



Care Act 2014

2014 CHAPTER 23

PART 1

CARE AND SUPPORT

Provider failure

51 Temporary duty on Health and Social Care trust in Northern Ireland

- (1) This section applies where a person registered under Part 3 of the Health and Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 in respect of an establishment or agency—
- (a) becomes unable to carry on or manage the establishment or agency because of business failure, and
 - (b) immediately before becoming unable to do so, was providing an adult with accommodation or other services in Northern Ireland under arrangements made—
 - (i) by a local authority meeting an adult's needs for care and support or a carer's needs for support under this Part,
 - (ii) by a local authority in Wales discharging its duty under section 35 or 40, or exercising its power under section 36 or 45, of the Social Services and Well-being (Wales) Act 2014, or
 - (iii) by a local authority in Scotland discharging its duty under section 12 or 13A of the Social Work (Scotland) Act 1968 or section 25 of the Mental Health (Care and Treatment) (Scotland) Act 2003.
- (2) This section also applies where a person registered under Part 3 of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 in respect of an establishment or agency—
- (a) becomes unable to carry on or manage the establishment or agency because of business failure, and

Status: This is the original version (as it was originally enacted).

- (b) immediately before becoming unable to do so, was providing an adult with accommodation or other services in Northern Ireland, all or part of the cost of which was paid for by means of direct payments made—
 - (i) under this Part of this Act,
 - (ii) under section 50 or 52 of the Social Services and Well-being (Wales) Act 2014, or
 - (iii) as a result of a choice made by the adult pursuant to section 5 of the Social Care (Self-directed Support) (Scotland) Act 2013.
- (3) The Health and Social Care trust in whose area the accommodation is situated or the services were provided must for so long as it considers necessary meet those of the adult's needs for care and support or the carer's needs for support which were being met by the registered person by the provision of the accommodation or other services.
- (4) A Health and Social Care trust which is required to meet needs under subsection (3)—
 - (a) must, in meeting needs under that subsection which were being met by the authority which made the arrangements referred to in subsection (1)(b), co-operate with that authority;
 - (b) must, in meeting needs under subsection (3) which were being met by the provision of accommodation or other services all or part of the cost of which was paid for by an authority by means of direct payments as referred to in subsection (2)(b), co-operate with that authority;
 - (c) may recover from the authority referred to in paragraph (a) or (b) (as the case may be) the cost it incurs in meeting those of the adult's or carer's needs referred to in the paragraph in question.
- (5) Any dispute about the application of this section is to be resolved in accordance with paragraph 5 of Schedule 1.
- (6) "Local authority in Wales" and "local authority in Scotland" each have the meaning given in paragraph 12 of Schedule 1.
- (7) The references in paragraphs (a) and (b) of subsection (4) to an authority are references to a local authority, a local authority in Wales or a local authority in Scotland (as the case may be).