

SCHEDULES

SCHEDULE 1

CROSS-BORDER PLACEMENTS

Placements from England to Wales, Scotland or Northern Ireland

- 1 (1) Where a local authority in England is meeting an adult's needs for care and support by arranging for the provision of accommodation in Wales, the adult—
 - (a) is to be treated for the purposes of this Part as ordinarily resident in the local authority's area, and
 - (b) is accordingly not to be treated for the purposes of the Social Services and Well-being (Wales) Act 2014 as ordinarily resident anywhere in Wales.
- (2) Where a local authority in England, in reliance on section 22(4), is making arrangements which include the provision of accommodation in Wales, section 22(4) is to have effect as if for paragraph (a) there were substituted—
 - “(a) the authority has obtained consent for it to arrange for the provision of the nursing care from the Local Health Board for the area in which the accommodation is provided.”
- (3) Where a local authority in England is meeting an adult's needs for care and support by arranging for the provision of accommodation in Scotland—
 - (a) the adult is to be treated for the purposes of this Part as ordinarily resident in the local authority's area, and
 - (b) no duty under Part 2 of the Social Work (Scotland) Act 1968 or sections 25 to 27 of the Mental Health (Care and Treatment) (Scotland) Act 2003 applies in the adult's case.
- (4) Where a local authority in England is meeting an adult's needs for care and support by arranging for the provision of accommodation in Northern Ireland—
 - (a) the adult is to be treated for the purposes of this Part as ordinarily resident in the local authority's area, and
 - (b) no duty under the Health and Personal Social Services (Northern Ireland) Order 1972 or the Health and Social Care (Reform) Act (Northern Ireland) 2009 to provide or secure the provision of accommodation or other facilities applies in the adult's case.
- (5) Section 22 (prohibition on provision of health services) is to have effect—
 - (a) in its application to a case within sub-paragraph (1)—
 - (i) as if the references in subsections (1) and (6) to the National Health Service Act 2006 included a reference to the National Health Service (Wales) Act 2006, and
 - (ii) as if the reference in subsection (6) to a clinical commissioning group or the National Health Service Commissioning Board included a reference to a Local Health Board;

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- (b) in its application to a case within sub-paragraph (3)—
 - (i) as if the references in subsections (1) and (6) to the National Health Service Act 2006 included a reference to the National Health Service (Scotland) Act 1978, and
 - (ii) as if the reference in subsection (6) to a clinical commissioning group or the National Health Service Commissioning Board included a reference to a Health Board or Special Health Board;
 - (c) in its application to a case within sub-paragraph (4)—
 - (i) as if the references in subsections (1) and (6) to a service or facility provided under the National Health Service Act 2006 included a reference to health care provided under the Health and Personal Social Services (Northern Ireland) Order 1972 or the Health and Social Care (Reform) Act (Northern Ireland) 2009, and
 - (ii) as if the reference in subsection (6) to a clinical commissioning group or the National Health Service Commissioning Board included a reference to a Health and Social Care trust.
- (6) Regulations may make further provision in relation to arrangements of the kind referred to in this paragraph.
- (7) The regulations may specify circumstances in which, in a case within sub-paragraph (3), specified duties under Part 2 of the Social Work (Scotland) Act 1968 are nonetheless to apply in the case of the adult concerned (and paragraph (b) of that sub-paragraph is to be read accordingly).