STATUTORY INSTRUMENTS

2023 No. 238

The Health and Social Care Act 2008 (Regulated Care Functions) Regulations 2023

Prescribed "regulated care functions" under Part 1 of the Care Act 2014

2.—(1) For the purpose of section 46A(2) of the Health and Social Care Act 2008, the functions of English local authorities under the provisions in Part 1 of the Care Act 2014 (functions relating to adult social care in England)(**1**) listed in paragraph (2), including any functions in regulations made under those provisions, are prescribed as "regulated care functions".

(2) The provisions referred to in paragraph (1) are—

  (a) sections 1 to 7 (General responsibilities of local authorities)(**2**);

  (b) sections 9 to 13 (Assessing needs);

  (c) sections 14(1) and (3) to (8) and 17(1) and (3) to (13) (Charging and assessing financial resources);

  (d) sections 18(1)(a) and (c), (2) to (4), (6), (7) and 19 and 20 (Duties and powers to meet needs);

  (e) sections 24(1) and (2), 25, 26(1) and (3), 27 and 30 (Next steps after assessments);

  (f) sections 31 to 33 (Direct payments);

  (g) sections 37(1), (3), (4), (5)(a), (e), (f), (6) to (15) and 38(1)(a) and (2) to (8) (Continuity of care and support when adult moves);

  (h) sections 42 and 43 (Safeguarding adults at risk of abuse or neglect);

  (i) section 48 (Provider failure);

  (j) sections 58 to 65 (Transition for children to adult care and support, etc)(**3**);

  (k) sections 67 and 68 (Independent advocacy support)(**4**); and

  (l) sections 77 to 79 (Miscellaneous).

(**1**) 2014 c. 23.
(**2**) Section 6 was amended by the Health and Care Act 2022, section 1 and Schedule 1, paragraph 1(1) and (2) and section 32 and Schedule 4, paragraphs 193 and 194.
(**3**) Section 62 was amended by regulation 293 of S.I. 2016/413.
(**4**) Section 67 was amended by the Data Protection Act 2018 (c. 12), section 211(1)(a) and Schedule 19, paragraph 187 and by S.I. 2018/195, regulations 47 and 50.