
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for local authorities to meet a person’s needs by the making of a direct payment in accordance with sections 31 to 33 of the Care Act 2014 (“the Act”).

Regulation 2 prohibits a local authority from meeting needs by making a direct payment in the case of a person to whom Schedule 1 applies.

Regulations 3 and 4 set out conditions which may or must be imposed in respect of direct payments.

Regulation 5 sets out steps which a local authority must take in order to be satisfied that making direct payments under section 32 of the Act to an authorised person is an appropriate way to meet the needs in question.

Regulation 6 sets out the maximum periods of accommodation in a care home which may be secured by means of a direct payment in cases where the needs are met by a local authority that is not a local authority in Schedule 2.

Regulation 7 requires the authority to review the making of direct payments in certain circumstances.

Regulations 8 and 9 provide for the circumstances where a local authority is not required to terminate the making of direct payments in respect of people who no longer have capacity or no longer lack capacity to request a direct payment.

Regulation 10 applies in cases where a direct payment is made to a person who is in receipt of direct payments under section 12A of the National Health Service Act 2006 (“the 2006 Act”) and requires local authorities to take reasonable steps to co-ordinate its systems and processes in respect of the direct payment with those in place for the direct payment made under the 2006 Act.

Regulation 11 applies these Regulations with modifications to cases where a direct payment is made under section 117 of the Mental Health Act 1983.

A separate impact assessment has not been prepared for these Regulations. These Regulations are part of a package of legislative measures and the relevant impact assessment can be requested via careactconsultation@dh.gsi.gov.uk or the Department of Health, Richmond House, 79 Whitehall, London SW1A 2NS and is available online at <https://www.gov.uk/government/organisations/department-of-health>