



# Care Act 2014

## 2014 CHAPTER 23

### PART 1

#### CARE AND SUPPORT

*Transition for children to adult care and support, etc.*

#### 66 Continuity of services under other legislation

(1) Before section 17A of the Children Act 1989 insert—

**“17ZH Section 17 services: transition for children to adult care and support**

- (1) Subsections (2) to (4) apply where a local authority in England providing services for a child in need in the exercise of functions conferred by section 17—
- (a) are required by section 58(1) or 63(1) of the Care Act 2014 to carry out a child’s needs assessment or young carer’s assessment in relation to the child, or
  - (b) are required by section 60(1) of that Act to carry out a child’s carer’s assessment in relation to a carer of 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 or carer’s assessment in accordance with section 59(6), 61(6) or 64(7) 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 17 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 or carer’s assessment in accordance with section 59(6), 61(6) or 64(7) of the Care Act 2014—
- (a) they must carry out a needs or carer’s assessment (as the case may be) after the child reaches the age of 18, and

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- (b) they must continue to comply with section 17 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 17 after he reaches that age until—
  - (a) they decide that the duty under section 9 or 10 of the Care Act 2014 (needs or carer’s 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 providing services for a child in need in the exercise of functions conferred by section 17—
  - (a) receive a request for a child’s needs assessment or young carer’s assessment to be carried out in relation to the child or for a child’s carer’s assessment to be carried out in relation to a carer of the child, but
  - (b) have yet to be required by section 58(1), 60(1) or 63(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 17 after he reaches that age until—
  - (a) they decide that the duty under section 9 or 10 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 or for support (as the case may be), or
  - (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”, “child’s carer’s assessment”, “young carer’s assessment”, “needs assessment”, “carer’s assessment” and “eligibility criteria” each have the same meaning as in Part 1 of the Care Act 2014.

### **17ZI Section 17 services: provision after EHC plan no longer maintained**

- (1) This section applies where a local authority in England providing services for a person in the exercise, by virtue of section 17ZG, of functions conferred by section 17 are required to carry out a needs assessment in that person’s case.
- (2) If the EHC plan for the person ceases to be maintained before the local authority reach a conclusion in the person’s case, they must continue to comply with section 17 until they do reach a conclusion in his case.

- (3) The references to the local authority reaching a conclusion in a person's case are to be read with section 17ZH(7).
- (4) In this section, “needs assessment” has the same meaning as in Part 1 of the Care Act 2014.”
- (2) In section 17ZG of that Act (continued provision of services under section 17 where EHC plan maintained), in subsection (2), after “after the EHC plan has ceased to be maintained” insert “, except in so far as the authority is required to do so under section 17ZH or 17ZI”.
- (3) After section 2 of the Chronically Sick and Disabled Persons Act 1970 insert—

**“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—
  - (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—

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- (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.”