

Status: Point in time view as at 24/09/2023.

Changes to legislation: There are currently no known outstanding effects for the Coronavirus Act 2020, SCHEDULE 12. (See end of Document for details)

SCHEDULES

SCHEDULE 12 **E+W**

Section 15

LOCAL AUTHORITY CARE AND SUPPORT

^{F1}PART 1 **E+W**

POWERS AND DUTIES OF LOCAL AUTHORITIES IN ENGLAND

Textual Amendments

- F1** Sch. 12 Pt. 1 expires (except for Sch. 12 paras. 3(2)(3), 10, 13, 18) (17.7.2021) by virtue of [The Coronavirus Act 2020 \(Early Expiry\) Regulations 2021 \(S.I. 2021/856\)](#), [reg. 4\(a\)](#) (see 2020 c. 7, s. 89(2) (r))

Introductory

^{F1}1

Assessing needs for care and support

^{F1}2

Assessment of financial resources

3 (1) ^{F1}...

This is subject to sub-paragraph (2).

(2) A local authority may not make a charge under section 14 of CA 2014 for meeting any needs under section 18, 19, 20 or 62 of that Act during a period for which paragraph 4, 5, 6 or (as the case may be) 9 of this Schedule has effect without having carried out an assessment under section 17 of that Act.

(3) The requirement under sub-paragraph (2) to carry out an assessment under section 17 of CA 2014 applies whether or not the authority has made a determination under section 13(1) of that Act.

Commencement Information

- II** Sch. 12 para. 3 in force at 31.3.2020 by [S.I. 2020/388](#), [reg. 2](#)

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Duties and powers to meet needs for care and support

- F14
- F15
- F16
- F17
- F18
- F19

Charging for meeting needs during emergency period

- 10 (1) This paragraph applies where—
- (a) at any time during an emergency period, a local authority begins to meet needs under section 18, 19, 20 or 62 of CA 2014,
 - (b) at that time, the authority would have been entitled to make a charge under section 14 of that Act for meeting any of those needs, but
 - (c) the authority decided not to carry out an assessment under section 17 of that Act before beginning to meet those needs.

In this paragraph “emergency period”, in relation to section 18, 19, 20 or 62 of CA 2014, means a period for which paragraph 4, 5, 6 or (as the case may be) 9 of this Schedule has effect.

- (2) The local authority is not prevented by that decision from subsequently carrying out an assessment under section 17 of CA 2014 (whether during or after the emergency period) and deciding to make a charge for meeting those needs during that period; and nothing in that section is to be taken to prevent the authority from carrying out such an assessment, even though the authority has already begun to meet, or has met, those needs.
- (3) In so far as there is any charge for meeting any needs under section 18 or 19(2) of CA 2014 during the emergency period, the fact that condition 1, 2 or 3 in section 18 of that Act is not met at the time of the making of the charge does not affect anything already done under section 18 or (as the case may be) 19(2) of that Act.
- (4) In so far as there is any charge for meeting any needs under section 20(1) of CA 2014 during the emergency period, the fact that condition 1, 2, 3 or 4 in that section is not met at the time of the making of the charge does not affect anything already done under that section.

Commencement Information

I2 Sch. 12 para. 10 in force at 31.3.2020 by [S.I. 2020/388](#), **reg. 2**

Care and support plans etc

- F111

Status: Point in time view as at 24/09/2023.

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Continuity of care and support when person moves

^{F1}12

- 13 (1) This paragraph applies where—
- (a) paragraph 12 has had effect for any period (“the emergency period”), and
 - (b) the emergency period has ended.
- (2) Section 37 of CA 2014 has effect subject to the modifications in sub-paragraphs (3) to (5).
- (3) In subsections (1) and (2)—
- (a) any reference to notifying a local authority that an adult intends to move to the area of that authority includes, in the case of an adult who moved to the area of a local authority during the emergency period, a reference to notifying that authority that the adult has moved to that area, and
 - (b) where a local authority is notified that an adult has moved to the authority's area by virtue of paragraph (a), the condition in subsection (1)(c) or (as the case may be) (2)(c) is to be disregarded (and accordingly the requirement imposed by subsection (4)(b) does not apply).
- (4) In subsection (3)—
- (a) the reference to notifying a local authority that an adult intends to move out of accommodation but to remain in the authority's area includes, in the case of an adult who moved out of accommodation in the area of a local authority during the emergency period, a reference to notifying that authority that the adult has moved out of the accommodation but has remained in that area, and
 - (b) where a local authority is notified that an adult has moved out of accommodation by virtue of paragraph (a), the condition in subsection (3) (c) is to be disregarded (and accordingly the requirement imposed by subsection (4)(b) does not apply).
- (5) In a case where subsection (4)(b) does not apply by virtue of sub-paragraph (3)(b) or (4)(b), subsection (5) has effect as if the reference to having received the notification under subsection (4)(b) were omitted.
- (6) The reference in section 38(1) of CA 2014 to the day of the intended move is, in the case of an adult who moved as mentioned in section 37(1)(b), (2)(b) or (3)(b) of that Act during the emergency period, to be read as a reference to the day on which that period ended.

Commencement Information

I3 Sch. 12 para. 13 in force at 31.3.2020 by [S.I. 2020/388](#), [reg. 2](#)

Discharge of hospital patients with care and support needs

^{F1}14

Transition for children to adult care and support

^{F1}15

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Duties arising before commencement

^{F1}16

Period within which assessments may be carried out

^{F1}17

Guidance

- 18 (1) The Secretary of State may issue guidance about how local authorities are to exercise functions under any of the following enactments in consequence of the provision made by this Part of this Schedule—
- (a) Part 1 of CA 2014;
 - (b) section 2 of the Chronically Sick and Disabled Persons Act 1970;
 - (c) section 17 of the Children Act 1989.
- (2) A local authority must have regard to any guidance issued under this paragraph.
- (3) A local authority must comply with such guidance issued under this paragraph as the Secretary of State directs.
- (4) The Secretary of State—
- (a) may from time to time revise any guidance issued under this paragraph;
 - (b) may vary or revoke a direction made under sub-paragraph (3).
- (5) A local authority may disregard any guidance under section 7 of the Local Authority Social Services Act 1970 or section 78 of CA 2014, so far as it is inconsistent with guidance issued under this paragraph.

Commencement Information

I4 Sch. 12 para. 18 in force at 31.3.2020 by [S.I. 2020/388](#), [reg. 2](#)

^{F2}[^{F3}PART 2 **E+W**

POWERS AND DUTIES OF LOCAL AUTHORITIES IN WALES

Textual Amendments

- F2** Sch. 12 Pt. 2 expires (except for Sch. 12 paras. 19 (in part), 30, 33, 35) (1.8.2021) by virtue of [The Coronavirus Act 2020 \(Early Expiry: Local Authority Care and Support\) \(Wales\) Regulations 2021 \(S.I. 2021/850\)](#), [regs. 1\(2\), 2\(a\)](#) (see [2020 c. 7, s. 89\(2\)\(r\)](#))
- F3** Sch. 12 Pt. 2 suspended (22.3.2021) by [The Coronavirus Act 2020 \(Suspension: Local Authority Care and Support\) \(Wales\) Regulations 2021 \(S.I. 2021/316\)](#), [regs. 1\(2\), 2\(a\)](#)

Introductory

- ^{F2}19 (1) In this Part of this Schedule “SSW(W)A 2014” means the Social Services and Well-being (Wales) Act 2014 (anaw 4).

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(2) Expressions used in this Part of this Schedule and in SSW(W)A 2014 have the same meaning in this Part of this Schedule as in that Act.]

Commencement Information

I5 Sch. 12 para. 19 in force at 1.4.2020 by [S.I. 2020/366](#), [reg. 3](#)

Assessing needs for care and support

F220
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Duty to carry out financial assessment

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Duties to meet needs for care and support

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Charging for meeting needs during emergency period

- 30 (1) This paragraph applies where—
- (a) at any time during an emergency period, a local authority begins to meet needs under section 35 or 40 of SSW(W)A 2014,
 - (b) at that time, the authority would have been entitled to impose a charge under section 59 of that Act for meeting any of those needs, but
 - (c) the authority decided not to carry out an assessment under section 63(2) of that Act before beginning to meet those needs.

In this paragraph “emergency period” means a period for which paragraph 26 or (as the case may be) 27 has effect.

- (2) The local authority is not prevented by that decision from subsequently carrying out an assessment under section 63(2) of SSW(W)A 2014 (whether during or after the emergency period) and deciding to impose a charge for meeting those needs during that period; and nothing in that section is to be taken to prevent the authority from carrying out such an assessment, even though the authority has already begun to meet, or has met, those needs.

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- (3) In so far as there is any charge for meeting any needs under section 35 of SSW(W)A 2014 during the emergency period, the fact that condition 3 in that section is not met at the time of the imposition of the charge does not affect anything already done under that section.
- (4) In so far as there is any charge for meeting any needs under section 40 of SSW(W)A 2014 during the emergency period, the fact that condition 3 in that section is not met at the time of the imposition of the charge does not affect anything already done under that section.

Commencement Information
I6 Sch. 12 para. 30 in force at 1.4.2020 by [S.I. 2020/366, reg. 3](#)

Care and support plans etc

F231

Portability of care and support

F232

- 33 (1) This paragraph applies where—
- (a) paragraph 32 has had effect for any period (“the emergency period”), and
 - (b) the emergency period has ended.
- (2) Section 56 of SSW(W)A 2014 has effect in the case of an adult with the modifications in sub-paragraphs (3) to (5).
- (3) In subsection (1)—
- (a) the reference to a local authority being notified that a person is going to move to the area of another local authority includes, in the case of an adult who moved to the area of another local authority during the emergency period, a reference to being notified that the adult has moved to that area, and
 - (b) where a local authority is notified that an adult has moved to the area of another local authority by virtue of paragraph (a), the reference to the authority being satisfied that the move is likely to happen is to be disregarded (and accordingly the requirement imposed by subsection (1)(a) does not apply).
- (4) In subsection (2)—
- (a) the reference to a local authority being notified that a person is going to move to the area of that authority includes, in the case of an adult who moved to the area of a local authority during the emergency period, a reference to that authority being notified that the adult has moved to that area, and
 - (b) where a local authority is notified that an adult has moved to the authority's area by virtue of paragraph (a), the reference to the authority being satisfied that the move is likely to happen is to be disregarded (and accordingly the requirement imposed by subsection (2)(a) does not apply).

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- (5) The reference in subsection (3) to the day the person moves to the area of a local authority is, in the case of an adult who moved to the area of a local authority during the emergency period, to be read as a reference to the day on which that period ended.

Commencement Information

I7 Sch. 12 para. 33 in force at 1.4.2020 by [S.I. 2020/366](#), [reg. 3](#)

Duties arising before commencement

^{F2}34

Guidance

- 35 (1) The Welsh Ministers may issue guidance about how local authorities are to exercise functions under Parts 2 to 5 of SSW(W)A 2014 in consequence of the provision made by this Part of this Schedule.
- (2) A local authority must have regard to any guidance issued under this paragraph.
- (3) A local authority must comply with such guidance issued under this paragraph as the Welsh Ministers direct.
- (4) The Welsh Ministers—
- (a) may from time to time revise any guidance issued under this paragraph;
 - (b) may vary or revoke a direction made under sub-paragraph (3).
- (5) A local authority may disregard any provision of a code under section 145 of SSW(W)A 2014, so far as it is inconsistent with guidance issued under this paragraph.]

Commencement Information

I8 Sch. 12 para. 35 in force at 1.4.2020 by [S.I. 2020/366](#), [reg. 3](#)

Status:

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Changes to legislation:

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