
STATUTORY INSTRUMENTS

2003 No. 2277

The Delayed Discharges (England) Regulations 2003

Notice of possible need for community care services

- 4.—(1) A notice given by an NHS body to a social services authority under section 2 shall—
- (a) be given in written form; and
 - (b) bear the date on which it is given.
- (2) For the purposes of paragraph (1), a notice given “in written form” means in a manner which is in, or which is capable of being reproduced in, legible form.
- (3) Such a notice shall contain the following information⁽¹⁾—
- (a) the name of the patient;
 - (b) if given prior to the patient’s admission, the expected date of admission and the name of the hospital in which the patient is expected to be accommodated;
 - (c) if given after the patient’s admission, the name of the hospital in which the patient is being accommodated;
 - (d) an indication of the likely date of discharge, if known;
 - (e) a statement—
 - (i) that the NHS body has complied with the consultation requirements in section 2(4) of the Act;
 - (ii) that the NHS body has considered whether or not to provide the patient with continuing NHS care and of the result of that consideration; and
 - (iii) whether the patient or any carer has objected to the giving of the notice; and
 - (f) the name of the person at the hospital who will be responsible for liaising with the social services authority in relation to the patient’s discharge from that hospital.
- (4) Such a notice must be withdrawn where—
- (a) the responsible NHS body no longer 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;
 - (b) the responsible NHS body considers that the patient’s on-going need is now for continuing NHS care;
 - (c) the responsible NHS body, following the decision by the responsible authority required under section 4(2)(b) of the Act, still considers that it is unlikely to be safe to discharge the patient from hospital unless one or more further community care services are made available for him;
 - (d) the patient’s proposed treatment is cancelled or postponed;
 - (e) the responsible NHS body becomes aware that either—
 - (i) the patient’s ordinary residence has changed since the notice was given; or
 - (ii) the notice was given to a social services authority other than the one in whose area the patient is ordinarily resident.

⁽¹⁾ See also section 2(3)(a) of the Act.

- (5) Such a notice shall cease to have effect upon—
- (a) the death of the patient; or
 - (b) the patient discharging himself.