

*Status: Point in time view as at 01/04/2015.*

*Changes to legislation: Care Act 2014, Cross Heading: Cases where hospital patient is likely to have care and support needs after discharge is up to date with all changes known to be in force on or before 22 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 3

#### DISCHARGE OF HOSPITAL PATIENTS WITH CARE AND SUPPORT NEEDS

*Cases where hospital patient is likely to have care and support needs after discharge*

- 1 (1) Where the NHS body responsible for a hospital patient considers that it is not likely to be safe to discharge the patient unless arrangements for meeting the patient's needs for care and support are in place, the body must give notice to—
  - (a) the local authority in whose area the patient is ordinarily resident, or
  - (b) if it appears to the body that the patient is of no settled residence, the local authority in whose area the hospital is situated.
- (2) A notice under sub-paragraph (1) is referred to in this Schedule as an “assessment notice”; and the local authority to which an assessment notice is given is referred to in this Schedule as “the relevant authority”.
- (3) An assessment notice—
  - (a) must describe itself as such, and
  - (b) may not be given more than seven days before the day on which the patient is expected to be admitted to hospital.
- (4) Before giving an assessment notice, the NHS body responsible for the patient must consult—
  - (a) the patient, and
  - (b) where it is feasible to do so, any carer that the patient has.
- (5) An assessment notice remains in force until—
  - (a) the patient is discharged (whether by the NHS body responsible for the patient or by the patient himself or herself),
  - (b) the patient dies, or
  - (c) the NHS body responsible for the patient withdraws the notice by giving a notice (a “withdrawal notice”) to the relevant authority.
- (6) A reference in this paragraph to a hospital patient includes a reference to a person who it is reasonable to expect is about to become one.

#### Commencement Information

**II** Sch. 3 para. 1 in force at 1.4.2015 by S.I. 2015/993, art. 2(s) (with transitional provisions in S.I. 2015/995)

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