



Community Care (Delayed Discharges etc.) Act 2003

2003 CHAPTER 5

PART 1

DELAYED DISCHARGE PAYMENTS

Determination of need for community care services etc. on discharge

2 Notice of patient's likely need for community care services

- (1) This section applies where—
 - (a) a person (“the patient”) is or is expected to become a qualifying hospital patient at a particular hospital, and
 - (b) the responsible NHS body considers that it is unlikely to be safe to discharge the patient from hospital unless one or more community care services are made available for him.
- (2) It is the duty of the responsible NHS body to give notice of the patient's case for the purposes of this Part—
 - (a) to the social services authority appearing to the NHS body to be the authority in whose area the patient is ordinarily resident when the notice is given, or
 - (b) if it appears to them that the patient has no settled residence, to the social services authority in whose area the hospital is situated.
- (3) That notice—
 - (a) must state that it is given under this section; and
 - (b) if given before the day on which the patient is admitted to the hospital, must not be given earlier than the beginning of the period of eight days ending with the day on which he is expected to be admitted.
- (4) Before giving a notice under this section the responsible NHS body must consult—
 - (a) the patient; and

Status: This is the original version (as it was originally enacted).

- (b) if the responsible NHS body is aware of the identity of a person who is a carer in respect of the patient and it is reasonably practicable to consult him, that carer.
- (5) In this Part “the responsible NHS body”, in relation to a person who is or is expected to become a qualifying hospital patient, means—
 - (a) if the hospital concerned is a health service hospital, the NHS body managing the hospital; or
 - (b) if the hospital concerned is an independent hospital, the NHS body making the arrangements for the patient to be accommodated.
- (6) In this Part “the responsible authority”, in relation to a person whose case has been notified under this section, means (subject to any regulations under section 10) the social services authority to which the notice is given.