

# LOCAL AUTHORITY SOCIAL SERVICES ACT 1970

## THE NHS CONTINUING HEALTHCARE (RESPONSIBILITIES OF SOCIAL SERVICES AUTHORITIES) DIRECTIONS 2013

The Secretary of State for Health gives the following Directions in exercise of the powers conferred by section 7A of the Local Authority Social Services Act 1970(a).

### Citation, commencement and interpretation

1.—(1) These Directions may be cited as the NHS Continuing Healthcare (Responsibilities of Social Services Authorities) Directions 2013 and come into force on 1st April 2013.

(2) In these Directions—

“National Framework” means the National Framework for NHS Continuing Healthcare and NHS-funded Nursing Care issued by the Secretary of State and dated 28th November 2012(b);

“NHS Continuing Healthcare” means a package of care arranged and funded solely by the health service in England for a person aged 18 or over to meet physical or mental health needs which have arisen as a result of disability, accident or illness;

“patient” means any person who is receiving treatment provided as part of the health service;

“relevant body” means the National Health Service Commissioning Board(c) or a clinical commissioning group(d);

“relevant social services authority” means the social services authority appearing to a relevant body to be the authority in whose area a patient is ordinarily resident;

“review panel” means the panel of members referred to in regulation 23(4) of the Standing Rules Regulations;

“social services authority” means a local authority for the purposes of the Local Authority Social Services Act 1970(e) and the Council of the Isles of Scilly;

“social services authority member” means a person included in a list established by the National Health Service Commissioning Board pursuant to regulation 23(1)(b) of the Standing Rules Regulations; and

“Standing Rules Regulations” means the National Health Service Commissioning Board and Clinical Commissioning Groups (Responsibilities and Standing Rules) Regulations 2012(f).

### Duty of social services authorities: joint working with relevant bodies

2.—(1) The relevant social services authority must, so far as it is reasonably practicable, provide advice and assistance to a relevant body which consults it pursuant to regulation 22(1)(a) of the Standing Rules Regulations (duty of relevant bodies: joint working with social services authorities).

(2) The relevant social services authority must, when requested to do so by a relevant body, co-operate with that body in arranging for persons to participate in a multi-disciplinary team for the

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- (a) 1970 c. 42. Section 7A was inserted by the National Health Service and Community Care Act 1990 (c. 19), section 50.
- (b) The National Framework for NHS Continuing Healthcare and NHS-funded Nursing Care can be found at [www.dh.gov.uk/health/2012/11/continuing-healthcare-revisions/](http://www.dh.gov.uk/health/2012/11/continuing-healthcare-revisions/).
- (c) The National Health Service Commissioning Board is established by section 1H of the National Health Service Act 2006 (c. 41).
- (d) A clinical commissioning group is a body established under section 14D of the National Health Service Act 2006. Section 14D was inserted by section 25(1) of the Health and Social Care Act 2012 (c. 7) (“the 2012 Act”). See also section 1I of the 2006 Act, inserted by section 10 of the 2012 Act.
- (e) See section 1, to which a relevant amendment was made by section 195(3) of the Local Government Act 1972 (c. 70).
- (f) S.I. 2012/2996, to which there are amendments not relevant to these Directions.

purpose of that body fulfilling its duty under regulation 21(5) of the Standing Rules Regulations (duty of relevant bodies: assessment and provision of NHS Continuing Healthcare).

(3) Nothing in this direction affects a social services authority's duty to carry out an assessment of a person's need for community care services pursuant to section 47 of the National Health Service and Community Care Act 1990(a), and if it has carried out such an assessment, it must use the information obtained as a result of that assessment to comply with its duty under paragraph (1).

(4) Where there is a dispute between a relevant body and the relevant social services authority about—

- (a) a decision as to eligibility for NHS Continuing Healthcare; or
- (b) where a person is not eligible for NHS Continuing Healthcare, the contribution of a relevant body or social services authority to a joint package of care for that person,

the relevant social services authority must, having regard to the National Framework, agree a dispute resolution procedure with the relevant body, and resolve the disagreement in accordance with that procedure.

(5) In complying with its duties under this direction, a social services authority must have due regard to the need to promote and secure the continuity of appropriate services for persons who—

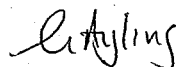
- (a) are receiving community care services under section 47 of the National Health Service and Community Care Act 1990 on the date on which they are found to be eligible to receive NHS Continuing Healthcare;
- (b) have been in receipt of NHS Continuing Healthcare but are determined to be no longer eligible for NHS Continuing Healthcare; or
- (c) are otherwise determined to be ineligible for NHS Continuing Healthcare.

#### **Nominating social services authority members**

3. Where, pursuant to regulation 24(1) of the Standing Rules Regulations (appointment and term of appointment), the Board requests that a social services authority nominates a person to be appointed as a social services authority member of a review panel, the social services authority—

- (a) must nominate such a person as soon as is reasonably practicable; and
- (b) ensure that social services authority members are, so far as reasonably practicable, available to participate in review panels.

Signed by authority of the Secretary of State for Health



Member of the Senior Civil Service  
Department of Health

27<sup>th</sup> March 2013

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(a) Section 47 has been amended by the Health Authorities Act 1995 (c. 17), section 2(1) and Schedule 1, paragraph 81; by the National Health Service Reform and Health Care Professions Act 2002 (c. 17), section 2(5) and Schedule 2, paragraph 56; by the National Health Service (Consequential Provisions) Act 2006, section 2 and Schedule 1, paragraph 130 and by the Health and Social Care Act 2012, section 55(2) and Schedule 5, paragraphs 58 and 59.