



# Care Act 2014

## 2014 CHAPTER 23

### PART 1

#### CARE AND SUPPORT

##### *Next steps after assessments*

VALID FROM 01/04/2015

#### **24 The steps for the local authority to take**

- (1) Where a local authority is required to meet needs under section 18 or 20(1), or decides to do so under section 19(1) or (2) or 20(6), it must—
  - (a) prepare a care and support plan or a support plan for the adult concerned,
  - (b) tell the adult which (if any) of the needs that it is going to meet may be met by direct payments, and
  - (c) help the adult with deciding how to have the needs met.
- (2) Where a local authority has carried out a needs or carer's assessment but is not required to meet needs under section 18 or 20(1), and does not decide to do so under section 19(1) or (2) or 20(6), it must give the adult concerned—
  - (a) its written reasons for not meeting the needs, and
  - (b) (unless it has already done so under section 13(5)) advice and information about—
    - (i) what can be done to meet or reduce the needs;
    - (ii) what can be done to prevent or delay the development by the adult concerned of needs for care and support or of needs for support in the future.
- (3) Where a local authority is not going to meet an adult's needs for care and support, it must nonetheless prepare an independent personal budget for the adult (see section 28) if—

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- (a) the needs meet the eligibility criteria,
- (b) at least some of the needs are not being met by a carer, and
- (c) the adult is ordinarily resident in the authority's area or is present in its area but of no settled residence.

VALID FROM 01/04/2015

## 25 Care and support plan, support plan

- (1) A care and support plan or, in the case of a carer, a support plan is a document prepared by a local authority which—
  - (a) specifies the needs identified by the needs assessment or carer's assessment,
  - (b) specifies whether, and if so to what extent, the needs meet the eligibility criteria,
  - (c) specifies the needs that the local authority is going to meet and how it is going to meet them,
  - (d) specifies to which of the matters referred to in section 9(4) the provision of care and support could be relevant or to which of the matters referred to in section 10(5) and (6) the provision of support could be relevant,
  - (e) includes the personal budget for the adult concerned (see section 26), and
  - (f) includes advice and information about—
    - (i) what can be done to meet or reduce the needs in question;
    - (ii) what can be done to prevent or delay the development of needs for care and support or of needs for support in the future.
- (2) Where some or all of the needs are to be met by making direct payments, the plan must also specify—
  - (a) the needs which are to be so met, and
  - (b) the amount and frequency of the direct payments.
- (3) In preparing a care and support plan, the local authority must involve—
  - (a) the adult for whom it is being prepared,
  - (b) any carer that the adult has, and
  - (c) any person whom the adult asks the authority to involve or, where the adult lacks capacity to ask the authority to do that, any person who appears to the authority to be interested in the adult's welfare.
- (4) In preparing a support plan, the local authority must involve—
  - (a) the carer for whom it is being prepared,
  - (b) the adult needing care, if the carer asks the authority to do so, and
  - (c) any other person whom the carer asks the authority to involve.
- (5) In performing the duty under subsection (3)(a) or (4)(a), the local authority must take all reasonable steps to reach agreement with the adult or carer for whom the plan is being prepared about how the authority should meet the needs in question.
- (6) In seeking to ensure that the plan is proportionate to the needs to be met, the local authority must have regard in particular—

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- (a) in the case of a care and support plan, to the matters referred to in section 9(4);
  - (b) in the case of a support plan, to the matters referred to in section 10(5) and (6).
- (7) The local authority may authorise a person (including the person for whom the plan is to be prepared) to prepare the plan jointly with the authority.
- (8) The local authority may do things to facilitate the preparation of the plan in a case within subsection (7); it may, for example, provide a person authorised under that subsection with—
- (a) in the case of a care and support plan, information about the adult for whom the plan is being prepared;
  - (b) in the case of a support plan, information about the carer and the adult needing care;
  - (c) in either case, whatever resources, or access to whatever facilities, the authority thinks are required to prepare the plan.
- (9) The local authority must give a copy of a care and support plan to—
- (a) the adult for whom it has been prepared,
  - (b) any carer that the adult has, if the adult asks the authority to do so, and
  - (c) any other person to whom the adult asks the authority to give a copy.
- (10) The local authority must give a copy of a support plan to—
- (a) the carer for whom it has been prepared,
  - (b) the adult needing care, if the carer asks the authority to do so, and
  - (c) any other person to whom the carer asks the authority to give a copy.
- (11) A local authority may combine a care and support plan or a support plan with a plan (whether or not prepared by it and whether or not under this Part) relating to another person only if the adult for whom the care and support plan or the support plan is being prepared agrees and—
- (a) where the combination would include a plan prepared for another adult, that other adult agrees;
  - (b) where the combination would include a plan prepared for a child (including a young carer), the consent condition is met in relation to the child.
- (12) The consent condition is met in relation to a child if—
- (a) the child has capacity or is competent to agree to the plans being combined and does so agree, or
  - (b) the child lacks capacity or is not competent so to agree but the local authority is satisfied that the combining the plans would be in the child's best interests.
- (13) Regulations may specify cases or circumstances in which such of paragraphs (a) to (f) of subsection (1) and paragraphs (a) and (b) of subsection (2) as are specified do not apply.
- (14) The regulations may in particular specify that the paragraphs in question do not apply as regards specified needs or matters.

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## 26 Personal budget

- (1) A personal budget for an adult is a statement which specifies—
  - (a) the cost to the local authority of meeting those of the adult's needs which it is required or decides to meet as mentioned in section 24(1),
  - (b) the amount which, on the basis of the financial assessment, the adult must pay towards that cost, and
  - (c) if on that basis the local authority must itself pay towards that cost, the amount which it must pay.
- (2) In the case of an adult with needs for care and support which the local authority is required to meet under section 18, the personal budget must also specify—
  - (a) the cost to the local authority of meeting the adult's needs under that section, and
  - (b) where that cost includes daily living costs—
    - (i) the amount attributable to those daily living costs, and
    - (ii) the balance of the cost referred to in paragraph (a).
- (3) A personal budget for an adult may also specify other amounts of public money that are available in the adult's case including, for example, amounts available for spending on matters relating to housing, health care or welfare.
- (4) Regulations may make provision for excluding costs to a local authority from a personal budget if the costs are incurred in meeting needs for which the authority—
  - (a) does not make a charge, or
  - (b) is not permitted to make a charge.

### Commencement Information

**II** S. 26(4) in force at 1.10.2014 for specified purposes by [S.I. 2014/2473](#), [art. 2\(1\)\(h\)](#)

VALID FROM 01/04/2015

## 27 Review of care and support plan or of support plan

- (1) A local authority must—
  - (a) keep under review generally care and support plans, and support plans, that it has prepared, and
  - (b) on a reasonable request by or on behalf of the adult to whom a care and support plan relates or the carer to whom a support plan relates, review the plan.
- (2) A local authority may revise a care and support plan; and in deciding whether or how to do so, it—
  - (a) must have regard in particular to the matters referred to in section 9(4) (and specified in the plan under section 25(1)(d)), and
  - (b) must involve—
    - (i) the adult to whom the plan relates,
    - (ii) any carer that the adult has, and

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- (iii) any person whom the adult asks the authority to involve or, where the adult lacks capacity to ask the authority to do that, any person who appears to the authority to be interested in the adult's welfare.
- (3) A local authority may revise a support plan; and in deciding whether or how to do so, it—
- (a) must have regard in particular to the matters referred to in section 10(5) and (6) (and specified in the plan under section 25(1)(d)), and
  - (b) must involve—
    - (i) the carer to whom the plan relates,
    - (ii) the adult needing care, if the carer asks the authority to do so, and
    - (iii) any other person whom the carer asks the authority to involve.
- (4) Where a local authority is satisfied that circumstances have changed in a way that affects a care and support plan or a support plan, the authority must—
- (a) to the extent it thinks appropriate, carry out a needs or carer's assessment, carry out a financial assessment and make a determination under section 13(1), and
  - (b) revise the care and support plan or support plan accordingly.
- (5) Where, in a case within subsection (4), the local authority is proposing to change how it meets the needs in question, it must, in performing the duty under subsection (2)(b) (i) or (3)(b)(i), take all reasonable steps to reach agreement with the adult concerned about how it should meet those needs.

PROSPECTIVE

VALID FROM 01/04/2015

## 28 Independent personal budget

- (1) An independent personal budget is a statement which specifies what the cost would be to the local authority concerned (see section 24(3)) of meeting the adult's eligible needs for care and support.
- (2) Where the amount referred to in subsection (1) includes daily living costs, the independent personal budget for the adult must specify—
- (a) the amount attributable to those daily living costs, and
  - (b) the balance of the amount referred to in subsection (1).
- (3) An adult's needs are “eligible needs” if, at the time they were met—
- (a) they met the eligibility criteria,
  - (b) they were not being met by a carer, and
  - (c) the adult was ordinarily resident or present in the area of the local authority.
- (4) A local authority must—
- (a) keep under review generally independent personal budgets that it has prepared, and

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- (b) on a reasonable request by or on behalf of the adult to whom an independent personal budget relates, review the independent personal budget.
- (5) A local authority may revise an independent personal budget; and in deciding whether or how to do so, it must, in so far as it is feasible to do so, involve—
  - (a) the adult to whom the independent personal budget relates,
  - (b) any carer that the adult has, and
  - (c) any other person whom the adult asks the authority to involve or, where the adult lacks capacity to ask the authority to do that, any person who appears to the authority to be interested in the adult's welfare.
- (6) Where a local authority is satisfied that the circumstances of the adult to whom an independent personal budget applies have changed in a way that affects the independent personal budget, the authority must—
  - (a) to the extent it thinks appropriate, carry out a needs assessment and make a determination under section 13(1), and
  - (b) revise the independent personal budget accordingly.
- (7) Where, in a case within subsection (6), an adult refuses a needs assessment and the local authority thinks that the adult's refusal is unreasonable, it need no longer keep an up-to-date care account in the adult's case.
- (8) Having reviewed an independent personal budget, a local authority must—
  - (a) if it revises the independent personal budget, notify the adult to whom the independent personal budget relates of the revisions and provide an explanation of the effect of each revision, or
  - (b) if it does not revise the independent personal budget, notify the adult accordingly.

PROSPECTIVE

VALID FROM 01/04/2015

## 29 Care account

- (1) Where an adult has needs for care and support which meet the eligibility criteria, the local authority in whose area the adult is ordinarily resident or, if the adult is of no settled residence, in whose area the adult is present—
  - (a) must keep an up-to-date record of the adult's accrued costs (a “care account”), and
  - (b) once those costs exceed the cap on care costs, must inform the adult.
- (2) Where a local authority which has been keeping a care account is no longer required to do so, it must nonetheless retain the account that it has kept so far until—
  - (a) the end of the period of 99 years beginning with the day on which it last updated the account, or
  - (b) where the adult dies, the local authority becomes aware of the death.

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- (3) A care account must specify such amount as is attributable to the adult's daily living costs.
- (4) A local authority which is keeping a care account must, at such times as regulations may specify, provide the adult concerned with a statement which—
  - (a) sets out the adult's accrued costs, and
  - (b) includes such other matters as regulations may specify.
- (5) Regulations may specify circumstances in which the duty under subsection (4) does not apply.

### **30 Cases where adult expresses preference for particular accommodation**

- (1) Regulations may provide that where—
  - (a) a local authority is going to meet needs under sections 18 to 20 by providing or arranging for the provision of accommodation of a specified type,
  - (b) the adult for whom the accommodation is going to be provided expresses a preference for particular accommodation of that type, and
  - (c) specified conditions are met,the local authority must provide or arrange for the provision of the preferred accommodation.
- (2) The regulations may provide for the adult or a person of a specified description to pay for some or all of the additional cost in specified cases or circumstances.
- (3) “Additional cost” means the cost of providing or arranging for the provision of the preferred accommodation less that part of the amount specified in the personal budget for the purposes of section 26(1)(a) that relates to the provision of accommodation of that type.

#### **Commencement Information**

**I2** S. 30 in force at 1.10.2014 for specified purposes by [S.I. 2014/2473](#), [art. 2\(1\)\(i\)](#)

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