



Care Act 2014

2014 CHAPTER 23

PART 1

CARE AND SUPPORT

General responsibilities of local authorities

1 Promoting individual well-being

- (1) The general duty of a local authority, in exercising a function under this Part in the case of an individual, is to promote that individual's well-being.
- (2) "Well-being", in relation to an individual, means that individual's well-being so far as relating to any of the following—
 - (a) personal dignity (including treatment of the individual with respect);
 - (b) physical and mental health and emotional well-being;
 - (c) protection from abuse and neglect;
 - (d) control by the individual over day-to-day life (including over care and support, or support, provided to the individual and the way in which it is provided);
 - (e) participation in work, education, training or recreation;
 - (f) social and economic well-being;
 - (g) domestic, family and personal relationships;
 - (h) suitability of living accommodation;
 - (i) the individual's contribution to society.
- (3) In exercising a function under this Part in the case of an individual, a local authority must have regard to the following matters in particular—
 - (a) the importance of beginning with the assumption that the individual is best-placed to judge the individual's well-being;
 - (b) the individual's views, wishes, feelings and beliefs;

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- (c) the importance of preventing or delaying the development of needs for care and support or needs for support and the importance of reducing needs of either kind that already exist;
 - (d) the need to ensure that decisions about the individual are made having regard to all the individual's circumstances (and are not based only on the individual's age or appearance or any condition of the individual's or aspect of the individual's behaviour which might lead others to make unjustified assumptions about the individual's well-being);
 - (e) the importance of the individual participating as fully as possible in decisions relating to the exercise of the function concerned and being provided with the information and support necessary to enable the individual to participate;
 - (f) the importance of achieving a balance between the individual's well-being and that of any friends or relatives who are involved in caring for the individual;
 - (g) the need to protect people from abuse and neglect;
 - (h) the need to ensure that any restriction on the individual's rights or freedom of action that is involved in the exercise of the function is kept to the minimum necessary for achieving the purpose for which the function is being exercised.
- (4) "Local authority" means—
- (a) a county council in England,
 - (b) a district council for an area in England for which there is no county council,
 - (c) a London borough council, or
 - (d) the Common Council of the City of London.

2 Preventing needs for care and support

- (1) A local authority must provide or arrange for the provision of services, facilities or resources, or take other steps, which it considers will—
- (a) contribute towards preventing or delaying the development by adults in its area of needs for care and support;
 - (b) contribute towards preventing or delaying the development by carers in its area of needs for support;
 - (c) reduce the needs for care and support of adults in its area;
 - (d) reduce the needs for support of carers in its area.
- (2) In performing that duty, a local authority must have regard to—
- (a) the importance of identifying services, facilities and resources already available in the authority's area and the extent to which the authority could involve or make use of them in performing that duty;
 - (b) the importance of identifying adults in the authority's area with needs for care and support which are not being met (by the authority or otherwise);
 - (c) the importance of identifying carers in the authority's area with needs for support which are not being met (by the authority or otherwise).
- (3) Regulations may—
- (a) permit a local authority to make a charge for providing or arranging for the provision of services, facilities or resources, or for taking other steps, under this section;
 - (b) prohibit a local authority from making a charge it would otherwise be permitted to make by virtue of paragraph (a).

- (4) The regulations may in particular (in reliance on section 125(7)) make provision by reference to services, facilities or resources which—
 - (a) are of a specified type;
 - (b) are provided in specified circumstances;
 - (c) are provided to an adult of a specified description;
 - (d) are provided for a specified period only.
- (5) A charge under the regulations may cover only the cost that the local authority incurs in providing or arranging for the provision of the service, facility or resource or for taking the other step.
- (6) In cases where a local authority performs the duty under subsection (1) jointly with one or more other local authorities in relation to the authorities' combined area—
 - (a) references in this section to a local authority are to be read as references to the authorities acting jointly, and
 - (b) references in this section to a local authority's area are to be read as references to the combined area.
- (7) Sections 21 (exception for persons subject to immigration control), 22 (exception for provision of health services) and 23 (exception for provision of housing etc.) apply in relation to the duty under subsection (1), but with the modifications set out in those sections.
- (8) "Adult" means a person aged 18 or over.

3 Promoting integration of care and support with health services etc.

- (1) A local authority must exercise its functions under this Part with a view to ensuring the integration of care and support provision with health provision and health-related provision where it considers that this would—
 - (a) promote the well-being of adults in its area with needs for care and support and the well-being of carers in its area,
 - (b) contribute to the prevention or delay of the development by adults in its area of needs for care and support or the development by carers in its area of needs for support, or
 - (c) improve the quality of care and support for adults, and of support for carers, provided in its area (including the outcomes that are achieved from such provision).
- (2) "Care and support provision" means—
 - (a) provision to meet adults' needs for care and support,
 - (b) provision to meet carers' needs for support, and
 - (c) provision of services, facilities or resources, or the taking of other steps, under section 2.
- (3) "Health provision" means provision of health services as part of the health service.
- (4) "Health-related provision" means provision of services which may have an effect on the health of individuals but which are not—
 - (a) health services provided as part of the health service, or
 - (b) services provided in the exercise of social services functions (as defined by section 1A of the Local Authority Social Services Act 1970).

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- (5) For the purposes of this section, the provision of housing is health-related provision.
- (6) In section 13N of the National Health Service Act 2006 (duty of NHS Commissioning Board to promote integration), at the end insert—
 - “(5) For the purposes of this section, the provision of housing accommodation is a health-related service.”
- (7) In section 14Z1 of that Act (duty of clinical commissioning groups to promote integration), at the end insert—
 - “(4) For the purposes of this section, the provision of housing accommodation is a health-related service.”

4 Providing information and advice

- (1) A local authority must establish and maintain a service for providing people in its area with information and advice relating to care and support for adults and support for carers.
- (2) The service must provide information and advice on the following matters in particular—
 - (a) the system provided for by this Part and how the system operates in the authority’s area,
 - (b) the choice of types of care and support, and the choice of providers, available to those who are in the authority’s area,
 - (c) how to access the care and support that is available,
 - (d) how to access independent financial advice on matters relevant to the meeting of needs for care and support, and
 - (e) how to raise concerns about the safety or well-being of an adult who has needs for care and support.
- (3) In providing information and advice under this section, a local authority must in particular—
 - (a) have regard to the importance of identifying adults in the authority’s area who would be likely to benefit from financial advice on matters relevant to the meeting of needs for care and support, and
 - (b) seek to ensure that what it provides is sufficient to enable adults—
 - (i) to identify matters that are or might be relevant to their personal financial position that could be affected by the system provided for by this Part,
 - (ii) to make plans for meeting needs for care and support that might arise, and
 - (iii) to understand the different ways in which they may access independent financial advice on matters relevant to the meeting of needs for care and support.
- (4) Information and advice provided under this section must be accessible to, and proportionate to the needs of, those for whom it is being provided.
- (5) “Independent financial advice” means financial advice provided by a person who is independent of the local authority in question.

- (6) In cases where a local authority performs the duty under subsection (1) jointly with one or more other local authorities by establishing and maintaining a service for their combined area—
- (a) references in this section to a local authority are to be read as references to the authorities acting jointly, and
 - (b) references in this section to a local authority’s area are to be read as references to the combined area.

5 Promoting diversity and quality in provision of services

- (1) A local authority must promote the efficient and effective operation of a market in services for meeting care and support needs with a view to ensuring that any person in its area wishing to access services in the market—
- (a) has a variety of providers to choose from who (taken together) provide a variety of services;
 - (b) has a variety of high quality services to choose from;
 - (c) has sufficient information to make an informed decision about how to meet the needs in question.
- (2) In performing that duty, a local authority must have regard to the following matters in particular—
- (a) the need to ensure that the authority has, and makes available, information about the providers of services for meeting care and support needs and the types of services they provide;
 - (b) the need to ensure that it is aware of current and likely future demand for such services and to consider how providers might meet that demand;
 - (c) the importance of enabling adults with needs for care and support, and carers with needs for support, who wish to do so to participate in work, education or training;
 - (d) the importance of ensuring the sustainability of the market (in circumstances where it is operating effectively as well as in circumstances where it is not);
 - (e) the importance of fostering continuous improvement in the quality of such services and the efficiency and effectiveness with which such services are provided and of encouraging innovation in their provision;
 - (f) the importance of fostering a workforce whose members are able to ensure the delivery of high quality services (because, for example, they have relevant skills and appropriate working conditions).
- (3) In having regard to the matters mentioned in subsection (2)(b), a local authority must also have regard to the need to ensure that sufficient services are available for meeting the needs for care and support of adults in its area and the needs for support of carers in its area.
- (4) In arranging for the provision by persons other than it of services for meeting care and support needs, a local authority must have regard to the importance of promoting the well-being of adults in its area with needs for care and support and the well-being of carers in its area.
- (5) In meeting an adult’s needs for care and support or a carer’s needs for support, a local authority must have regard to its duty under subsection (1).

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- (6) In cases where a local authority performs the duty under subsection (1) jointly with one or more other local authorities in relation to persons who are in the authorities' combined area—
- (a) references in this section to a local authority are to be read as references to the authorities acting jointly, and
 - (b) references in this section to a local authority's area are to be read as references to the combined area.
- (7) "Services for meeting care and support needs" means—
- (a) services for meeting adults' needs for care and support, and
 - (b) services for meeting carers' needs for support.
- (8) The references in subsection (7) to services for meeting needs include a reference to services, facilities or resources the purpose of which is to contribute towards preventing or delaying the development of those needs.

6 Co-operating generally

- (1) A local authority must co-operate with each of its relevant partners, and each relevant partner must co-operate with the authority, in the exercise of—
- (a) their respective functions relating to adults with needs for care and support,
 - (b) their respective functions relating to carers, and
 - (c) functions of theirs the exercise of which is relevant to functions referred to in paragraph (a) or (b).
- (2) A local authority must co-operate, in the exercise of its functions under this Part, with such other persons as it considers appropriate who exercise functions, or are engaged in activities, in the authority's area relating to adults with needs for care and support or relating to carers.
- (3) The following are examples of persons with whom a local authority may consider it appropriate to co-operate for the purposes of subsection (2)—
- (a) a person who provides services to meet adults' needs for care and support, services to meet carers' needs for support or services, facilities or resources of the kind referred to in section 2(1);
 - (b) a person who provides primary medical services, primary dental services, primary ophthalmic services, pharmaceutical services or local pharmaceutical services under the National Health Service Act 2006;
 - (c) a person in whom a hospital in England is vested which is not a health service hospital as defined by that Act;
 - (d) a private registered provider of social housing.
- (4) A local authority must make arrangements for ensuring co-operation between—
- (a) the officers of the authority who exercise the authority's functions relating to adults with needs for care and support or its functions relating to carers,
 - (b) the officers of the authority who exercise the authority's functions relating to housing (in so far as the exercise of those functions is relevant to functions referred to in paragraph (a)),
 - (c) the Director of Children's Services at the authority (in so far as the exercise of functions by that officer is relevant to the functions referred to in paragraph (a)), and

- (d) the authority’s director of public health (see section 73A of the National Health Service Act 2006).
- (5) The references in subsections (1) and (4)(a) to a local authority’s functions include a reference to the authority’s functions under sections 58 to 65 (transition for children with needs etc.).
- (6) The duties under subsections (1) to (4) are to be performed for the following purposes in particular—
 - (a) promoting the well-being of adults with needs for care and support and of carers in the authority’s area,
 - (b) improving the quality of care and support for adults and support for carers provided in the authority’s area (including the outcomes that are achieved from such provision),
 - (c) smoothing the transition to the system provided for by this Part for persons in relation to whom functions under sections 58 to 65 are exercisable,
 - (d) protecting adults with needs for care and support who are experiencing, or are at risk of, abuse or neglect, and
 - (e) identifying lessons to be learned from cases where adults with needs for care and support have experienced serious abuse or neglect and applying those lessons to future cases.
- (7) Each of the following is a relevant partner of a local authority—
 - (a) where the authority is a county council for an area for which there are district councils, each district council;
 - (b) any local authority, or district council for an area in England for which there is a county council, with which the authority agrees it would be appropriate to co-operate under this section;
 - (c) each NHS body in the authority’s area;
 - (d) the Minister of the Crown exercising functions in relation to social security, employment and training, so far as those functions are exercisable in relation to England;
 - (e) the chief officer of police for a police area the whole or part of which is in the authority’s area;
 - (f) the Minister of the Crown exercising functions in relation to prisons, so far as those functions are exercisable in relation to England;
 - (g) a relevant provider of probation services in the authority’s area;
 - (h) such person, or a person of such description, as regulations may specify.
- (8) The reference to an NHS body in a local authority’s area is a reference to—
 - (a) the National Health Service Commissioning Board, so far as its functions are exercisable in relation to the authority’s area,
 - (b) a clinical commissioning group the whole or part of whose area is in the authority’s area, or
 - (c) an NHS trust or NHS foundation trust which provides services in the authority’s area.
- (9) “Prison” has the same meaning as in the Prison Act 1952 (see section 53(1) of that Act).
- (10) “Relevant provider of probation services” has the meaning given by section 325 of the Criminal Justice Act 2003.

7 Co-operating in specific cases

- (1) Where a local authority requests the co-operation of a relevant partner, or of a local authority which is not one of its relevant partners, in the exercise of a function under this Part in the case of an individual with needs for care and support or in the case of a carer, a carer of a child or a young carer, the partner or authority must comply with the request unless it considers that doing so—
 - (a) would be incompatible with its own duties, or
 - (b) would otherwise have an adverse effect on the exercise of its functions.
- (2) Where a relevant partner of a local authority, or a local authority which is not one of its relevant partners, requests the co-operation of the local authority in its exercise of a function in the case of an individual with needs for care and support or in the case of a carer, a carer of a child or a young carer, the local authority must comply with the request unless it considers that doing so—
 - (a) would be incompatible with its own duties, or
 - (b) would otherwise have an adverse effect on the exercise of its functions.
- (3) A person who decides not to comply with a request under subsection (1) or (2) must give the person who made the request written reasons for the decision.
- (4) “Relevant partner”, in relation to a local authority, has the same meaning as in section 6.
- (5) “Carer of a child” means a person who is a carer for the purposes of section 60.