

CARE ACT 2014

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1 – Care and Support

Provider failure

Section 51 – Temporary duty on Health and Social Care trust in Northern Ireland

319. This section places a duty on a Health and Social Care trust in Northern Ireland which is of equivalent effect to that which applies to a local authority in Wales under section 50. It applies where a person who is registered under Part 3 of the Health and Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 in respect of an agency or establishment becomes unable to carry on or manage their establishment or agency because of business failure and only in relation to accommodation or other services which were paid for with direct payments, or provided under arrangements, made by a local authority in England, Wales or Scotland.
320. *Subsection (3)* requires the trust in whose area the service was being provided or the accommodation situated to meet the needs which the failed provider was meeting for so long as the trust considers necessary.
321. *Subsection (4)* requires the trust, in meeting the adult's needs, to cooperate with the authority which made the arrangements or the direct payments as referred to in *subsections (1) or (2)* and allows it to recover the costs it incurs in meeting the needs from that authority.
322. *Subsection (5)* provides that any dispute about the application of this section is to be resolved in accordance with the dispute resolution procedure in paragraph 5 of Schedule 1.