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.”.”
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

(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
   (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.”.

As an Amendment to Norman Lamb’s proposed New Clause (Integration of care and support with health services etc: integration fund) (NC2):—
Paul Burstow

Withdrawn  (a)
Line  74,  after ‘regard to’, insert ‘the duty to promote wellbeing in section 1 of the Care Act 2014, and’.

Norman Lamb
Paul Burstow

Added  NC28

To move the following Clause:—

‘(1) Regulations may make provision for appeals against decisions taken by a local authority in the exercise of functions under this Part in respect of an individual (including decisions taken before the coming into force of the first regulations made under this subsection).

(2) The regulations may in particular make provision about—
   (a) who may (and may not) bring an appeal;
   (b) grounds on which an appeal may be brought;
   (c) pre-conditions for bringing an appeal;
   (d) how an appeal is to be brought and dealt with (including time limits);
   (e) who is to consider an appeal;
   (f) matters to be taken into account (and disregarded) by the person or body considering an appeal;
   (g) powers of the person or body deciding an appeal;
   (h) what action is to be taken by a local authority as a result of an appeal decision;
   (i) providing information about the right to bring an appeal, appeal procedures and other sources of information and advice;
   (j) representation and support for an individual bringing or otherwise involved in an appeal.

(3) Provision about pre-conditions for bringing an appeal may require specified steps to have been taken before an appeal is brought.

(4) Provision about how an appeal is to be dealt with may include provision for—
   (a) the appeal to be treated as, or as part of, an appeal brought or complaint made under another procedure;
   (b) the appeal to be considered with any such appeal or complaint.

(5) Provision about who is to consider an appeal may include provision—
   (a) establishing, or requiring or permitting the establishment of, a panel or other body to consider an appeal;
   (b) requiring an appeal to be considered by, or by persons who include, persons with a specified description of expertise or experience.

(6) Provision about representation and support for an individual may include provision applying any provision of or made under section 68, with or without modifications.

(7) The regulations may make provision for—
   (a) an appeal brought or complaint made under another procedure to be treated as, or as part of, an appeal brought under the regulations;
Care Bill [Lords], continued

(b) an appeal brought or complaint made under another procedure to be considered with an appeal brought under the regulations;
(c) matters raised in an appeal brought under the regulations to be taken into account by the person or body considering an appeal brought or complaint made under another procedure.

(8) The regulations may include provision conferring functions on a person or body established by or under an Act (including an Act passed after the passing of this Act); for that purpose, the regulations may amend, repeal, revoke or otherwise modify an enactment.

(9) Regulations may make provision, in relation to a case where an appeal is brought under regulations under subsection (1)—

(a) for any provision of this Part to apply, for a specified period, as if a decision (“the interim decision”) differing from the decision appealed against had been made;
(b) as to what the terms of the interim decision are, or as to how and by whom they are to be determined;
(c) for financial adjustments to be made following a decision on the appeal.

(10) The period specified under subsection (9)(a) may not begin earlier than the date on which the decision appealed against was made, or end later than the date on which the decision on the appeal takes effect.’.

Adult safeguarding access order

Paul Burstow
Sarah Newton
Dr Sarah Wollaston

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;
(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—
Care Bill [Lords], continued

(a) all reasonable and practicable steps have been taken to obtain access to a person suspected of being an adult at risk of abuse or neglect before seeking an order under this section;

(b) the authorised officer has had regard for the general duty in section 1 (Promoting individual well-being) in making a decision under subsection (1);

(c) the authorised officer has reasonable cause to suspect that a person is an adult who is experiencing or at risk of abuse or neglect;

(d) 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;

(e) making an order is necessary in order to fulfil the purposes set out in subsection (2); and

(f) 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
Sarah Newton

To move the following Clause:—

Not called NC4
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.

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.

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.

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
Sarah Newton

To move the following Clause:—

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)).

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.

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
(c) establish whether the child needing care is ordinarily resident in the local authority’s area.

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.’.

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

Paul Burstow
Sarah Newton

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.’.

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Public awareness campaigns

Liz Kendall
Mr Jamie Reed

To move the following Clause:—
Care Bill [Lords], continued

‘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;
(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
Care Bill [Lords], continued

(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

Withdrawn  NC10

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

Not called  NC11

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
Care Bill [Lords], continued

of the college, whether or not formally constituted as a governing body or board of governors.’.

End of life care

Dr Sarah Wollaston
Grahame M. Morris
Paul Burstow

To move the following Clause:—

‘Following consultation, the Secretary of State may make regulations establishing arrangements for terminally ill persons to—

(a) have their preference for place of death recorded by local health and social care services and for that preference to be implemented wherever practicable; and

(b) to be exempted from charges for adult social care necessary in order to allow them to die in their place of preference.’.

Funding for new costs arising from Part 1

Meg Munn

To move the following Clause:—

‘(1) The Secretary of State must provide local authorities with sufficient funding to enable them to meet new costs arising directly or indirectly to them by virtue of this Part.

(2) The costs mentioned in subsection (1) include (but are not limited to)—

(a) costs of introducing the new measures set out in this Part;

(b) on-going costs of implementing those measures (to be allocated through the annual spending review);

(c) costs identified by the Department of Health to be funded through the Better Care Fund.’.

Social care free at the point of use

Bill Esterson

To move the following Clause:—
Care Bill [Lords], continued

‘The Secretary of State must prepare a report on the costs and benefits of requiring, and providing funding for, local authorities to offer all social care free at the point of use. This report must be laid before each House of Parliament within 12 months of section 3 coming into force.’.

Joint Care and Support Reform Programme Board: assessment of funding

Liz Kendall  
Mr Jamie Reed  

To move the following Clause:—

‘(1) Before any provision of Part 1 is brought into force, the Joint Care and Support Reform Programme Board must have informed the Secretary of State whether sufficient funding is in place or will be put in place to ensure that the provision in question can be implemented satisfactorily.

(2) In subsection (1), the “Joint Care and Support Reform Programme Board” means the board of that name consisting of representatives including the Local Government Association, the Association of Directors of Adult Social Services and the Department of Health.’.

Ministerial advisory committee

Liz Kendall  
Mr Jamie Reed  

To move the following Clause:—

‘An independent ministerial advisory committee shall be set up to keep under review the workings of the set level as set out in section 15, and the means-testing arrangements set out in section 17.’.

Initial funding assessment

Liz Kendall  
Mr Jamie Reed  

To move the following Clause:—

‘The Secretary of State must ask the Office for Budget Responsibility to complete by the end of 2014 a review of the funding of adult social care that assesses—

(a) the adequacy of current public funding of these services;

(b) the proposals for funding the provisions in this Act;
Care Bill [Lords], continued

(c) the implications of the Act and its funding for the NHS over the next five years; and
(d) in particular the short and long term costs of setting the eligibility criteria at the level set out in regulations.’.

Impact assessments of regulations

Liz Kendall
Mr Jamie Reed

To move the following Clause:—

‘(1) Before bringing into force sections 13, 17 and 35, the Secretary of State must lay before Parliament an impact assessment of the regulations set out in those sections.
(2) In relation to the regulations set out in subsection 13(6), the assessment must show how the provisions will affect the likely impact of the set level above which an adult starts receiving financial assistance with the costs of their care.’.

Corporate responsibility for neglect

Nick Smith
Liz Kendall
Mr Jamie Reed
Meg Munn
Paul Burstow

To move the following Clause:—

‘(1) This section applies where a person registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (a “registered care provider”) in respect of the carrying on of a regulated activity (within the meaning of that Part) has reasonable cause to suspect that an adult in their care is experiencing, or is at risk of, abuse and neglect.
(2) The registered care provider must make (or cause to be made) whatever enquiries it thinks necessary to enable it to decide whether any action should be taken in the adult’s case and, if so, what and by whom.
(3) Where abuse or neglect is suspected, the registered care provider is responsible for informing the Safeguarding Adults Board in its area and commits an offence if (without reasonable cause) it fails to do so.
(4) A registered care provider is guilty of an offence if the way in which its activities are managed or organised by its board or senior management neglects, or is a substantial element in, the existence and or possibility of abuse or neglect occurring."
Care Bill [Lords], continued

(5) A person guilty of an offence under this section is liable on conviction to imprisonment for a term not exceeding five years, or to a fine, the range of which will be specified by regulations, or to both.‘.

Portability of care

Liz Kendall
Mr Jamie Reed

Not called  NC20

To move the following Clause:—

‘(1) The Secretary of State must prepare a report containing an assessment of what primary or secondary legislation would be required to ensure people in receipt of care and support in the community in the UK receive continuity of such care and support if they change their place of residence, with particular reference to moves between countries of the United Kingdom.

(2) The report under subsection (1) must be laid before each House of Parliament six months after this Bill receives Royal Assent.’.

Accounting

Liz Kendall
Mr Jamie Reed
Meg Munn

Withdrawn  NC21

To move the following Clause:—

‘(1) The Secretary of State shall make provision for accounting guidelines for persons and organisations offering care services to be published.

(2) All persons and organisations offering care services shall have a duty to follow guidelines published in accordance with subsection (1) in charging for those services and shall, in particular, ensure that all accounting paperwork is easy to understand, fully explains any interface with the local authority and is complete.’.

Duty of candour

Liz Kendall
Mr Jamie Reed
Meg Munn

Not called  NC22

To move the following Clause:—
Care Bill [Lords], continued

‘(1) Local authorities must take reasonable steps to create an open and honest culture that enables employees to report reasonable suspicions of abuse and neglect of individuals in the care of the local authority or a provider commissioned by the local authority.

(2) “Reasonable steps” include—
   (a) ensuring that staff are aware of and trust processes open to them;
   (b) provision of advice about the process;
   (c) review of procedures; and
   (d) regular communications to staff about the processes.’.

Offence of abuse of adult in care

Paul Burstow

To move the following Clause:—

‘Any person who wilfully causes or permits an adult who has care and support needs to suffer physical or mental pain or injury or, having the care or custody of that adult, wilfully causes or permits the person or health of that adult to be injured, including through the neglect of their care and support or health needs, or wilfully causes or permits that person to be placed in a situation that endangers his or her person or health, including mental health, is liable—
   (a) on summary conviction, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum or both,
   (b) on conviction on indictment, to imprisonment for a term not exceeding five years or a fine or both.’.

Offence of corporate neglect

Paul Burstow

To move the following Clause:—

‘In section 1 of the Corporate Manslaughter and Corporate Homicide Act 2007, insert—

“1A Corporate neglect

(1) An organisation to which this section applies is guilty of an offence if the way in which its activities are managed or organised—
   (a) cause a person to suffer abuse or neglect;
   (b) amounts to a gross breach of a relevant duty of care owed by the organisation to the person who suffers abuse or neglect; and
Care Bill [Lords], continued

(c) the offence under this subsection is called corporate neglect.’.

Assessment of care and support needs of persons detained under mental health legislation in police cells

Dr Sarah Wollaston
Paul Burstow

Withdrawn NC26

To move the following Clause:—

‘(1) Police constabularies must record the following information about persons under 18 years of age detained in police cells under section 136 of the Mental Health Act 1983—

(a) the age of each such detainee;
(b) the period of time each detainee was accommodated in a police cell;
(c) what assessments of—
   (i) medical; and
   (ii) social care and support needs were made and by whom; and
(d) what the result was in each case.

(2) The Secretary of State must publish an annual report containing the number of persons detained in police cells under the Mental Health Act 1983 broken down by—

(a) police authority area;
(b) age of detainee; and
(c) length of detention.

(3) Within 12 months of this Act coming into force, the Secretary of State must prepare and lay before each House of Parliament a report on the implications for the effective, efficient and economic provision of integrated health and social care arising from the imposition of a charge upon local authorities and NHS commissioning bodies, as appropriate, for the use of police cells for the detention of persons under mental health legislation.’.

Registration of Healthcare Support Workers

Mr Jamie Reed
Liz Kendall

Not called NC27

To move the following Clause:—

‘(1) The Secretary of State must by regulations provide for a system of registration of healthcare support workers (“the registration system”) under which no unregistered person should be permitted to provide for reward direct physical care to patients currently under the care and treatment of a registered nurse or a registered doctor in a hospital or care home setting.
Care Bill [Lords], continued

(2) The system shall apply to healthcare support workers, whether they are working for—
   (a) the NHS,
   (b) independent healthcare providers,
   (c) in the community,
   (d) for agencies, or
   (e) as independent agents.

(3) Persons care for members of their own family or caring for persons with whom they have a genuine social relationship shall be exempt from the provisions of subsections (1).

(4) The registration system shall include a national code of conduct for healthcare support workers.

(5) The registration system shall include national standards for education and training of healthcare support workers.

(6) The code of conduct, education and training standards and requirements for registration for healthcare support workers shall be prepared and maintained only after consultation with all relevant stakeholders including, but not limited to—
   (a) regulatory bodies,
   (b) professional representative organisations, and
   (c) the public.’.

Delegation of functions relating to deferred payment agreements and loans

Grahame M. Morris

To move the following Clause:—

‘(1) The Secretary of State may make arrangements for any person or body specified in the arrangements to exercise on behalf of local authorities, to such extent as is so specified, any function exercisable by local authorities by virtue of regulations under section 34.

(2) Any arrangements made under subsection (1) shall not prevent local authorities from exercising the function in question themselves.

(3) The Secretary of State may pay to any body or person by whom any function is exercisable by virtue of subsection (1)—
   (a) such amounts as he considers appropriate for the purpose of meeting expenditure incurred or to be incurred by that body or person by way of administrative expenses in, or in connection with, the exercise of that function;
   (b) such remuneration as he may determine.

(4) Any payment under subsection (3)(a) may be made subject to such terms and conditions as the Secretary of State may determine; and any such conditions may in particular—
   (a) require the provision of returns or other information before any such payment is made;
Care Bill [Lords], continued

(b) relate to the use of the amount paid or require the repayment in specified circumstances of all or part of the amount paid.’.

Adult safeguarding access order

Paul Burstow
Dr Sarah Wollaston

Withdrawn  NC30

To move the following Clause:—

‘(1) An authorised officer may apply to a Circuit Judge authorised by the Court of Protection 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;

(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 42(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 authorised Circuit Judge may make an adult safeguarding access order if satisfied that—

(a) all reasonable and practicable steps have been taken to obtain access to a person suspected of being an adult at risk of abuse or neglect before seeking an order under this section;

(b) a notice has been served on any relevant third party who the authorised officer has reasonable cause to suspect is preventing access to allow enquiries to be made under section 42 and for the purposes set out in subsection (2);

(c) the authorised officer has reasonable cause to suspect that a person is an adult who is experiencing or at risk of abuse or neglect;

(d) the authorised officer has reasonable cause to suspect that a person is unable to make decisions freely;

(e) 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 42(2) on what, if any, action should be taken;

(f) making an order is necessary in order to fulfil the purposes set out in subsection (2); and

(g) 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—
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(a) specify the premises to which it relates;
(b) provide that the authorised officer shall be accompanied by a constable; and
(c) specify the period for which the order is to be in force.

(6) An adult safeguarding access order may attach other conditions, including—
(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;
(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; or
(d) such other conditions as the authorised circuit judge deems it necessary to attach.

(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—
   (i) the decision to apply for an order; and
   (ii) how the order has been exercised.

(9) In this section “an authorised officer” means a person authorised by a local authority for the purposes of this section.

(10) Regulations may set restrictions on the persons or categories of persons who may be authorised.

(11) Subsections (2)(c) and (4)(d) refer to a person under constraint; or subject to coercion or undue influence; or for some other reason deprived of the capacity to make the relevant decision or disabled from making a free choice, or incapacitated or disabled from giving or expressing a real and genuine consent.’.

Norman Lamb

Agreed to 25

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

Bill, as amended, to be reported.