STATUTORY INSTRUMENTS

2014 No. 2825

SOCIAL CARE, ENGLAND

The Care and Support (Continuity of Care) Regulations 2014

Made - - - -	*6th October 2014*
Laid before Parliament	*27th October 2014*
Coming into force in accordance with regulation 1(1)	

The Secretary of State makes these Regulations in exercise of the power conferred by section 38(8) of the Care Act 2014(**a**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Care and Support (Continuity of Care) Regulations 2014 and come into force immediately after section 38(8) of the Care Act 2014 comes fully into force(**b**).

(2) In these Regulations—

"the Act" means the Care Act 2014;

"relevant carer" means, in relation to an adult(**c**), a person who is continuing as that adult's carer(**d**) as of the day of that adult's intended move;

a reference to the day of an adult's intended move (howsoever expressed) is a reference to the day of that adult's intended move as mentioned in section 37(1)(b) or (3)(b) of the Act.

Matters to have regard to in deciding how to perform duty under section 38(1)

2.—(1) For the purposes of section 38(8) of the Act (cases where assessments are not complete on day of move), the second authority(**e**) must have regard to the following matters in deciding how to perform its duty under section 38(1) of the Act in respect of an adult ("the relevant adult")—

(a) the contents of any care and support plan supplied to the authority under section 37(5)(a) of the Act (documents to be supplied by first authority where second authority is satisfied as to genuineness of intention to move) in relation to the relevant adult;

(b) the contents of any support plan supplied to the authority under section 37(5)(e) of the Act in relation to any relevant carer of the relevant adult;

(c) the outcomes that the relevant adult wishes to achieve in day-to-day life;

(d) the outcomes that any relevant carer of that adult wishes to achieve in day-to-day life;

(**a**) 2014 c.23; *see* section 125(1) for the powers to make regulations.
(**b**) Section 38(8) was commenced for the purpose of making regulations by S.I. 2014/2473.
(**c**) *See* section 2(8) of the Act for the meaning of "adult".
(**d**) *See* section 10(3) of the Act for the meaning of "carer".
(**e**) *See* section 37(1) of the Act for the meaning of "second authority".

(e) the views and preferences of the relevant adult as to how the authority should meet that adult's needs for care and support;

(f) the views and preferences of any relevant carer of that adult as to how the authority should meet that carer's needs for support;

(g) any relevant difference between the relevant adult's circumstances before and after the day of the adult's intended move, including in relation to—

(i) access to a carer;

(ii) suitability of living accommodation;

(iii) location of living accommodation in terms of its proximity and accessibility to necessary facilities or services in the local community including—

(aa) medical services,

(bb) public transport,

(cc) educational facilities, and

(dd) recreational facilities or services; and

(iv) the availability of support from family members, friends, neighbours and the wider community.

(2) For the purposes of paragraph (1)(g), a difference is relevant if it is likely to have a significant effect on the well-being of the relevant adult during the period when that adult's needs for care and support are being met under section 38(1) of the Act.

Signed by authority of the Secretary of State for Health.

Dan Poulter
Parliamentary Under-Secretary of State,
Department of Health

6th October 2014

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations set out matters to which a local authority must have regard when carrying out its duty under section 38(1) of the Care Act 2014 ("the Act"). Sections 37 and 38 of the Act set out procedures to be followed when an individual who is receiving care and support from a local authority ("the first authority") wishes to move to the area of another local authority ("the second authority").

Under section 38(1) of the Act, where a person has moved into the second authority's area but that authority has not yet carried out a full assessment of the person's needs, the second authority must meet the person's care and support needs from the date of the move; it must do this on the same basis as the first authority until it has carried out its own assessment. When carrying out this duty, the second authority must have regard to the matters set out in regulation 2 of these Regulations.

A separate impact assessment has not been prepared for these Regulations. These Regulations are part of a package of legislative measures and the relevant impact assessment can be requested via careactconsultation@dh.gsi.gov.uk or from the Department of Health, Richmond House, 79 Whitehall, London SW1A 2NS and is available online at https://www.gov.uk/government/organisations/department-of-health.

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