



# Care Act 2014

## 2014 CHAPTER 23

### PART 1

#### CARE AND SUPPORT

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

#### **37 Notification, assessment, etc.**

- (1) This section applies where—
  - (a) an adult's needs for care and support are being met by a local authority (“the first authority”) under section 18 or 19,
  - (b) the adult notifies another local authority (“the second authority”) (or that authority is notified on the adult's behalf) that the adult intends to move to the area of the second authority, and
  - (c) the second authority is satisfied that the adult's intention is genuine.
- (2) This section also applies where—
  - (a) an adult is not having needs for care and support met under either of those sections but a local authority (“the first authority”) is nonetheless keeping a care account in the adult's case,
  - (b) the adult notifies another local authority (“the second authority”) (or that authority is notified on the adult's behalf) that the adult intends to move to the area of the second authority, and
  - (c) the second authority is satisfied that the adult's intention is genuine.
- (3) This section also applies where—
  - (a) an adult's needs for care and support are being met by a local authority (“the first authority”) under section 18 or 19 by the first authority arranging for the provision of accommodation in the area of another local authority (“the second authority”),
  - (b) the adult notifies the second authority (or that authority is notified on the adult's behalf) that the adult intends to move out of that accommodation but to

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*Changes to legislation: Care Act 2014, Section 37 is up to date with all changes known to be in force on or before 25 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) View outstanding changes*

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- remain, and be provided with care and support at home or in the community, in its area, and
- (c) the second authority is satisfied that the adult's intention is genuine.
- (4) The second authority must—
- (a) provide the adult and, if the adult has or is proposing to have a carer, the carer with such information as it considers appropriate (in so far as it would not do so under section 4), and
  - (b) notify the first authority that it is satisfied as mentioned in subsection (1)(c), (2)(c) or (3)(c).
- (5) The first authority, having received the notification under subsection (4)(b), must provide the second authority with—
- (a) a copy of any care and support plan prepared for the adult,
  - (b) a copy of any independent personal budget prepared for the adult,
  - (c) in a case within subsection (2), a copy of the most recent needs assessment in the adult's case,
  - (d) if the first authority has been keeping a care account in the adult's case, a copy of that account,
  - (e) if the adult has a carer and that carer is to continue as the adult's carer after the move, a copy of any support plan prepared for the carer, and
  - (f) such other information relating to the adult and, if the adult has a carer (whether or not one with needs for support), such other information relating to the carer as the second authority may request.
- (6) The second authority must—
- (a) assess whether the adult has needs for care and support and, if the adult does, what those needs are, and
  - (b) where the adult has or is proposing to have a carer and it is appropriate to do so, assess whether the carer has or is likely to have needs for support and, if the carer does or is likely to, what those needs are or are likely to be.
- (7) In carrying out an assessment under subsection (6)(a) or (b), the second authority must have regard to the care and support plan provided under subsection (5)(a) or (as the case may be) the support plan provided under subsection (5)(e).
- (8) This Part—
- (a) applies to an assessment under subsection (6)(a) as it applies to a needs assessment, and
  - (b) applies to an assessment under subsection (6)(b) as it applies to a carer's assessment.
- (9) Pending the adult's move, the first authority must keep in contact with the second authority in order to ascertain the progress that the second authority is making in preparing to meet—
- (a) any needs for care and support under section 18 or 19 in the adult's case, and
  - (b) where the adult is proposing to have a carer immediately after the move, any needs for support under section 20 in the carer's case.
- (10) The first authority must keep the adult (and, where applicable, the carer) informed about its contact under subsection (9) with the second authority and must involve the adult (and, where applicable, the carer) in the contact.

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- (11) Where the needs identified by an assessment under subsection (6)(a) carried out by the second authority are different from those specified in the care and support plan provided under subsection (5)(a), the second authority must provide a written explanation of the difference to—
- (a) the adult,
  - (b) any carer that the adult has, if the adult asks the authority to do so, and
  - (c) any other person to whom the adult asks the authority to provide the explanation.
- (12) Where the cost to the second authority of meeting the adult's eligible needs is different from the cost to the first authority of doing so, the second authority must provide a written explanation of the difference to—
- (a) the adult,
  - (b) any carer that the adult has, if the adult asks the authority to do so, and
  - (c) any other person to whom the adult asks the authority to provide the explanation.
- (13) Where the needs identified by an assessment under subsection (6)(b) carried out by the second authority are different from those in the support plan provided under subsection (5)(e), the second authority must provide a written explanation of the difference to—
- (a) the carer,
  - (b) the adult needing care, if the carer asks the authority to do so, and
  - (c) any other person to whom the carer asks the authority to provide an explanation.
- (14) Regulations may specify steps which a local authority must take for the purpose of being satisfied as mentioned in subsection (1)(c), (2)(c) or (3)(c).
- (15) In this section—
- (a) an adult's needs are “eligible needs” if they meet the eligibility criteria and are not being met by a carer,
  - (b) a reference to moving to an area is a reference to moving to that area with a view to becoming ordinarily resident there, and
  - (c) a reference to remaining in an area is a reference to remaining ordinarily resident there.

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**Modifications etc. (not altering text)**

- C1** Pt. 1 modified (1.4.2015) by [The Care and Support \(Isles of Scilly\) Order 2015 \(S.I. 2015/642\)](#), arts. 1, **2(2)(a)**; [S.I. 2015/993](#), art. **2(a)**
- C2** Pt. 1 applied in part (with modifications) (1.4.2015 coming into force in accordance with reg. 1(1)) by [The Care and Support \(Children's Carers\) Regulations 2015 \(S.I. 2015/305\)](#), regs. 1(1), **2(1)(a)(2)**, 4-12; [S.I. 2015/993](#), art. **2(q)**
- C3** S. 37 modified (31.3.2020) by [Coronavirus Act 2020 \(c. 7\)](#), s. 87(2), **Sch. 12 para. 13(1)-(5)** (with [Sch. 12 para. 16](#)); [S.I. 2020/388](#), reg. **2**

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**Commencement Information**

- I1** S. 37(1) (3) (4) (5)(a) (5)(e) (5)(f) (6)-(15) in force at 1.4.2015 by [S.I. 2015/993](#), art. **2(j)** (with art. **5(b)**) (and with transitional provisions in [S.I. 2015/995](#))

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- s. 37(15)(a) omitted by [2022 c. 31 s. 166\(9\)](#)

**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\(4\)](#)