House of Commons
NOTICES OF AMENDMENTS
given up to and including
Tuesday 7 January 2014

New Amendments handed in are marked thus ★
★ Amendments which will comply with the required notice period at their next appearance

PUBLIC BILL COMMITTEE

CARE BILL [LORDS]

NOTE

The Amendments have been arranged in accordance with the Order to be proposed by Norman Lamb.

Norman Lamb

To move, That the Bill be considered in the following order, namely, Clauses 1 to 39; Schedule 1; Clauses 40 to 43; Schedule 2; Clauses 44 to 73; Schedule 3; Clause 74; Schedule 4; Clauses 75 to 94; Schedule 5; Clauses 95 to 102; Schedule 6; Clauses 103 to 107; Schedule 7; Clauses 108 to 111; Schedule 8; Clauses 112 to 125; new Clauses; new Schedules; remaining proceedings on the the Bill.

Paul Burstow

Clause 1, page 1, line 5, after 'authority', insert ‘and any health service body when exercising any function jointly with one or more local authorities’.

Liz Kendall
Mr Jamie Reed

★ Clause 1, page 1, line 6, at end insert ‘and independent living’.
Clause 1, page 1, line 6, at end insert—

‘(a) any duties relating to independent living should promote the wider definition of independent living as expressed in article 19 of the UN Convention on the Rights of Persons with Disabilities.’.

Clause 1, page 1, line 7, after first ‘Well-being’, insert ‘and independent living’.

Clause 1, page 1, line 12, after ‘control’, insert ‘and choice’.

Clause 1, page 1, line 15, before ‘participation’, insert ‘full and equal access to and’.

Clause 1, page 1, line 15, at end insert ‘cultural, public and community life’.

Clause 1, page 1, line 18, after ‘suitability’, insert ‘and choice’.

Clause 1, page 2, line 1, at end insert ‘and their participation and inclusion as equal and valued citizens’.

Clause 1, page 2, line 3, after ‘authority’, insert ‘and any health service body when exercising any function jointly with one or more local authorities’.

Clause 1, page 2, line 21, leave out ‘the individual’ and insert ‘an adult or a disabled child’.
Clause 1, page 2, line 33, at end add—

‘(5) “Health service body” has the same meaning as in section 9(4) of the National Health Service Act 2006.’.

Liz Kendall
Mr Jamie Reed

Clause 2, page 2, line 37, at end insert ‘whether or not that adult meets the local authority eligibility criteria set out in Clause 13.’.

Paul Burstow

Clause 2, page 3, line 2, at end insert—

‘(3A) NHS bodies shall co-operate with local authorities to support their activities under subsections (1) and (2), in particular to—

(a) promote and safeguard the health and well-being of carers;
(b) establish effective procedures to identify patients who are or are about to become carers; and
(c) ensure that carers receive appropriate information and advice.

(3B) 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.’.

Paul Burstow

Clause 2, page 3, line 2, at end insert—

‘(d) the importance of identifying suitable living accommodation to exercise that duty’.

Liz Kendall
Mr Jamie Reed

Clause 2, page 3, line 2, at end insert—

‘(d) the importance of working with health bodies in carrying out the function in subsection (c).’.

Liz Kendall
Mr Jamie Reed

Clause 3, page 3, line 32, after ‘support provision with’, insert ‘housing’.
Liz Kendall  
Mr Jamie Reed

☆ Clause 3, page 3, line 41, at end insert—

‘(1A) Housing providers must exercise their functions with a view to ensuring integration of services as set out in subsection (1).’.

Liz Kendall  
Mr Jamie Reed

☆ Clause 3, page 3, line 41, at end insert—

‘(1A) NHS bodies must exercise their functions with a view to ensuring the integration of services for the purposes of enhancing the health and wellbeing of people, in keeping with the duty on Health and Wellbeing Boards enshrined in section 195 of the Health and Social Care Act 2012.’.

Liz Kendall  
Mr Jamie Reed

☆ Clause 4, page 4, line 19, leave out ‘and maintain’ and insert ‘maintain and facilitate access to’.

Paul Burstow

Clause 4, page 4, line 32, at end insert—

‘( ) how to complain about a decision made under this Part.’.

Paul Burstow

☆ Clause 4, page 4, line 32, at end insert—

‘( ) suitable living accommodation, and the choice of providers, available in the authority’s area.’.

Liz Kendall  
Mr Jamie Reed

☆ Clause 4, page 4, line 32, at end insert—

‘( ) available housing options, and the choice of providers, available in the authority’s area,’.

Liz Kendall  
Mr Jamie Reed

☆ Clause 4, page 4, line 32, at end insert—

‘( ) how to access advice on housing options’.
Liz Kendall
Mr Jamie Reed

☆ Clause 4, page 4, line 46, at end insert—
    ‘(c) ensure that such advice is provided by appropriately trained individuals
    and to an appropriate standard.’.

Liz Kendall
Mr Jamie Reed

☆ Clause 4, page 5, line 2, at end insert ‘and anyone else who might benefit from
    receiving it’.

Liz Kendall
Mr Jamie Reed

☆ Clause 4, page 5, line 3, at end insert—
    ‘(4A) The advice and information made available to adults with care and support needs
    must include tailored information for individuals with specific medical
    conditions and complex individual needs.’.

Paul Burstow

Clause 4, page 5, line 11, at end insert—
    ‘(7) Regulations must make provision for an effective and independent system for
    revolving disputes between individuals and local authorities regarding decisions
    taken under this Part. Regulations shall also set out the conditions that apply to
    each part to a dispute and when decisions made are binding.’.

Paul Burstow
Liz Kendall
Mr Jamie Reed

Clause 5, page 5, line 18, after ‘of’, insert ‘appropriate’.

Paul Burstow

Clause 5, page 5, line 37, at end insert ‘, in particular by collecting information
    from users as well as providers to inform assessment of the quantity, quality and
    appropriateness of services and support provided.’.

Liz Kendall
Mr Jamie Reed

☆ Clause 5, page 5, line 40, at end insert—
    ‘(g) the importance of ensuring adults with needs for care and support have
    access to suitable living accommodation;’.
Clause 5, page 5, line 40, at end insert—

‘(g) the importance of ensuring the diversity of the market, to ensure that adults with needs for care and support have a choice of types of providers of services, such as the choice between—

(i) private sector providers of services;
(ii) third sector providers of services;
(iii) public sector providers of services; and
(iv) mutual or co-operative providers of services.’.

Liz Kendall
Mr Jamie Reed

Clause 5, page 5, line 40, at end insert—

‘(g) the importance of ensuring independent and effective advocacy services from those with the relevant skills.’.

Liz Kendall
Mr Jamie Reed

Clause 5, page 5, line 42, after ‘sufficient’, insert ‘and appropriate’.

Paul Burstow

Clause 5, page 5, line 48, at end insert—

‘(4A) Regulations may make provision for arrangements for the independent arbitration of disputes between local authorities and providers concerning the fees paid by local authorities, the regulations shall prescribe the matters that are material to making a determination and the circumstances in which the arbitrator’s determination is binding on relevant parties.’.

Paul Burstow

Clause 6, page 6, line 38, after ‘housing’, insert ‘or other provider of housing for vulnerable or older people’.

Paul Burstow

Clause 6, page 6, line 45, after ‘housing’, insert ‘and town planning’.

Liz Kendall
Mr Jamie Reed

Clause 6, page 7, line 23, at end insert—

‘(f) sharing information and data so as to ensure high quality care and support.’.
Liz Kendall
Mr Jamie Reed

☆ Clause 6, page 7, line 40, at end insert—
'(i) housing providers.'.

Norman Lamb

Clause 7, page 8, line 23, leave out subsection (6).

Liz Kendall
Mr Jamie Reed

☆ Clause 10, page 9, line 41, after ‘adult’, insert ‘or an individual under the age of 18 with caring responsibilities’.

Liz Kendall
Mr Jamie Reed

☆ Clause 10, page 9, line 42, after ‘(an “adult needing care”)’, insert ‘or a disabled child’.

Liz Kendall
Mr Jamie Reed

☆ Clause 12, page 11, line 47, at end insert—
'(h) specify when an assessment must be carried out face to face.'.

Liz Kendall
Mr Jamie Reed

☆ Clause 12, page 11, line 47, at end insert—
'(h) require joint working with organisations with appropriate expertise in exercising local authorities’ functions under Clauses 9, 10 and 11.’.

Paul Burstow
Heather Wheeler

Clause 13, page 13, line 31, leave out subsection (7) and insert—
'(7) Needs meet the eligibility criteria when—
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(a) (i) there is, or will be, an inability to carry out several personal care or domestic routines and/or
(ii) the individual will be unable to maintain control over several aspects of their day-to-day life or;
(iii) involvement in several aspects of work, education, training or recreation cannot or will not be sustained; and/or
(iv) several domestic, family and personal relationships cannot or will not be sustained; and/or
(v) there is a risk of abuse or neglect,
(b) they form part of a combination of needs described in paragraph (a).’.

Paul Burstow

Clause 14, page 14, line 9, at end insert ‘and in assessing the cost a local authority incurs, it must (unless either Condition 2 in section 18, or either Condition 2 or Condition 4 in section 20, is met) ignore the cost it incurs (directly or indirectly) in assessing that need under sections 9 or 10.’.

Paul Burstow

Clause 14, page 14, line 9, at end insert—
“(4A) Where a local authority that meets an individual’s needs under sections 18 to 20 is satisfied that the individual’s means are insufficient for it to be reasonably practicable for the individual to pay the amount which would otherwise be charged, the authority shall not require the individual to pay more for it than it appears to them that is it reasonably practicable to be paid.’.

Paul Burstow

Clause 18, page 17, line 32, after the first ‘adult’, insert ‘(or someone acting on the adult’s behalf if the adult lacks capacity to arrange for the provision of care)’.

Paul Burstow

☆ Clause 19, page 18, line 28, leave out ‘may’ and insert ‘should’.

Paul Burstow

☆ Clause 19, page 18, line 28, after ‘needs’, insert ‘and their carer’s needs’.
Paul Burstow

Clause 22, page 20, line 32, after ‘is’ insert ‘authorised or’.

Member’s explanatory statement
This amendment seeks to introduce wording which replicates the terms used in other legislation on the boundaries between social and health care in order to meet the concerns of the Joint Committee on the draft Bill about a court’s likely interpretation of any substantive differences introduced by this Bill.

Paul Burstow

Clause 42, page 38, line 13, at end add ‘if the local authority has reason to believe enquiries are being impeded such that it cannot determine whether any action is necessary it shall record whether or not an application for an adult safeguarding access order was considered or made under section [ ].’.

Norman Lamb

Clause 60, page 51, line 37, leave out “Parent” and “carer” each have’ and insert “Carer” has’.

Paul Burstow

Clause 61, page 51, line 39, after ‘child’, insert ‘has or’.

Paul Burstow

Clause 61, page 51, line 40, leave out ‘after the child becomes 18’.

Paul Burstow

Clause 61, page 51, line 41, leave out ‘significant’.

Paul Burstow

Clause 61, page 51, line 44, at beginning insert ‘where the child is 16 or over’.

Norman Lamb

Clause 61, page 52, line 20, leave out ‘with “parent” having the meaning given in section 59’.

Norman Lamb

Clause 61, page 52, line 20, leave out ‘with “parent” having the meaning given in section 59’.
Clause 62, page 53, line 10, leave out subsections (5) and (6).

Norman Lamb

Clause 62, page 53, line 19, at end insert—

‘(5A) Where, in the case of a carer to whom a child’s carer’s assessment relates, the child becomes 18, the local authority must decide whether to treat the assessment as a carer’s assessment; and if the authority decides to do so, this Part applies to the child’s carer’s assessment as if it were a carer’s assessment that had been carried out after the child had become 18.

(5B) In considering what to decide under subsection (5A), a local authority must have regard to—

(a) when the child’s carer’s assessment was carried out, and

(b) whether it appears to the authority that the circumstances of the carer to whom the child’s carer’s assessment relates have changed in a way that might affect the assessment.’.

Clause 63, page 53, line 30, at end insert—

‘(4) “Carer” has the same meaning as in section 61.’.

Clause 64, page 54, line 20, leave out subsection (7).

Clause 65, page 55, line 40, leave out subsection (9).

Clause 67, page 56, leave out lines 43 to 46 and insert—

‘(1) Subsections (2) to (4) apply where a local authority in England providing services for a child in need in the exercise of functions conferred by section 17—
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(a) are required by section 59(1) or 64(1) of the Care Act 2014 to carry out a child’s needs assessment or young carer’s assessment in relation to the child, or
(b) are required by section 61(1) of that Act to carry out a child’s carer’s assessment in relation to a carer of the child.’.

Norman Lamb
Clause 67, page 57, line 1, leave out ‘requested’.

Norman Lamb
Clause 67, page 57, line 3, after ‘60(6)’ insert ‘, 62(5A)’.

Norman Lamb
Clause 67, page 57, line 7, leave out ‘requested’.

Norman Lamb
Clause 67, page 57, line 9, after ‘60(6)’ insert ‘, 62(5A)’.

Norman Lamb
Clause 67, page 57, line 15, leave out ‘decide to comply with the request but’.

Norman Lamb
Clause 67, page 57, line 21, at end insert—

‘(4A) Subsection (5) applies where a local authority in England providing services for a child in need in the exercise of functions conferred by section 17—

(a) receive a request for a child’s needs assessment or young carer’s assessment to be carried out in relation to the child or for a child’s carer’s assessment to be carried out in relation to a carer of the child, but
(b) have yet to be required by section 59(1), 61(1) or 64(1) of the Care Act 2014 to carry out the assessment.’.

Norman Lamb
Clause 67, page 57, line 38, after first ‘assessment’,” insert “child’s carer’s assessment”.

Norman Lamb
Clause 67, page 58, leave out lines 11 to 13 and insert—

‘(1) Subsections (2) to (4) apply where a local authority in England making arrangements for a disabled child under section 2 are required by section 59(1) of the Care Act 2014 to carry out a child’s needs assessment in relation to the child.’.
Clause 67, page 58, line 14, leave out ‘requested’

Clause 67, page 58, line 20, leave out ‘requested’

Clause 67, page 58, line 27, leave out ‘decide to comply with the request but’

Clause 67, page 58, line 33, at end insert—

‘(4A) Subsection (5) applies where a local authority in England making arrangements for a disabled child under section 2—

(a) receive a request for a child’s needs assessment to be carried out in relation to the child, but

(b) have yet to be required by section 59(1) of the Care Act 2014 to carry out the assessment.’.

Clause 67, page 59, line 6, leave out subsection (4).

Clause 79, page 71, line 18, at end insert—

‘Child’s carer’s assessment Section 61(2)
Child’s needs assessment Section 59(2)’.

Clause 79, page 71, line 29, at end insert—

‘Parent Section 59(6)’.
Norman Lamb

Clause 79, page 72, line 3, at end insert—

“Young carer | Section 64(6)
Young carer’s assessment | Section 64(2)”

Paul Burstow

Clause 81, page 72, line 34, at end insert—

‘(1A) Regulations must make provision for—
(a) the definition of “significant improvement”, and
(b) the assessment of progress towards the improvements so specified.’.

Paul Burstow

Clause 88, page 79, line 18, leave out subsection (4).

Member’s explanatory statement
This amendment is one of a number intended, collectively, to restore the powers of the Care Quality Commission to review or investigate local authority social care provision or commissioning without first securing, singular or joint, Ministerial approval.

Paul Burstow

Clause 89, page 80, line 23, at end add ‘in particular indicators relating to specified relevant physical and mental health conditions’.

Paul Burstow

Clause 89, page 81, line 19, leave out lines 16 to 18.

Member’s explanatory statement
This amendment is one of a number intended, collectively, to restore the powers of the Care Quality Commission to review or investigate local authority social care provision or commissioning without first securing, singular or joint, Ministerial approval.

Paul Burstow

Clause 89, page 81, line 19, leave out ‘(5) Omit subsection (1A) of that section.’.

Member’s explanatory statement
This amendment is one of a number intended, collectively, to restore the powers of the Care Quality Commission to review or investigate local authority social care provision or
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commissioning without first securing, singular or joint, Ministerial approval.

NEW CLAUSES

Rights of appeal

Norman Lamb

To move the following Clause:

1. In section 26 of the Health and Social Care Act 2008 (registration procedure: notice of proposals), after subsection (4) insert—

“(4A) Where a proposal under subsection (4) names an individual and specifies action that the Commission would require the registered person to take in relation to that individual, the Commission must give that individual notice in writing of the proposal.”

2. In section 28 of that Act (notice of decisions), in subsection (6), for “subsection (7)” substitute “subsections (7) to (9)”.

3. In that section, after subsection (7) insert—

“(8) But in a case where notice of the proposal has been given to an individual under section 26(4A) subsection (7) does not apply unless, by the time the Commission receives the applicant’s notification, it has received notification from the individual that he or she does not intend to appeal.

(9) And if the Commission receives notification from the individual after it receives the applicant’s notification and before the end of the period mentioned in subsection (6)(a), the decision is to take effect when the Commission receives the individual’s notification.”

Integration of care and support with health services etc: integration fund

Norman Lamb

To move the following Clause:

1. At the end of section 223B of the National Health Service Act 2006 (funding of the National Health Service Commissioning Board) insert—

“(6) Where the mandate specifies objectives relating to service integration, the requirements that may be specified under section 13A(2)(b) include such requirements relating to the use by the Board of an amount of the sums paid to it under this section as the Secretary of State considers it necessary or expedient to impose.

(7) The amount referred to in subsection (6)—

(a) is to be determined in such manner as the Secretary of State considers appropriate, and
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(b) must be specified in the mandate.

(8) The reference in subsection (6) to service integration is a reference to the integration of the provision of health services with the provision of health-related services or social care services, as referred to in sections 13N and 14Z1.”

(2) After section 223G of that Act (meeting expenditure of clinical commissioning groups out of public funds) insert—

“223GA Expenditure on integration

(1) Where the mandate includes a requirement in reliance on section 223B(6) (requirements relating to use by the Board of an amount paid to the Board where mandate specifies service integration objectives), the Board may direct a clinical commissioning group that an amount (a “designated amount”) of the sums paid to the group under section 223G is to be used for purposes relating to service integration.

(2) The designated amount is to be determined—

(a) where the mandate includes a requirement (in reliance on section 223B(6)) that designated amounts are to be determined by the Board in a manner specified in the mandate, in that manner;

(b) in any other case, in such manner as the Board considers appropriate.

(3) The conditions under section 223G(7) subject to which the payment of a designated amount is made must include a condition that the group transfers the amount into one or more funds (“pooled funds”) established under arrangements under section 75(2)(a) (“pooling arrangements”).

(4) The conditions may also include—

(a) conditions relating to the preparation and agreement by the group and each local authority and other clinical commissioning group that is party to the pooling arrangements of a plan for how to use the designated amount (a “spending plan”);

(b) conditions relating to the approval of a spending plan by the Board;

(c) conditions relating to the inclusion of performance objectives in a spending plan;

(d) conditions relating to the meeting of any performance objectives included in a spending plan or specified by the Board.

(5) Where a condition subject to which the payment of a designated amount is made is not met, the Board may—

(a) withhold the payment (in so far as it has not been made);

(b) recover the payment (in so far as it has been made);

(c) direct the clinical commissioning group as to the use of the designated amount for purposes relating to service integration or for making payments under section 256.

(6) Where the Board withholds or recovers a payment under subsection (5)(a) or (b)—

(a) it may use the amount for purposes consistent with such objectives and requirements relating to service integration as are specified in the mandate, and
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(b) in so far as the exercise of the power under paragraph (a) involves making a payment to a different clinical commissioning group or some other person, the making of the payment is subject to such conditions as the Board may determine.

(7) The requirements that may be specified in the mandate in reliance on section 223B(6) include requirements to consult the Secretary of State or other specified persons before exercising a power under subsection (5) or (6).

(8) The power under subsection (5)(b) to recover a payment may be exercised in a financial year after the one in respect of which the payment was made.

(9) The payments that may be made out of a pooled fund into which a designated amount is transferred include payments to a local authority which is not party to the pooling arrangements in question in connection with the exercise of its functions under Part 1 of the Housing Grants, Construction and Regeneration Act 1996 (disabilities facilities grants).

(10) In exercising a power under this section, the Board must have regard to the extent to which there is a need for the provision of each of the following—
    (a) health services (see subsection (12)),
    (b) health-related services (within the meaning given in section 14Z1), and
    (c) social care services (within the meaning given in that section).

(11) A reference in this section to service integration is a reference to the integration of the provision of health services with the provision of health-related services or social care services, as referred to in sections 13N and 14Z1.

(12) “Health services” means services provided as part of the health service in England.”.’.

Adult safeguarding access order

Paul Burstow

To move the following Clause:—

‘(1) An authorised officer may apply to a justice of the peace for an order (an adult safeguarding access order) in relation to a person living in any premises within a local authority’s area.

(2) The purposes of an adult safeguarding access order are—
    (a) to enable the authorised officer and any other person accompanying the officer to speak in private with a person suspected of being an adult at risk of abuse or neglect;
    (b) to enable the authorised officer to assess the mental capacity of a person suspected of being an adult at risk of abuse;
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(c) to enable the authorised officer to ascertain whether that person is making decisions freely; and
(d) to enable the authorised officer properly to assess whether the person is an adult at risk of abuse or neglect and to make a decision as required by section 41(2) on what, if any, action should be taken.

(3) While an adult safeguarding access order is in force, the authorised officer, a constable and any other specified person accompanying the officer in accordance with the order, may enter the premises specified in the order for the purposes set out in subsection (2).

(4) The justice of the peace may make an adult safeguarding access order if satisfied that—
(a) the authorised officer has reasonable cause to suspect that a person is an adult who is experiencing or at risk of abuse or neglect;
(b) it is necessary for the authorised officer to gain access to the person in order to make the enquiries needed to inform the decision required by section 41(2) on what, if any, action should be taken;
(c) making an order is necessary in order to fulfil the purposes set out in subsection (2); and
(d) exercising the power of access conferred by the order will not result in the person being at greater risk of abuse or neglect.

(5) An adult safeguarding access order must—
(a) specify the premises to which it relates;
(b) provide that the authorised officer may be accompanied by a constable; and
(c) specify the period for which the order is to be in force.

(6) Other conditions may be attached to an adult safeguarding access order, for example—
(a) specifying restrictions on the time that the power of access conferred by the order may be exercised;
(b) providing for the authorised officer to be accompanied by another specified person; or
(c) requiring notice of the order to be given to the occupier of the premises and to the person suspected of being an adult at risk of abuse.

(7) A constable accompanying the authorised officer may use reasonable force if necessary in order to fulfil the purposes of an adult safeguarding access order set out in subsection (2).

(8) On entering the premises in accordance with an adult safeguarding access order the authorised officer must—
(a) state the object of the visit;
(b) produce evidence of the authorisation to enter the premises; and
(c) provide an explanation to the occupier of the premises of how to complain about how the power of access has been exercised.

(9) In this section “an authorised officer” means a person authorised by a local authority for the purposes of this section, but regulations may set restrictions on the persons or categories of persons who may be authorised.”.
Duty to report adults at risk of abuse

Paul Burstow

‘(1) If a relevant partner of a local authority has reasonable cause to suspect that the local authority would be under a duty to make enquiries under section 42, it must inform the local authority of that fact.

(2) If the person that the relevant partner has reasonable cause to suspect would be the subject of enquiries under section 42 and appears to be within the area of a local authority other than the one of which it is a relevant partner, it must inform that other local authority.

(3) If a local authority has reasonable cause to suspect that a person within its area at any time would be the subject of enquiries under section 42 and is living or proposing to live in the area of another local authority (including a local authority in Wales, Scotland or Northern Ireland), it must inform that other local authority.

(4) In this section “relevant partner”, in relation to a local authority, means—

(a) the local policing body and the chief officer of police for a police area any part of which falls within the area of the local authority;

(b) any other local authority with which the authority agrees that it would be appropriate to co-operate under this section;

(c) any provider of probation services that is required by arrangements under section 3(2) of the Offender Management Act 2007 to act as a relevant partner of the authority;

(d) any provider of regulated activities as listed in Schedule 1 to the Health and Social Care Act 2008 (Regulated Activities) Regulations 2010;

(e) a local health board for an area any part of which falls within the area of the authority;

(f) an NHS trust providing services in the area of the authority; and

(g) such person, or a person of such description, as regulations may specify.’.

Child’s carer’s eligibility criteria

Paul Burstow

‘(1) Where a local authority is satisfied on the basis of a child’s carer’s assessment that a carer of a child has needs for care and support, it must determine whether any of the needs meet the eligibility criteria (see subsection (6)).

(2) Having made a determination under subsection (1), the local authority must give the carer concerned a written record of the determination and the reasons for it.

(3) Where at least some of a child’s carer’s needs for care and support meet the eligibility criteria, the local authority must—

(a) consider what could be done to meet those needs that are eligible;

(b) ascertain whether the carer wants to have those needs met by the local authority in accordance with this Part; and
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(c) establish whether the child needing care is ordinarily resident in the local authority’s area.

(4) Where none of the needs of the carer concerned meet the eligibility criteria, the local authority must give him or her written advice and information about—
(a) what can be done to meet or reduce the needs; and
(b) what can be done to prevent or delay the development of needs for care and support, or the development of needs for support, in the future.

(5) Regulations may make provision about the making of the determination under subsection (1).

(6) Needs meet the eligibility criteria if—
(a) they are of a description specified in regulations; or
(b) they form part of a combination of needs of a description so specified.

(7) The regulations may, in particular, describe needs by reference to—
(a) the effect that the needs have on the carer concerned; or
(b) the carer’s circumstances.’.

Duty and power to meet a child’s carer’s needs for support

Paul Burstow

To move the following Clause:—

‘(1) A local authority, having made a determination under section 62( ), must meet a carer’s needs for support which meet the eligibility criteria if—
(a) the child needing care is ordinarily resident in the local authority’s area; and
(b) the local authority is satisfied that support would be better provided to the carer under this section than to the carer and/or the child under section 17 of the Children Act 1989.

(2) A local authority may meet a carer’s needs for support if it satisfied that it is not required to meet the carer’s needs under this section.

(3) Where a local authority has carried out an assessment under section 61(1)(b) it must give the carer—
(a) an indication as to whether any of the needs for support which it thinks the carer is likely to have after the child becomes 18 are likely to meet the eligibility criteria (and, if so, which ones are likely to do so), and
(b) advice and information about—
(i) what can be done to meet or reduce the needs which it thinks the carer is likely to have after the child becomes 18; and
(ii) what can be done to prevent or delay the development by the carer of needs for support in the future.’.
Public awareness campaigns

Liz Kendall
Mr Jamie Reed

☆ To move the following Clause:—

‘The Secretary of State and local authorities shall ensure through national and local public awareness campaigns that there is a high level of public awareness and understanding of the terms and implications of the cap on care costs.’.

Appealing decisions taken by the local authority

Liz Kendall
Mr Jamie Reed

☆ To move the following Clause:—

‘(1) The local authority must have in place a procedure, which includes a review element that is independent of the local authority, by which adults or carers can appeal a decision made by the local authority about—

(a) whether an adult or carer’s needs meet eligibility criteria under section 13;
(b) whether to charge for meeting needs under section 14;
(c) the result of a financial assessment under section 17;
(d) the content of a care and support plan or support plan under section 25;
(e) the amount of a personal budget made under section 26 or independent personal budget made under section 28;
(f) the payment of an “additional cost” under section 30.

(2) Regulations may make further provision about any aspect of the appeals procedure mentioned in subsection (1).

(3) Wherever a decision has been made of a type referred to in subsection (1), the local authority must make the adult or carer aware of their right of to appeal the decision and how to request details of the appeals procedure. Details of the procedure must be made available on request.’.

Promoting health of carers

Liz Kendall
Mr Jamie Reed

☆ To move the following Clause:—

‘(1) In exercising their functions health bodies shall—

(a) promote and safeguard the health and well-being of carers;
Care Bill [Lords], continued

(b) ensure that effective procedures exist to identify patients who are or are about to become carers;
(c) ensure that appropriate systems exist to ensure that carers receive appropriate information and advice; and
(d) ensure the systems are in place to ensure that the relevant general medical services are rendered to their patients who are carers.

Local authorities: duties with respect to young carers

Liz Kendall
Mr Jamie Reed

To move the following Clause:—

‘(1) A local authority must ensure that it takes all reasonable steps to ensure that in relation to—
(a) any school within its area and under its control; and
(b) any functions it discharges in pursuance of its responsibilities as a children’s services authority, there is in place a policy that both identifies young carers and makes arrangements for the provision of support for pupils who are young carers.
(2) In discharging its duty under subsection (1), a local authority must have regard to any guidance given from time to time by the Secretary of State.’.

Further and higher education: duties with respect to student carers

Liz Kendall
Mr Jamie Reed

To move the following Clause:—

‘(1) The responsible body of an institution to which this section applies must identify or make arrangements to identify student carers and have a policy in place on providing support for student carers.
(2) This section applies to—
(a) a university;
(b) any other institution within the higher education sector; and
(c) an institution within the further education sector.
(3) A responsible body is—
(a) in the case of an institution in subsection (2)(a) or (b), the governing body;
(b) in the case of a college of further education under the management of a board of management, the board of management; and
(c) in the case of any other college of further education, any board of governors of the college or any person responsible for the management
Norman Lamb

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Title, line 5, after ‘Authority;’ insert ‘to make provision about integrating care and support with health services;’.