



Care Act 2014

2014 CHAPTER 23

PART 1

CARE AND SUPPORT

Modifications etc. (not altering text)

- C1** Pt. 1 modified (1.4.2015) by [The Care and Support \(Isles of Scilly\) Order 2015 \(S.I. 2015/642\)](#), arts. 1, [2\(2\)\(a\)](#); [S.I. 2015/993](#), art. [2\(a\)](#)
- C2** Pt. 1 applied in part (with modifications) (1.4.2015 coming into force in accordance with reg. 1(1)) by [The Care and Support \(Children's Carers\) Regulations 2015 \(S.I. 2015/305\)](#), regs. 1(1), [2\(1\)\(a\)\(2\)](#), 4-12; [S.I. 2015/993](#), art. [2\(q\)](#)

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—
- personal dignity (including treatment of the individual with respect);
 - physical and mental health and emotional well-being;
 - protection from abuse and neglect;
 - 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);
 - participation in work, education, training or recreation;
 - social and economic well-being;
 - domestic, family and personal relationships;
 - suitability of living accommodation;

Status: This version of this part contains provisions that are prospective.

Changes to legislation: Care Act 2014, PART 1 is up to date with all changes known to be in force on or before 20 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (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;
 - (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.

Commencement Information

II S. 1 in force at 1.4.2015 by [S.I. 2015/993](#), **art. 2(a)** (with transitional provisions in S.I. 2015/995)

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;

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- (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.

Commencement Information

- I2** S. 2(1)(2)(5)-(8) in force at 1.4.2015 by [S.I. 2015/993](#), [art. 2\(a\)](#) (with transitional provisions in S.I. 2015/995)
- I3** S. 2(3)(4) in force at 1.10.2014 for specified purposes by [S.I. 2014/2473](#), [art. 2\(1\)\(a\)](#)
- I4** S. 2(3)(4) in force at 1.4.2015 in so far as not already in force by [S.I. 2015/993](#), [art. 2\(a\)](#) (with transitional provisions in S.I. 2015/995)

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,

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- (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).
- (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.”

Commencement Information

I5 S. 3 in force at 1.4.2015 by [S.I. 2015/993](#), **art. 2(a)** (with transitional provisions in S.I. 2015/995)

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,

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- (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.

Commencement Information

I6 S. 4 in force at 1.4.2015 by [S.I. 2015/993](#), **art. 2(a)** (with transitional provisions in [S.I. 2015/995](#))

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—

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- (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).
- (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.

Commencement Information

I7 S. 5 in force at 1.4.2015 by [S.I. 2015/993](#), [art. 2\(a\)](#) (with transitional provisions in [S.I. 2015/995](#))