

# CARE ACT 2014

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### Part 1 – Care and Support

#### General responsibilities of local authorities

##### *Section 6 – Co-operating generally*

79. This section requires local authorities and their "relevant partners" (listed in *subsection (7)*) to cooperate with each other in the exercise of their respective care and support functions, including those relating to carers and transition for children with needs to adult care and support. This duty does not confer any new functions but relates to co-operation in the exercise of the respective partners' pre-existing functions relevant to adults with care and support needs and support for carers and children in transition.
80. *Subsection (2)* extends the duty of the local authority to cooperate with its partners to any other person or body who the authority considers appropriate. However *subsection (2)* does not require this person or body to cooperate in return. *Subsection (3)* sets out examples of the types of other persons with whom it may be appropriate for a local authority to cooperate with under *subsection (2)*. This includes but is not limited to providers of care and support and carer's support services, NHS primary health providers, independent hospitals and private registered providers of social housing.
81. *Subsection (4)* requires the local authority to ensure internal cooperation between its officers: those responsible for adult care and support, housing, public health, and children's services. These officers are employees of the local authority, and are not therefore included in the list of external partners in *subsection (7)*.
82. *Subsection (6)* sets out five aims of cooperation between partners. These are promoting the well-being of adults needing care and support and their carers, improving the quality of care and support for adults and support for carers provided, smoothing the transition from children's to adult services, and protecting adults with safeguarding concerns, whether they are currently experiencing or at risk of abuse or neglect or to investigate past cases of serious abuse or neglect for the purposes of identifying and applying lessons to be learnt. However, the purposes of co-operation are not limited to these matters alone.
83. This section does not require the local authority to take any specific steps to cooperate with relevant external partners, but there are a number of other powers which local authorities may use to promote joint working. For example, local authorities may share information with other partners, or provide staff, services or other resources to partners to improve cooperation. Under section 75 of the NHS Act 2006, a local authority may also contribute to a "pooled budget" with an NHS body – a shared fund out of which payments can be made to meet agreed priorities.