

These notes refer to the Community Care (Delayed Discharges etc.) Act 2003 (c.5) which received Royal Assent on 8 April 2003

COMMUNITY CARE (DELAYED DISCHARGES ETC.) ACT 2003

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1 – Delayed Discharge Payments

Disputes

Section 8: Ordinary residence

44. This section provides for disputes on the question of ordinary residence to be determined by the Secretary of State, or National Assembly for Wales, as appropriate. It also requires the Secretary of State and the Assembly to make and publish arrangements dealing with questions as to which of them is to deal with particular types of case.

Section 9: Dispute resolution

45. *Section 9* provides for dispute resolution where there is disagreement between NHS bodies and social services authorities about readiness for discharge or the responsibility for the delay. It therefore contains a regulation-making power to require Strategic Health Authorities in England, and Local Health Boards in Wales, to set up dispute panels. If those involved in the discharge process cannot reach agreement in a particular case, they may refer the matter to the relevant panel to assist in reaching agreement. *Subsections (2) and (3)* allow for regulations to require the Strategic Health Authority or Local Health Board to keep lists of potential panel members for the dispute resolution panel and require that each social services authority is consulted about the names of the people on those lists. The panel's role is advisory and its recommendations are not formally binding, although it is hoped that the recommendations will be accepted in most cases.