

COMMUNITY CARE (DELAYED DISCHARGES ETC.) ACT 2003

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1 – Delayed Discharge Payments

Supplemental

Section 10: Adjustments between social services authorities

46. There may be cases where there are disputes about where a patient is ordinarily resident and therefore which social services authority is responsible for determining a patient's needs under section 4, or making any payments in respect of that patient should his discharge be delayed. This section confers regulation-making powers in order to make provision for such cases. *Subsection (1)* provides that regulations may be made to deal with cases where it appears to the social services authority which has been given notice of a patient under section 2 that the patient is not in fact ordinarily resident in their area.
47. *Subsection (2)(a)* provides that those regulations may require a social services authority to accept a notice under section 2, even though they may dispute being the responsible authority. This is to ensure that one authority is always responsible for an individual and that the individual receives the services he needs as soon as possible, even where there is uncertainty as to which authority should bear responsibility. It may be that another authority is subsequently found to be responsible for the patient. In this case, regulations made under *subsection (2)(b)* may require the authority later found to be responsible to take over responsibility from the authority that was previously believed to have been responsible.
48. Under *subsection (2)(c)* regulations may be made to authorise the social services authority originally thought to have been the responsible authority for a patient to recover any expenditure from the authority finally found to be responsible. This could be expenditure incurred in determining the patient's needs or providing any community care services to the patient for which they should not have been responsible.