



Chronically Sick and Disabled Persons Act 1970

1970 CHAPTER 44

Welfare and housing

[^{F1}2A Welfare services: transition for children to adult care and support

- (1) Subsections (2) to (4) apply where a local authority in England making arrangements for a disabled child under section 2 are required by section 58(1) of the Care Act 2014 to carry out a child's needs assessment in relation to the child.
- (2) If the local authority carry out the assessment before the child reaches the age of 18 and decide to treat it as a needs assessment in accordance with section 59(6) of the Care Act 2014 (with Part 1 of that Act applying to the assessment as a result), the authority must continue to comply with section 2 after the child reaches the age of 18 until they reach a conclusion in his case.
- (3) If the local authority carry out the assessment before the child reaches the age of 18 but decide not to treat it as a needs assessment in accordance with section 59(6) of that Act—
 - (a) they must carry out a needs assessment after the child reaches the age of 18, and
 - (b) they must continue to comply with section 2 after he reaches that age until they reach a conclusion in his case.
- (4) If the local authority do not carry out the assessment before the child reaches the age of 18, they must continue to comply with section 2 after he reaches that age until—
 - (a) they decide that the duty under section 9 of the Care Act 2014 (needs assessment) does not apply, or
 - (b) having decided that the duty applies and having discharged it, they reach a conclusion in his case.
- (5) Subsection (6) applies where a local authority in England making arrangements for a disabled child under section 2—

Changes to legislation: There are currently no known outstanding effects for the Chronically Sick and Disabled Persons Act 1970, Section 2A. (See end of Document for details)

- (a) receive a request for a child's needs assessment to be carried out in relation to the child, but
 - (b) have yet to be required by section 58(1) of the Care Act 2014 to carry out the assessment.
- (6) If the local authority do not decide, before the child reaches the age of 18, whether or not to comply with the request, they must continue to comply with section 2 after he reaches that age until—
- (a) they decide that the duty under section 9 of the Care Act 2014 does not apply, or
 - (b) having decided that the duty applies and having discharged it, they reach a conclusion in his case.
- (7) A local authority reach a conclusion in a person's case when—
- (a) they conclude that he does not have needs for care and support,
 - (b) having concluded that he has such needs and that they are going to meet some or all of them, they begin to do so, or
 - (c) having concluded that he has such needs, they conclude that they are not going to meet any of those needs (whether because those needs do not meet the eligibility criteria or for some other reason).
- (8) In this section, “child's needs assessment”, “needs assessment” and “eligibility criteria” each have the same meaning as in Part 1 of the Care Act 2014.]

Textual Amendments

- F1** S. 2A inserted (E.W.) (1.4.2015) by [Care Act 2014 \(c. 23\)](#), [ss. 66\(3\)](#), [127\(1\)](#); [S.I. 2015/993](#), [art. 2\(q\)](#) (with transitional provisions in [S.I. 2015/995](#))

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