



Community Care (Delayed Discharges etc.) Act 2003

2003 CHAPTER 5

PART 1

DELAYED DISCHARGE PAYMENTS

Determination of need for community care services etc. on discharge

4 Duties of responsible authority following notice under section 2

- (1) The duties in this section apply where notice of a patient's case under section 2 has been given.
- (2) The responsible authority must—
 - (a) carry out an assessment of the patient's needs with a view to identifying any community care services that need to be made available in order for it to be safe to discharge him; and
 - (b) after consulting the responsible NHS body, decide which of those services (if any) the authority will make available for the patient.
- (3) The responsible authority must, in the circumstances mentioned in subsection (4), also—
 - (a) carry out an assessment of the needs of any person who is a carer in respect of the patient ("the carer") with a view to identifying any services which—
 - (i) the authority may provide under section 2 of the Carers and Disabled Children Act 2000 (c. 16); and
 - (ii) need to be made available to the carer in order for it to be safe to discharge the patient; and
 - (b) after consulting the responsible NHS body, decide which of those services (if any) the authority will make available to the carer.
- (4) The duties in subsection (3) apply only where the carer—

Status: This is the original version (as it was originally enacted).

- (a) asks the responsible authority to carry out an assessment under subsection (3);
or
 - (b) has, within the period of twelve months ending with the day on which the notice under section 2 was given (or at any time after that day), asked the responsible authority to carry out an assessment under section 1 of the Carers and Disabled Children Act 2000.
- (5) The duties in subsection (2) or (3) apply whether or not the patient's needs for community care services or the carer's needs for services (as the case may be) have previously been assessed.
- (6) The responsible authority must keep under review—
- (a) the needs of the patient; and
 - (b) the needs of any carer whose needs it has assessed under subsection (3)(a), so far as affecting the services that need to be made available in order for it to be safe to discharge the patient.
- (7) The responsible authority may, after consulting the responsible NHS body, alter—
- (a) its decision under subsection (2)(b); or
 - (b) any decision taken by it under subsection (3)(b),
- to take account of any change in circumstances since the assessment carried out under subsection (2)(a) or (3)(a) (as the case may be).
- (8) The responsible authority must inform the responsible NHS body of the decision under subsection (2)(b), of any decision under subsection (3)(b) and of any alteration made under subsection (7).
- (9) Anything done under subsection (2) above is to be treated as done under section 47(1) of the National Health Service and Community Care Act 1990 (c. 19) (but without prejudice to anything to be done under that section in relation to any other community care services).
- (10) Anything done under subsection (3) above is to be treated as done under section 1 or 2 of the Carers and Disabled Children Act 2000 (but without prejudice to anything to be done under that section in relation to other services which may be provided to the carer).