



Care Act 2014

CHAPTER 23

CARE ACT 2014

PART 1

CARE AND SUPPORT

General responsibilities of local authorities

- 1 Promoting individual well-being
- 2 Preventing needs for care and support
- 3 Promoting integration of care and support with health services etc.
- 4 Providing information and advice
- 5 Promoting diversity and quality in provision of services
- 6 Co-operating generally
- 7 Co-operating in specific cases

Meeting needs for care etc.

- 8 How to meet needs

Assessing needs

- 9 Assessment of an adult's needs for care and support
- 10 Assessment of a carer's needs for support
- 11 Refusal of assessment
- 12 Assessments under sections 9 and 10: further provision
- 13 The eligibility criteria

Charging and assessing financial resources

- 14 Power of local authority to charge
- 15 Cap on care costs

Status: Point in time view as at 14/05/2014.

Changes to legislation: Care Act 2014 is up to date with all changes known to be in force on or before 26 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)

- 16 Cap on care costs: annual adjustment
- 17 Assessment of financial resources

Duties and powers to meet needs

- 18 Duty to meet needs for care and support
- 19 Power to meet needs for care and support
- 20 Duty and power to meet a carer's needs for support
- 21 Exception for persons subject to immigration control
- 22 Exception for provision of health services
- 23 Exception for provision of housing etc.

Next steps after assessments

- 24 The steps for the local authority to take
- 25 Care and support plan, support plan
- 26 Personal budget
- 27 Review of care and support plan or of support plan
- 28 Independent personal budget
- 29 Care account
- 30 Cases where adult expresses preference for particular accommodation

Direct payments

- 31 Adults with capacity to request direct payments
- 32 Adults without capacity to request direct payments
- 33 Direct payments: further provision

Deferred payment agreements, etc.

- 34 Deferred payment agreements and loans
- 35 Deferred payment agreements and loans: further provision
- 36 Alternative financial arrangements

Continuity of care and support when adult moves

- 37 Notification, assessment, etc.
- 38 Case where assessments not complete on day of move

Establishing where a person lives, etc.

- 39 Where a person's ordinary residence is
- 40 Disputes about ordinary residence or continuity of care
- 41 Financial adjustments between local authorities

Safeguarding adults at risk of abuse or neglect

- 42 Enquiry by local authority
- 43 Safeguarding Adults Boards
- 44 Safeguarding adults reviews
- 45 Supply of information
- 46 Abolition of local authority's power to remove persons in need of care
- 47 Protecting property of adults being cared for away from home

Provider failure

- 48 Temporary duty on local authority

Status: Point in time view as at 14/05/2014.

Changes to legislation: Care Act 2014 is up to date with all changes known to be in force on or before 26 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)

- 49 Section 48: cross-border cases
- 50 Temporary duty on local authority in Wales
- 51 Temporary duty on Health and Social Care trust in Northern Ireland
- 52 Sections 48 to 51: supplementary

Market oversight

- 53 Specifying criteria for application of market oversight regime
- 54 Determining whether criteria apply to care provider
- 55 Assessment of financial sustainability of care provider
- 56 Informing local authorities where failure of care provider likely
- 57 Sections 54 to 56: supplementary

Transition for children to adult care and support, etc.

- 58 Assessment of a child's needs for care and support
- 59 Child's needs assessment: requirements etc.
- 60 Assessment of a child's carer's needs for support
- 61 Child's carer's assessment: requirements etc.
- 62 Power to meet child's carer's needs for support
- 63 Assessment of a young carer's needs for support
- 64 Young carer's assessment: requirements etc.
- 65 Assessments under sections 58 to 64: further provision
- 66 Continuity of services under other legislation

Independent advocacy support

- 67 Involvement in assessments, plans etc.
- 68 Safeguarding enquiries and reviews

Enforcement of debts

- 69 Recovery of charges, interest etc.
- 70 Transfer of assets to avoid charges

Review of funding provisions

- 71 Five-yearly review by Secretary of State

Appeals

- 72 Part 1 appeals

Miscellaneous

- 73 Human Rights Act 1998: provision of regulated care or support etc a public function
- 74 Discharge of hospital patients with care and support needs
- 75 After-care under the Mental Health Act 1983
- 76 Prisoners and persons in approved premises etc.
- 77 Registers of sight-impaired adults, disabled adults, etc.
- 78 Guidance, etc.
- 79 Delegation of local authority functions

General

- 80 Part 1: interpretation

Status: Point in time view as at 14/05/2014.

Changes to legislation: Care Act 2014 is up to date with all changes known to be in force on or before 26 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)

PART 2

CARE STANDARDS

Quality of services

- 81 Duty of candour
- 82 Warning notice
- 83 Imposition of licence conditions on NHS foundation trusts
- 84 Trust special administration: appointment of administrator
- 85 Trust special administration: objective, consultation and reports

Care Quality Commission

- 86 Restriction on applications for variation or removal of conditions
- 87 Rights of appeal
- 88 Unitary board

Increasing the independence of the Care Quality Commission

- 89 Chief Inspectors
- 90 Independence of the Care Quality Commission

Performance ratings

- 91 Reviews and performance assessments

False or misleading information

- 92 Offence
- 93 Penalties
- 94 Offences by bodies

Regulated activities

- 95 Training for persons working in regulated activity

PART 3

HEALTH

CHAPTER 1

HEALTH EDUCATION ENGLAND

Establishment

- 96 Health Education England

National functions

- 97 Planning education and training for health care workers etc.
- 98 Ensuring sufficient skilled health care workers for the health service
- 99 Quality improvement in education and training, etc.
- 100 Objectives, priorities and outcomes
- 101 Sections 98 and 100: matters to which HEE must have regard
- 102 Advice

Status: Point in time view as at 14/05/2014.

Changes to legislation: Care Act 2014 is up to date with all changes known to be in force on or before 26 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)

Local functions

- 103 Local Education and Training Boards
- 104 LETBs: appointment etc.
- 105 LETBs: co-operation by providers of health services
- 106 Education and training plans
- 107 Commissioning education and training

Tariffs

- 108 Tariffs

CHAPTER 2

HEALTH RESEARCH AUTHORITY

Establishment

- 109 The Health Research Authority

General functions

- 110 The HRA's functions

Regulatory practice

- 111 Co-ordinating and promoting regulatory practice etc.

Research ethics committees

- 112 The HRA's policy on research ethics committees
- 113 Approval of research
- 114 Recognition by the HRA
- 115 Establishment by the HRA
- 116 Membership of the United Kingdom Ethics Committee Authority

Patient information

- 117 Approval for processing confidential patient information

CHAPTER 3

CHAPTERS 1 AND 2: SUPPLEMENTARY

Miscellaneous

- 118 Transfer orders

General

- 119 Chapters 1 and 2: interpretation and supplementary provision

CHAPTER 4

TRUST SPECIAL ADMINISTRATION

- 120 Powers of administrator etc.

Status: Point in time view as at 14/05/2014.

Changes to legislation: Care Act 2014 is up to date with all changes known to be in force on or before 26 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)

PART 4

HEALTH AND SOCIAL CARE

Integration fund

- 121 Integration of care and support with health services etc: integration fund

Information

- 122 The Health and Social Care Information Centre: restrictions on dissemination of information

PART 5

GENERAL

- 123 Power to make consequential provision
124 Power to make transitional etc. provision
125 Regulations and orders
126 General interpretation
127 Commencement
128 Extent and application
129 Short title

SCHEDULES

SCHEDULE 1 — Cross-border placements

Placements from England to Wales, Scotland or Northern Ireland

- 1 (1) Where a local authority in England is meeting an...

Placements from Wales to England, Scotland or Northern Ireland

- 2 (1) Where a local authority in Wales is discharging its...

Placements from Scotland to England, Wales or Northern Ireland

- 3 (1) Where a local authority in Scotland is discharging its...

Placements from Northern Ireland to England, Wales or Scotland

- 4 (1) Where there are arrangements under Article 15 of the...

Dispute resolution

- 5 (1) Any dispute about the application of any of paragraphs...

Financial adjustments

- 6 (1) This paragraph applies where— (a) an adult has been...
7 (1) In section 86 of the Social Work (Scotland) Act...

Provision of NHS accommodation not to affect deemed ordinary residence etc.

- 8 (1) In a case where, as a result of this...

Status: Point in time view as at 14/05/2014.

Changes to legislation: Care Act 2014 is up to date with all changes known to be in force on or before 26 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)

Direct payments

- 9 (1) Regulations may provide for this Schedule to apply, with...

Particular types of accommodation

- 10 (1) Regulations may provide for this Schedule to apply, with...

Regulations

- 11 Regulations under this Schedule— (a) if they include provision relating...

Interpretation

- 12 (1) This paragraph applies for the purposes of this Schedule....

Consequential provision

- 13 In section 194 of the Social Services and Well-being (Wales)...

Transitory provision

- 14 (1) Pending the commencement of Part 4 of the Social...

SCHEDULE 2 — Safeguarding Adults Boards

Membership, etc.

- 1 (1) The members of an SAB are—

Funding and other resources

- 2 (1) A member of an SAB listed in paragraph 1(1)...

Strategic plan

- 3 (1) An SAB must publish for each financial year a...

Annual report

- 4 (1) As soon as is feasible after the end of...

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...

Assessment notice given by responsible NHS body to local authority

- 2 (1) The NHS body responsible for a hospital patient, having...
3 (1) The relevant authority, having received an assessment notice and...

Cases where discharge of the patient is delayed

- 4 (1) If the relevant authority, having received an assessment notice...

Status: Point in time view as at 14/05/2014.

Changes to legislation: Care Act 2014 is up to date with all changes known to be in force on or before 26 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)

Delegation to management of independent hospital

- 5 (1) An NHS body may make arrangements with any person...

Adjustments between local authorities

- 6 (1) Regulations may modify, or otherwise make provision about, the...

Meaning of “hospital patient”, “NHS hospital”, “NHS body”, etc.

- 7 (1) A hospital patient is a person ordinarily resident in...

Further provision about assessment notices, discharge notices, etc.

- 8 Regulations may— (a) specify the form and content of an...

SCHEDULE 4 —

PART 1 — AFTER-CARE UNDER THE MENTAL HEALTH ACT 1983: DIRECT PAYMENTS

- 1 (1) Sections 31 (adults with capacity to request direct payments),...

PART 2 — PROVISION TO BE INSERTED IN SOCIAL SERVICES AND WELL-BEING (WALES) ACT 2014

SCHEDULE A1 Direct payments: after-care under the Mental Health Act...

SCHEDULE 5 — Health Education England

PART 1 — CONSTITUTION

Membership

- 1 (1) HEE consists of— (a) a chair appointed by the...
2 (1) The members of HEE must include persons who have...

Non-executive members: terms of office

- 3 (1) A person holds office as a non-executive member of...

Non-executive members: suspension from office

- 4 (1) Having decided to suspend a person under paragraph 3(6),...
5 (1) Where a person is suspended from office as the...

Non-executive members: pay

- 6 (1) HEE must pay its non-executive members such remuneration as...

Employees: terms of office

- 7 (1) Each executive member of HEE is appointed as an...

Employees: pay

- 8 (1) HEE must pay its employees such remuneration as it...

Committees and sub-committees

- 9 (1) HEE may appoint committees and sub-committees.

Status: Point in time view as at 14/05/2014.

Changes to legislation: Care Act 2014 is up to date with all changes known to be in force on or before 26 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)

Procedure

- 10 (1) HEE may regulate its own procedure.

Seal and evidence

- 11 (1) The application of HEE's seal must be authenticated by...

Status of HEE

- 12 (1) HEE is not to be regarded as a servant...

PART 2 — FUNCTIONS

Exercise of functions

- 13 (1) HEE must exercise its functions effectively, efficiently and economically....

Help or advice for other public authorities

- 14 (1) HEE may provide help or advice to another public...

Co-operation

- 15 (1) HEE must, in the exercise of its functions, co-operate...

NHS contracts

- 16 In section 9(4) of the National Health Service Act 2006...

Arrangements with devolved authorities

- 17 (1) HEE may arrange with a devolved authority for HEE—...

Failure to exercise functions

- 18 (1) If the Secretary of State considers that HEE is...

PART 3 — FINANCE AND REPORTS

Funding

- 19 (1) The Secretary of State must pay HEE for each...

Financial duties: expenditure

- 20 (1) HEE must ensure that total expenditure attributable to its...

Financial duties: use of generated income

- 21 Where HEE generates income from carrying out activities for the...

Financial duties: controls on total resource use

- 22 (1) HEE must ensure that— (a) its use of capital...

Financial duties: additional controls on resource use

- 23 (1) The Secretary of State may direct HEE to ensure...

Status: Point in time view as at 14/05/2014.

Changes to legislation: Care Act 2014 is up to date with all changes known to be in force on or before 26 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)

Losses and liabilities etc

24 (1) Section 265 of the Public Health Act 1875 (which...

Accounts

25 (1) HEE must keep— (a) proper accounts, and

Annual accounts

26 (1) HEE must prepare consolidated annual accounts for each financial...

Interim accounts

27 (1) The Secretary of State may, with the approval of...

Annual report

28 (1) As soon as is feasible after the end of...

PART 4 — CONSEQUENTIAL AMENDMENTS

Public Records Act 1958

29 In Part 2 of the Table in Schedule 1 to...

Public Bodies (Admission to Meetings) Act 1960

30 In the Schedule to the Public Bodies (Admission to Meetings)...

Parliamentary Commissioner Act 1967

31 In Schedule 2 to the Parliamentary Commissioner Act 1967, at...

House of Commons Disqualification Act 1975

32 In Part 2 of Schedule 1 to the House of...

Copyright, Designs and Patents Act 1988

33 In section 48(6) of the Copyright, Designs and Patents Act...

Freedom of Information Act 2000

34 In Part 3 of Schedule 1 to the Freedom of...

Equality Act 2010

35 In Part 1 of Schedule 19 to the Equality Act...

SCHEDULE 6 — Local Education and Training Boards

The area for which an LETB is appointed

1 (1) HEE must ensure that the areas of LETBs—

Assessment of whether the appointment criteria are being met in relation to LETBs

2 (1) HEE must, whenever it considers appropriate, assess—

Status: Point in time view as at 14/05/2014.

Changes to legislation: Care Act 2014 is up to date with all changes known to be in force on or before 26 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)

Publication and review of the appointment criteria

- 3 (1) HEE must publish the appointment criteria; but before doing...

Exercise of functions

- 4 (1) Regulations may— (a) give LETBs additional functions relating to...

SCHEDULE 7 — The Health Research Authority

PART 1 — CONSTITUTION

Membership

- 1 (1) The HRA consists of— (a) a chair appointed by...

Non-executive members: terms of office

- 2 (1) A person holds office as a non-executive member of...

Non-executive members: suspension from office

- 3 (1) Having decided to suspend a person under paragraph 2(6),...
4 (1) Where a person is suspended from office as the...

Non-executive members: pay

- 5 (1) The HRA must pay its non-executive members such remuneration...

Employees: terms of office

- 6 (1) Each executive member of the HRA is appointed as...

Employees: pay

- 7 (1) The HRA must pay its employees such remuneration as...

Committees and sub-committees

- 8 (1) The HRA must appoint a committee for the purpose...
9 Regulations may provide for the committee appointed under paragraph 8(1)...

Procedure

- 10 (1) The HRA may regulate its own procedure.

Seal and evidence

- 11 (1) The application of the HRA's seal must be authenticated...

Status of the HRA

- 12 (1) The HRA is not to be regarded as a...

PART 2 — FUNCTIONS

Exercise of functions

- 13 (1) The HRA must exercise its functions effectively, efficiently and...

Status: Point in time view as at 14/05/2014.

Changes to legislation: Care Act 2014 is up to date with all changes known to be in force on or before 26 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)

Help or advice for other public authorities

- 14 (1) The HRA may provide help or advice to another...

Arrangements with devolved authorities

- 15 (1) The HRA may arrange with a devolved authority for...

Failure to exercise functions

- 16 (1) If the Secretary of State considers that the HRA...

PART 3 — FINANCE AND REPORTS

Funding

- 17 The Secretary of State may, with the consent of the...

Fees and indemnities

- 18 (1) Regulations may require payment of a fee in relation...

Accounts

- 19 (1) The HRA must keep accounts in such form as...

Annual report

- 20 (1) As soon as is feasible after the end of...

PART 4 — CONSEQUENTIAL AMENDMENTS

Public Records Act 1958

- 21 In Part 2 of the Table in Schedule 1 to...

Public Bodies (Admission to Meetings) Act 1960

- 22 In the Schedule to the Public Bodies (Admission to Meetings)...

Parliamentary Commissioner Act 1967

- 23 In Schedule 2 to the Parliamentary Commissioner Act 1967, at...

House of Commons Disqualification Act 1975

- 24 In Part 2 of Schedule 1 to the House of...

Copyright, Designs and Patents Act 1988

- 25 In section 48(6) of the Copyright, Designs and Patents Act...

Freedom of Information Act 2000

- 26 In Part 6 of Schedule 1 to the Freedom of...

Equality Act 2010

- 27 In Part 1 of Schedule 19 to the Equality Act...

SCHEDULE 8 — Research ethics committees: amendments

Status: Point in time view as at 14/05/2014.

Changes to legislation: Care Act 2014 is up to date with all changes known to be in force on or before 26 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)

Ionising Radiation (Medical Exposure) Regulations 2000 (S.I. 2000/1059)

- 1 In regulation 2(1) of the Ionising Radiation (Medical Exposure) Regulations...

Ionising Radiation (Medical Exposure) Regulations (Northern Ireland) 2000 (S.R. 2000/194)

- 2 In regulation 2(1) of the Ionising Radiation (Medical Exposure) Regulations...

Health Service (Control of Patient Information) Regulations 2002 (S.I. 2002/1438)

- 3 In regulation 1(2) of the Health Service (Control of Patient...

Nursing Homes Regulations (Northern Ireland) 2005 (S.R. 2005/160)

- 4 In regulation 2(1) of the Nursing Homes Regulations (Northern Ireland)...

Residential Care Homes Regulations (Northern Ireland) 2005 (S.R. 2005/161)

- 5 In regulation 2(1) of the Residential Care Homes Regulations (Northern...

Independent Health Care Regulations (Northern Ireland) 2005 (S.R. 2005/174)

- 6 In regulation 2(1) of the Independent Health Care Regulations (Northern...

Approval of Research on Organs No Longer Required for Procurator Fiscal Purposes (Specified Purposes) (Scotland) Order 2006 (S.S.I. 2006/310)

- 7 In article 1(2) of the Approval of Research on Organs...

Human Tissue Act 2004 (Ethical Approval, Exceptions from Licensing and Supply of Information about Transplants) Regulations 2006 (S.I. 2006/1260)

- 8 In regulation 1(2) of the Human Tissue Act 2004 (Ethical...

Mental Capacity Act 2005 (Appropriate Body) (England) Regulations 2006 (S.I. 2006/2810)

- 9 In regulation 2 of the Mental Capacity Act 2005 (Appropriate...

Mental Capacity Act 2005 (Appropriate Body) (Wales) Regulations 2007 (S.I. 2007/833)

- 10 In regulation 2 of the Mental Capacity 2005 (Appropriate Body)...

Human Fertilisation and Embryology (Disclosure of Information for Research Purposes) Regulations 2010 (S.I. 2010/995)

- 11 In regulation 2(1) of the Human Fertilisation and Embryology (Disclosure...

Independent Health Care (Wales) Regulations 2011 (S.I. 2011/734)

- 12 In regulation 25 of the Independent Health Care (Wales) Regulations...

Status:

Point in time view as at 14/05/2014.

Changes to legislation:

Care Act 2014 is up to date with all changes known to be in force on or before 26 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.