



# 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*Status: Point in time view as at 25/05/2018.*

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- 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

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- 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

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- 82 Warning notice
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- 84 Trust special administration: appointment of administrator
- 85 Trust special administration: objective, consultation and reports

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- 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
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- 95 Training for persons working in regulated activity

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##### *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

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- 103 Local Education and Training Boards
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### *Tariffs*

- 108 Tariffs

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- 115 Establishment by the HRA
- 116 Membership of the United Kingdom Ethics Committee Authority

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- 117 Approval for processing confidential patient information

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

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

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## 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...

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*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...

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*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 — Direct payments: after-care under the Mental Health Act 1983  
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.



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*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...

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*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—

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*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...

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*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

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*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...

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