (where applicable) a carer, and the patient has for that reason alone not been discharged by the end of the relevant day, the NHS body responsible for the patient may require the relevant authority to pay the specified amount for each day of the specified period.
- (3) If, in a case within sub-paragraph (1) or (2), the assessment notice ceases to be in force, any liability arising under that sub-paragraph before it ceased to be in force is unaffected.
- (4) A payment under sub-paragraph (1) or (2) must be made to—
- (a) the NHS body responsible for the patient, or
 - (b) in such a case as regulations may specify, the person specified.
- (5) The “relevant day” has the meaning given by paragraph 2(5).
- (6) A reference to a requirement to pay the specified amount is a reference to a requirement to pay the amount specified in regulations; and the reference to the specified period is a reference to the period specified in or determined in accordance with regulations.
- (7) In specifying the amount of a payment, the Secretary of State must have regard in particular to either or both of—
- (a) costs to NHS bodies of providing accommodation and personal care to patients ready to be discharged, and
 - (b) costs to local authorities of meeting needs under sections 18 to 20 in the case of persons who have been discharged.

Commencement Information

- II** Sch. 3 para. 4(1)-(5) (7) in force at 1.4.2015 by [S.I. 2015/993](#), [art. 2\(s\)](#) (with transitional provisions in [S.I. 2015/995](#))
- I2** Sch. 3 para. 4(6) in force at 1.10.2014 for specified purposes by [S.I. 2014/2473](#), [art. 2\(1\)\(y\)](#)

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- I3** Sch. 3 para. 4(6) in force at 1.4.2015 in so far as not already in force by [S.I. 2015/993](#), [art. 2\(s\)](#) (with transitional provisions in [S.I. 2015/995](#))

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