



Care Act 2014

2014 CHAPTER 23

PART 1

CARE AND SUPPORT

Provider failure

50 Temporary duty on local authority in Wales

- (1) This section applies where a person registered under Part 2 of the Care Standards Act 2000 in respect of an establishment or agency—
- (a) becomes unable to carry on or manage the establishment or agency because of business failure, and
 - (b) immediately before becoming unable to do so, was providing an adult with accommodation or other services in Wales under arrangements made—
 - (i) by a local authority meeting an adult's needs for care and support or a carer's needs for support under this Part,
 - (ii) by a local authority in Scotland discharging its duty under section 12 or 13A of the Social Work (Scotland) Act 1968 or section 25 of the Mental Health (Care and Treatment) (Scotland) Act 2003, or
 - (iii) by a Health and Social Care trust under Article 15 of the Health and Personal Social Services (Northern Ireland) Order 1972 or section 2 of the Carers and Direct Payments Act (Northern Ireland) 2002.
- (2) This section also applies where a person registered under Part 2 of the Care Standards Act 2000 in respect of an establishment or agency—
- (a) becomes unable to carry on or manage the establishment or agency because of business failure, and
 - (b) immediately before becoming unable to do so, was providing an adult with accommodation or other services in Wales all or part of the cost of which was paid for by means of direct payments made—
 - (i) under this Part of this Act,

Status: This is the original version (as it was originally enacted).

- (ii) as a result of a choice made by the adult pursuant to section 5 of the Social Care (Self-directed Support) (Scotland) Act 2013, or
 - (iii) by virtue of section 8 of the Carers and Direct Payments Act (Northern Ireland) 2002.
- (3) The local authority in Wales in whose area the accommodation is situated or the services were provided must for so long as it considers necessary meet those of the adult's needs for care and support or the carer's needs for support which were being met by the registered person by the provision of the accommodation or other services.
- (4) A local authority in Wales which is required to meet needs under subsection (3)—
 - (a) must, in meeting needs under that subsection which were being met by the authority which made the arrangements referred to in subsection (1)(b), co-operate with that authority;
 - (b) must, in meeting needs under subsection (3) which were being met by the provision of accommodation or other services all or part of the cost of which was paid for by an authority by means of direct payments as referred to in subsection (2)(b), co-operate with that authority;
 - (c) may recover from the authority referred to in paragraph (a) or (b) (as the case may be) the cost it incurs in meeting those of the adult's or carer's needs referred to in the paragraph in question.
- (5) Any dispute about the application of this section is to be resolved in accordance with paragraph 5 of Schedule 1.
- (6) "Local authority in Wales" and "local authority in Scotland" each have the meaning given in paragraph 12 of Schedule 1.
- (7) The references in paragraphs (a) and (b) of subsection (4) to an authority are references to a local authority, a local authority in Scotland or a Health and Social Care trust (as the case may be).