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STATUTORY INSTRUMENTS

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**2014 No. 2825**

**The Care and Support (Continuity of Care) Regulations 2014**

**Matters to have regard to in deciding how to perform duty under section 38(1)**

2.—(1) For the purposes of section 38(8) of the Act (cases where assessments are not complete on day of move), the second authority<sup>(1)</sup> must have regard to the following matters in deciding how to perform its duty under section 38(1) of the Act in respect of an adult (“the relevant adult”)—

- (a) the contents of any care and support plan supplied to the authority under section 37(5)(a) of the Act (documents to be supplied by first authority where second authority is satisfied as to genuineness of intention to move) in relation to the relevant adult;
- (b) the contents of any support plan supplied to the authority under section 37(5)(e) of the Act in relation to any relevant carer of the relevant adult;
- (c) the outcomes that the relevant adult wishes to achieve in day-to-day life;
- (d) the outcomes that any relevant carer of that adult wishes to achieve in day-to-day life;
- (e) the views and preferences of the relevant adult as to how the authority should meet that adult’s needs for care and support;
- (f) the views and preferences of any relevant carer of that adult as to how the authority should meet that carer’s needs for support;
- (g) any relevant difference between the relevant adult’s circumstances before and after the day of the adult’s intended move, including in relation to—
  - (i) access to a carer;
  - (ii) suitability of living accommodation;
  - (iii) location of living accommodation in terms of its proximity and accessibility to necessary facilities or services in the local community including—
    - (aa) medical services,
    - (bb) public transport,
    - (cc) educational facilities, and
    - (dd) recreational facilities or services; and
  - (iv) the availability of support from family members, friends, neighbours and the wider community.

(2) For the purposes of paragraph (1)(g), a difference is relevant if it is likely to have a significant effect on the well-being of the relevant adult during the period when that adult’s needs for care and support are being met under section 38(1) of the Act.

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(1) See section 37(1) of the Act for the meaning of “second authority”.