

# Care Act Bulletin

Edition 18

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Welcome to the eighteenth edition of the Care Act Bulletin. This is a series of Bulletins which have been produced to provide an outline of the key elements in the Care Act, to prompt thinking about how these changes may impact on your organisation and what opportunities it may bring. Each bulletin will cover a chapter in the Care Act Guidance issued by the Department of Health. Links to the guidance and relevant fact sheets are detailed at the end of the bulletin.

## DELEGATION OF LOCAL AUTHORITY FUNCTIONS

This section of the Care Act sets out guidelines surrounding the local authorities' function and responsibilities for care and support and identifies that an external organisation may be better placed to carry out some of these functions. The Care Act gives the local authority the power to delegate some but not all of their care and support functions to other parties. This is intended to allow flexibility to delivering care and support. As with all care and support, individual wellbeing should be central to any decision to delegate a function

The local authority will retain ultimate responsibility for how delegation is carried out and does not absolve them of its legal responsibilities and the Care Act is clear that anything carried out by a third party is to be treated as if it has been done (or not done) by the local authority.

In this section of the Care Act it is very clear which care and support functions may and may not be delegated. Consideration may be given to delegating care assessment and support planning, however integration and cooperation, adult safeguarding and the power to charge must remain as function carried out by the local authority.

The local authority has the power to impose conditions on how the delegated functions are carried out. For example, when delegating care assessments the local authority could choose to require that they must be carried out by people with particular training or expertise and that training must be kept up to date. The local authority should also put in place monitoring arrangements so that they can assure themselves that the functions which have been delegated are being carried out in an appropriate manner. The local authority can choose to also carry out the delegated function themselves.

The local authority will also need to consider any conflict of interest when delegating this function, for example if the assessment or support planning function is carried out by a third party also planning to deliver the care and support identified.

A specified time period for the delegation, and the potential for it to be revoked during that time period, will also need to be made clear.

If, during the process, the adult to whom the assessment relates has a complaint the adult can choose to pursue the complaint with the third party that has carried out the assessment or go directly to local authority. The local authority will remain responsible for addressing the complaint.

You can view the Department of Health Care Act Guidance by visiting:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/366104/43380\\_2390277\\_7\\_Care\\_Act\\_Book.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/366104/43380_2390277_7_Care_Act_Book.pdf)

The factsheet regarding general responsibilities is available on:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/366080/Factsheet\\_1\\_-\\_General\\_responsibilities.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/366080/Factsheet_1_-_General_responsibilities.pdf)