

Status: Point in time view as at 30/09/2021.

Changes to legislation: There are currently no known outstanding effects for the Coronavirus Act 2020, PART 1. (See end of Document for details)

SCHEDULES

SCHEDULE 12

LOCAL AUTHORITY CARE AND SUPPORT

^{F1}PART 1

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

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Assessing needs for care and support

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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.

<p>Commencement Information</p> <p>I2 Sch. 12 para. 10 in force at 31.3.2020 by S.I. 2020/388, reg. 2</p>
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Care and support plans etc

- F111

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Continuity of care and support when person moves

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- 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

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Transition for children to adult care and support

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Duties arising before commencement

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Period within which assessments may be carried out

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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

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

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