


# **Changes to local authority powers and duties resulting from the Coronavirus Act 2020**

April 2020



# Contents

<b>Introduction</b>	3
<b>New duties</b>	3
Function(s): Adult services – Adult social care, Health and social care – Carers, Children and family care – Looked after children, Children and family care – Support for children and young people	3
Care and support: regard to guidance	
Function(s): Education and learning – Early years and childcare, Schools – school admissions, Schools – curriculum and policy	3
Education establishment and registered childcare providers: complying with temporary continuity direction	
Education establishment and registered childcare providers: disapplying or modifying enactments	
Education establishment and registered childcare providers: publication of temporary continuity direction	
Education establishment and registered childcare providers: temporary closure	
Education establishments and childcare providers temporary closure – direction	
Function(s): Environmental protection – Funerals and cremations	4
Transportation of dead bodies: complying with directions	
Transportation of dead bodies: failure to comply	
Transportation of dead bodies: information request from Secretary of State	
Transportation of dead bodies: information request from Welsh Ministers	
Transportation of dead bodies: payment where directions issued	
Transportation of dead bodies: regard to guidance	
<b>New powers</b>	
Function(s): Administration and Government – Volunteering and voluntary organisations	6
Volunteering: Emergency Volunteering Certificates	
Function(s): Education and learning – Early years and childcare, Schools – Curriculum and policy, Schools – School admissions	7
Education establishment and registered childcare providers: issuing of temporary continuity direction	
Function(s): Environmental protection – Funerals and cremations	7
Transportation of dead bodies: directions concerning transportation, storage or disposal of bodies	
Transportation of dead bodies: disclosure of information	
Transportation of dead bodies: provision of information	
<b>Revised duties</b>	
Function(s): Education and learning – Early years and childcare, Children and family care – Support for children and young people	8
Childcare: free of charge early years provision	

Function(s): Education and learning – Early years and childcare Education: nursery education	8
Function(s): Educational support – Alternative education provision, Schools – Curriculum and policy Education: children not receiving education at a school	8
Function(s): Education and learning – Special educational needs, Educational support – Alternative provision of education, Educational support – Health and welfare at school Education: school attendance orders Education: revocation of school attendance orders	9
<b>Duties which have changed to powers</b>	
Function(s): Adult services – Adult social care Care assessments: right of carers to assessment Community care: assessment and provision Community care: needs assessment Disabled persons: transition for children to adult care and support Disabled persons: transition for children to adult care and support Social care: adults moving between authorities Social care: care support plan Social care: care support plan required review Social care: carer support assessment when child becomes 18 Social care: carer's assessment Social care: compulsory needs assessment Social care: discharge from hospital Social care: eligibility criteria Social care: home help facilities Social care: needs assessment on reaching 18 Social care: support on discharge from hospital Social care: transition from child to adult support Social care: transition to adult support	9
Function(s): Adult services – Adult social care, Health and social care – Carers Social care: assistance to carers	15
Function(s): Educational support – Health and welfare at school Education: failure to comply with school attendance order Education: failure to secure regular attendance at school	15

## Introduction

This is a guide to the provisions of the Coronavirus Act 2020 and to new, modified or suspended local government powers and duties applicable to local authorities in England and Wales only. **It is a guide and not legal advice** and so if you are unsure or have any concerns about the meaning of or applicability of the Act or any of the provisions made under the Act you should seek your own detailed legal advice.

Information in this document can also be downloaded as a [Comma Separated Variables \(CSV\) spreadsheet](#).

## New duties

**Function(s): Adult services – Adult social care, Health and social care – Carers, Children and family care – Looked after children, Children and family care – Support for children and young people**

### Care and support: regard to guidance

The local authority must have regard to guidance issued under Schedule 12 of the Coronavirus Act 2020 and may disregard conflicting older guidance whilst the Schedule is in force.

Legislation: [Section 15 of the Coronavirus Act 2020](#)

Notes: See also Schedule 12 of the Coronavirus Act 2020

Applies in: England and Wales

Applies to: county council, district council, London borough, metropolitan council, unitary authority and the common council of the City of London

**Function(s): Education and learning – Early years and childcare, Schools – school admissions, Schools – curriculum and policy**

### Education establishment and registered childcare providers: complying with temporary continuity direction

A local authority must comply with a temporary continuity direction given by the Secretary of State (England) or by Welsh Ministers (Wales) relating to education, training or childcare and ancillary services of facilities.

Legislation: [Section 38 of the Coronavirus Act 2020](#)

Notes: See also Schedule 17 of the Coronavirus Act 2020

Applies in: England and Wales

Applies to: county council, district council, London borough, metropolitan council, unitary authority and the common council of the City of London

### Education establishment and registered childcare providers: disapplying or modifying enactments

A local authority must comply with Notices given by the Secretary of State (England) or by Welsh Ministers (Wales) disapplying or modifying enactments relating to such facilities. The enactments that can be disapplying or modified are defined by the Schedule 16, but this list is subject to amendment by the Secretary of State or Welsh Ministers by passing of Regulations.

Legislation: [Section 38 of the Coronavirus Act 2020](#)

Notes: See also Schedule 17 of the Coronavirus Act 2020

Applies in: England and Wales

Applies to: county council, district council, London borough, metropolitan council, unitary authority and the common council of the City of London

#### **Education establishment and registered childcare providers: publication of temporary continuity direction**

Where a local authority has been authorised to issue temporary continuity directions the authority must publish such directions and must give a copy of the directions to the person responsible for the facility to which the direction applies. The published version of the direction should not identify any individual without their permission.

Legislation: [Schedule 17 of the Coronavirus Act 2020](#)

Applies in: England and Wales

Applies to: county council, district council, London borough, metropolitan council, unitary authority and the common council of the City of London

#### **Education establishment and registered childcare providers: temporary closure**

The local authority must comply with any temporary closure direction that requires the responsible body of any educational institution or registered childcare provider to which the direction applies to take reasonable steps to secure that persons do not, for a specified period, attend premises of the institution.

Legislation: [Schedule 16 of the Coronavirus Act 2020](#)

Applies in: England and Wales

Applies to: county council, district council, London borough, metropolitan council, unitary authority and the common council of the City of London

#### **Education establishments and childcare providers temporary closure: direction**

Where a local authority has been authorised to issue a temporary closure direction for an educational establishment or a childcare provider the authority must publish such direction. Where the direction relates to a named person a copy of the direction must be given to the person and the published version of the direction must not identify any individual without their consent.

Legislation: [Schedule 16 of the Coronavirus Act 2020](#)

Applies in: England and Wales

Applies to: county council, district council, London borough, metropolitan council, unitary authority and the common council of the City of London

### **Function(s): Environmental protection – Funerals and cremations**

#### **Transportation of dead bodies: complying with directions**

A local authority must comply with directions from the Secretary of State (England) or Welsh Ministers (Wales) to do things within or outside its area to deal with the transportation, storage or disposal of dead bodies or other human remains.

Legislation: [Section 58 of the Coronavirus Act 2020](#)

Notes: See also schedule 28 of the Coronavirus Act 2020

Applies in: England and Wales

Applies to: county council, district council, London borough, metropolitan council, unitary authority, Greater London Authority, Common Council of the City of London and the Council of the Isles of Scilly

#### **Transportation of dead bodies: failure to comply**

A local authority must comply with a direction from the Secretary of State (England) or Welsh Ministers (Wales) in relation to a perceived or actual failure to properly comply with its duties under this Schedule or its general duties relating to dead bodies, human remains, cremations or burials.

Legislation: [Section 58 of the Coronavirus Act 2020](#)

Notes: See also schedule 28 of the Coronavirus Act 2020

Applies in: England and Wales

Applies to: county council, district council, London borough, metropolitan council, unitary authority, Greater London Authority, Common Council of the City of London and the Council of the Isles of Scilly

#### **Transportation of dead bodies: information request from Secretary of State**

A local authority must (subject to data protection legislation and the Investigatory Powers Act 2016) comply with a request for information from the Secretary of State, where that request is in writing and is for the purpose of ascertaining the capacity within its area to deal with the transportation, storage or disposal of dead bodies or other human remains either locally or nationally.

Legislation: [Section 58 of the Coronavirus Act 2020](#)

Notes: See also schedule 28 of the Coronavirus Act 2020

Applies in: England only

Applies to: county council, district council, London borough, metropolitan council, unitary authority, Greater London Authority, Common Council of the City of London and the Council of the Isles of Scilly

#### **Transportation of dead bodies: information request from Welsh Ministers**

A local authority must (subject to data protection legislation and the Investigatory Powers Act 2016) comply with a request for information from Welsh Ministers, where that request is in writing and is for the purpose of ascertaining the capacity within its area to deal with the transportation, storage or disposal of dead bodies or other human remains either locally or nationally.

Legislation: [Section 58 of the Coronavirus Act 2020](#)

Notes: See also schedule 28 of the Coronavirus Act 2020

Applies in: Wales only

Applies to: unitary authority

#### **Transportation of dead bodies: payment where directions issued**

Where a local authority has given directions requiring a person (not acting as an individual or as part of a public authority) to do anything calculated to facilitate the transportation, storage or disposal of dead bodies or other human remains within or from its area it must make payments in accordance with a scheme to be published by the appropriate national authority.

Legislation: [Section 58 of the Coronavirus Act 2020](#)

Notes: See also schedule 28 of the Coronavirus Act 2020

Applies in: England and Wales

Applies to: county council, district council, London borough, metropolitan council, unitary authority, Greater London Authority, Common Council of the City of London and the Council of the Isles of Scilly

#### **Transportation of dead bodies: regard to guidance**

Where a local authority has been designated by the Secretary of State or Welsh Ministers it must have regard to guidance published by the Secretary of State or Welsh Ministers with regard to the exercise of its functions in relation to the transportation, storage or disposal of dead bodies or other human remains within or from its area.

Legislation: [Section 58 of the Coronavirus Act 2020](#)

Notes: See also schedule 28 of the Coronavirus Act 2020

Applies in: England and Wales

Applies to: county council, district council, London borough, metropolitan council, unitary authority, Greater London Authority, Common Council of the City of London and the Council of the Isles of Scilly

## New powers

### **Function(s): Administration and Government – Volunteering and voluntary organisations**

#### **Volunteering: Emergency Volunteering Certificates**

Service(s): 1822 - Emergency volunteering certificate

Local authorities in England and Wales may issue Emergency Volunteering Certificates in connection with volunteering in the Health or Social Care Sectors from a specific date for a specific period of between 2 and 4 weeks. The production of a certificate allows a worker to be absent from work for the purposes of emergency volunteering but still entitled to receive the benefits under his or her contract of employment whilst on leave.

Legislation: [Section 8 of the Coronavirus Act 2020](#)

Notes: See also Schedule 7 of the Coronavirus Act 2020

Applies in: England and Wales

Applies to: county council, district council, London borough, metropolitan council, unitary authority, Greater London Authority, Common Council of the City of London and the Council of the Isles of Scilly

### **Function(s): Education and learning – Early years and childcare, Schools – Curriculum and policy, Schools – School admissions**

#### **Education establishment and registered childcare providers: issuing of temporary continuity direction**

A local authority if and to the extent that powers are delegated to it, by the Secretary of State or by Welsh Ministers, may issue temporary continuity directions relating to education, training or childcare and ancillary services of facilities.

Legislation: [Section 38 of the Coronavirus Act 2020](#)

Notes: See also Schedule 17 of the Coronavirus Act 2020

Applies in: England and Wales

Applies to: county council, district council, London borough, metropolitan council, unitary authority, Common Council of the City of London

### **Function(s): Environmental protection – Funerals and cremations**

#### **Transportation of dead bodies: directions concerning transportation, storage or disposal of bodies**

A designated local authority may give directions requiring a person (not acting as an individual or as part of a public authority) to do anything calculated to facilitate the transportation, storage or disposal of dead bodies or other human remains within or from its area. Directions may include the provision of services or equipment and how the direction should be carried out. The local authority must have regard to certain matters before making that direction.

Legislation: [Section 58 of the Coronavirus Act 2020](#)

Notes: See also schedule 28 of the Coronavirus Act 2020

Applies in: England and Wales

Applies to: county council, district council, London borough, metropolitan council, unitary authority, Greater London Authority, Common Council of the City of London and the Council of the Isles of Scilly

### Transportation of dead bodies: disclosure of information

A local authority must comply with a direction from the Secretary of State (England) or Welsh Ministers (Wales) in relation to a perceived or actual failure to properly comply with its duties under this Schedule or its general duties relating to dead bodies, human remains, cremations or burials.

Legislation: [Section 58 of the Coronavirus Act 2020](#)

Notes: See also schedule 28 of the Coronavirus Act 2020

Applies in: England and Wales

Applies to: county council, district council, London borough, metropolitan council, unitary authority, Greater London Authority, Common Council of the City of London and the Council of the Isles of Scilly

### Transportation of dead bodies: provision of information

A local authority may require a person to give information for the purpose of ascertaining the capacity within its area to deal with the transportation, storage or disposal of dead bodies or other human remains. The request must be made in writing and explain to whom the information is to be provided, how it is provided and by when it is to be provided. This power is subject to restrictions imposed by data protection legislation and by the Investigatory Powers Act 2016.

Legislation: [Section 58 of the Coronavirus Act 2020](#)

Notes: See also schedule 28 of the Coronavirus Act 2020

Applies in: England and Wales

Applies to: county council, district council, London borough, metropolitan council, unitary authority, Greater London Authority, Common Council of the City of London and the Council of the Isles of Scilly

## Revised duties

**Function(s): Education and learning – Early years and childcare, Children and family care – Support for children and young people**

### Childcare: free of charge early years provision

A local authority must secure early year provision in its area free of charge and in accordance with the regulations and must have regard to the guidance from the Secretary of State in so doing.

Legislation: [Section 7 of the Childcare Act 2006](#)

Notes: Where a temporary closure direction has been issued under section 37 of the Coronavirus Act 2020 a local authority will not be in breach of its duty under section 7 of the Childcare Act 2006. See also Sections 7A and 9A of the Childcare Act 2006 and Local Authority (Duty to Secure Early Years Provision Free of Charge) Regulations 2014/2147

Applies in: England only

Applies to: county council, district council, London borough, metropolitan council, unitary authority, Common Council of the City of London and the Council of the Isles of Scilly

**Function(s): Education and learning – Early years and childcare**

### Education: nursery education

A local authority must secure provision for nursery education in accordance with regulations and guidance.

Legislation: [Section 118 of the School Standards and Framework Act 1998](#)



Notes: Where a temporary closure direction has been issued under section 37 of the Coronavirus Act 2020 a local authority will not be in breach of its duty under section 118 of the School Standards and Framework Act 1998. See also SI 2003/893 as amended.

Applies in: Wales only

Applies to: unitary authority

### **Function(s): Educational support – Alternative education provision, Schools – Curriculum and policy**

#### **Education: children not receiving education at a school**

A local authority must make arrangements for the provision of suitable education at school or otherwise than at school for those children of compulsory school age who, by reason of illness, exclusion from school or otherwise, may not for any period receive suitable education.

Legislation: [Section 19 of the Education Act 1996](#)

Notes: Where a school is closed in accordance with a temporary closure direction under section 37 of the Coronavirus Act 2020, section 19(1) of the Education Act 1996 does not apply to the child to the extent that the directed closure is responsible for the child not receiving education.

Applies in: England and Wales

Applies to: county council, district council, London borough, metropolitan council, unitary authority, Common Council of the City of London

### **Function(s): Education and learning – Special educational needs, Educational support – Alternative provision of education, Educational support – Health and welfare at school**

#### **Education: school attendance orders**

A local authority must issue and serve a school attendance order in certain circumstances in accordance with the prescribed procedure including amendments to SEN statements where necessary.

Legislation: [Section 437 of the Education Act 1996](#)

Notes: Where a school is closed in accordance with a temporary closure direction, section 437 to 443 of the Education Act 1996, do not apply to the extent absence from school is attributable to the direction. See also section 438 to 441 of the Education Act 1996

Applies in: England and Wales

Applies to: county council, district council, London borough, metropolitan council, unitary authority

#### **Education: revocation of school attendance orders**

A local authority must make arrangements for the provision of suitable education at school or otherwise than at school for those children of compulsory school age who, by reason of illness, exclusion from school or otherwise, may not for any period receive suitable education.

Legislation: [Section 442 of the Education Act 1996](#)

Notes: Where a school is closed in accordance with a temporary closure direction, section 437 to 443 of the Education Act 1996, do not apply to to the extent absence from school is attributable to the direction.

Applies in: England and Wales

Applies to: county council, district council, London borough, metropolitan council, unitary authority

## Duties which have changed to powers

### Function(s): Adult services – Adult social care

#### Care assessments: right of carers to assessment

A local authority may carry out a care assessment if requested to do so by the carer of a disabled adult.

Legislation: [Section 10 of the Care Act 2014](#)

Notes: Changed from a duty to a power by temporary suspension of local authorities need to comply in accordance with Section 15 of the Coronavirus Act 2020. See also sections 1 and 2 of the Carers and Disabled Children Act 2000

Applies in: England and Wales

Applies to: county council, district council, London borough, metropolitan council, unitary authority

#### Community care: assessment and provision

A local authority may, in the manner prescribed, carry out an assessment of needs, provide information and where necessary make provision for community care services.

Legislation: [Section 9 of the Care Act 2014](#)

Notes: Changed temporarily from a duty to a power by temporary suspension of local authorities need to comply in accordance with Section 15 of the Coronavirus Act 2020. See also Section 47 of the National Health Service and Community Care Act 1990

Applies in: England and Wales

Applies to: county council, district council, London borough, metropolitan council, unitary authority

#### Community care: needs assessment

A local authority may carry out the determination of a patient's need for community care services in certain circumstances.

Legislation: [Section 9 of the Care Act 2014](#)

Notes: Temporarily changed from a duty to a power (local authorities need to comply suspended) by Section 15 of the Coronavirus Act 2020 See also Section 4 of the Community Care Services Delayed Discharges Act 2003.

Applies in: England and Wales

Applies to: county council, district council, London borough, metropolitan council, unitary authority, Council of the Isles of Scilly

#### Disabled persons: transition for children to adult care and support

A local authority may carry out a needs assessment under the care act for children reaching the age of 18 to whom this act applies and for whom they are responsible under this Act.

Legislation: [Section 2A of the Chronically Sick and Disabled Persons Act 1970](#).

Notes: Changed from a duty to a power by temporary suspension of local authorities need to comply in accordance with Section 15 of the Coronavirus Act 2020

Applies in: England and Wales

Applies to: county council, district council, London borough, metropolitan council, unitary authority, Common Council of the City of London, Council of the Isles of Scilly

#### Disabled persons: transition for children to adult care and support

A local authority may carry out a needs assessment under the care act for children reaching the age of 18 to whom this act applies and for whom they are responsible under this Act.

Legislation: [Section 2A of the Chronically Sick and Disabled Persons Act 1970](#).

Notes: Changed from a duty to a power by temporary suspension of local authorities need to comply in accordance with Section 15 of the Coronavirus Act 2020

Applies in: England and Wales

Applies to: county council, district council, London borough, metropolitan council, unitary authority, Common Council of the City of London, Council of the Isles of Scilly

### **Social care: adults moving between authorities**

Local authorities must cooperate, in accordance with section 37, where they receive notification that someone to whom sections 18 or 19 apply intends moving between local authority areas

Legislation: [Sections 37 and 38 of the Care Act 2014](#)

Notes: Changed from a duty to a power by temporary suspension of local authorities need to comply in accordance with Section 15 of the Coronavirus Act 2020

Applies in: England only

Applies to: county council, district council, London borough, metropolitan council, unitary authority, Common Council of the City of London

### **Social care: care support plan**

Where a local authority is required to meet needs under sections or 20(1) or decides to do so under sections 19(1) and (2) or 20(6), it must-(a) prepare a care and support plan or a support plan for the adult concerned (in accordance with sections 25 and 26 in so far as in force),(b) tell the adult which (if any) of the needs that it is going to meet may be met by direct payments, and(c) help the adult with deciding how to have the needs met. Where a local authority has carried out a needs or carer's assessment but is not required to meet needs and does not decide to do so it must give the adult concerned-(a) its written reasons for not meeting the needs, and(b) (unless it has already done so) advice and information about-(i) what can be done to meet or reduce the needs;(ii) what can be done to prevent or delay the development by the adult concerned of needs for care and support or of needs for support in the future.

Legislation: [Sections 24 to 26 of the Care Act 2014](#)

Notes: Changed from a duty to a power by temporary suspension of local authorities need to comply in accordance with Section 15 of the Coronavirus Act 2020.

Applies in: England only

Applies to: county council, district council, London borough, metropolitan council, unitary authority, Common Council of the City of London

### **Social care: care support plan required review**

A local authority must keep under review generally care and support plans, and support plans, that it has prepared and on a reasonable request by or on behalf of the adult to whom a care and support plan relates or the carer to whom a support plan relates, review the plan and otherwise comply with section 27

Legislation: [Section 27 of the Care Act 2014](#)

Notes: Changed from a duty to a power by temporary suspension of local authorities need to comply in accordance with Section 15 of the Coronavirus Act 2020.

Applies in: England only

Applies to: county council, district council, London borough, metropolitan council, unitary authority, Common Council of the City of London

### **Social care: carer support assessment when child becomes 18**

Where it appears to a local authority that a carer of a child is likely to have needs for support after the child becomes 18, the authority must, if it is satisfied that it would be of significant benefit to the carer to do so, assess-(a) whether the carer has needs for support and, if so, what those needs are, and(b) whether the carer is likely to have needs for support after the

child becomes 18 and, if so, what those needs are likely to be. An assessment is referred to in this Part as a child's carer's assessment

Legislation: [Sections 60, 61 and 65 of the Care Act 2014](#)

Notes: Changed from a duty to a power by temporary suspension of local authorities need to comply in accordance with Section 15 of the Coronavirus Act 2020.

Applies in: England only

Applies to: county council, district council, London borough, metropolitan council, unitary authority, Common Council of the City of London

### **Social care: carer's assessment**

A local authority must where it appears that a carer may have needs for support (whether currently or in the future), the authority must assess-(a) whether the carer does have needs for support (or is likely to do so in the future), and(b) if the carer does, what those needs are (or are likely to be in the future).The duty to carry out a carer's assessment applies regardless of the authority's view of-(a) the level of the carer's needs for support, or(b) the level of the carer's financial resources or of those of the adult needing care. A carer's assessment must include an assessment of-(a) whether the carer is able, and is likely to continue to be able, to provide care for the adult needing care,(b) whether the carer is willing, and is likely to continue to be willing, to do so,(c) the impact of the carer's needs for support(d) the outcomes that the carer wishes to achieve in day-to-day life, and(e) whether, and if so to what extent, the provision of support could contribute to the achievement of those outcomes. The assessment must also comply with the requirements of Section 10.

Legislation: [Section 10 of the Care Act 2014](#)

Notes: Changed from a duty to a power by temporary suspension of local authorities need to comply in accordance with Section 15 of the Coronavirus Act 2020see also SI 2014/2827

Applies in: England only

Applies to: county council, district council, London borough, metropolitan council, unitary authority, Common Council of the City of London

### **Social care: compulsory needs assessment**

A local authority must where a needs assessment is refused by an adult carry out that assessment in any event where if-(a) the adult lacks capacity to refuse the assessment and the authority is satisfied that carrying out the assessment would be in the adult's best interests, or(b) the adult is experiencing, or is at risk of, abuse or neglect.

Legislation: [Section 11 of the Care Act 2014](#)

Notes: Changed from a duty to a power by temporary suspension of local authorities need to comply in accordance with Section 15 of the Coronavirus Act 2020

Applies in: England only

Applies to: county council, district council, London borough, metropolitan council, unitary authority, Common Council of the City of London

### **Social care: discharge from hospital**

A local authority to which an assessment notice (under Section 79/Schedule 3 of the Care Act) is given must accept that notice and undertake the duties in relation to the patient notwithstanding that it may dispute that patient's ordinary residence. A local authority which has wrongly been given an assessment notice may claim reimbursement for any delayed discharge payment it has paid in that case from the local authority in whose area the patient is later agreed or determined to be ordinarily resident.

Legislation: [Care and Support \(Discharge of Hospital Patients\) Regulations 2014/2823](#)

Notes Changed from a duty to a power by temporary suspension of local authorities need to comply in accordance with Section 15 of the Coronavirus Act 2020. Enabled by Care Act 2014

Applies in: England only

Applies to: county council, district council, London borough, metropolitan council, unitary authority, Common Council of the City of London

### **Social care: eligibility criteria**

A local authority must where it is satisfied on the basis of a needs or carer's assessment that an adult has needs for care and support or that a carer has needs for support, determine whether any of the needs meet the eligibility criteria (see subsection (7)). Having made a determination, the local authority must give the adult concerned a written record of the determination and the reasons for it. Where at least some of an adult'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 do,(b) ascertain whether the adult wants to have those needs met by the local authority in accordance with this Part, and(c) establish whether the adult is ordinarily resident in the local authority's area. Where at least some of a carer's needs for support meet the eligibility criteria, the local authority must-(a) consider what could be done to meet those needs that do, and(b) establish whether the adult needing care is ordinarily resident in the local authority's area. Where none of the needs of the adult 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;(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.

Legislation: [Section 13 of the Care Act 2014](#)

Notes: Changed from a duty to a power by temporary suspension of local authorities need to comply in accordance with Section 15 of the Coronavirus Act 2020

Applies in: England only

Applies to: county council, district council, london borough, metropolitan council, unitary authority, Common Council of the City of London

### **Social care: home help facilities**

A local authority must make provision adequate for its area to provide home help facilities for households with certain characteristics.

Legislation: [Section 35 of the Social Services and Well-being Act \(Wales\) 2014](#)

Notes: Changed from a duty to a power by temporary suspension of local authorities need to comply in accordance with Section 15 of the Coronavirus Act 2020 See also Section 192 of the National Health Service (Wales) Act 2006 and Schedule 15 of the National Health Service (Wales) Act 2006

Applies in: Wales only

Applies to: unitary authority

### **Social care: needs assessment on reaching 18**

Where it appears to a local authority that a child is likely to have needs for care and support after becoming 18, the authority must, if it is satisfied that it would be of significant benefit to the child to do so and if the consent condition is met, assess-(a) whether the child has needs for care and support and, if so, what those needs are, and(b) whether the child is likely to have needs for care and support after becoming 18 and, if so, what those needs are likely to be. This assessment is referred to as a child's needs assessment

Legislation: [Sections 58 and 59 of the Care Act 2014](#)

Notes: Changed from a duty to a power by temporary suspension of local authorities need to comply in accordance with Section 15 of the Coronavirus Act 2020

Applies in: England only

Applies to: county council, district council, London borough, metropolitan council, unitary authority, Common Council of the City of London

### **Social care: support on discharge from hospital**

A local authority must comply with the provisions in Schedule 3 with regard to the discharge of hospital patients likely to need care and support.

Legislation: [Section 74 and Schedule 3 of the Care Act 2014](#)

Notes: Changed from a duty to a power by temporary suspension of local authorities need to comply in accordance with Section 15 of the Coronavirus Act 2020.

Applies in: England only

Applies to: county council, district council, London borough, metropolitan council, unitary authority, Common Council of the City of London

#### **Social care: transition from child to adult support**

A local authority must take certain steps in relation to existing care arrangements for the child where an assessment is taking place under the Care Act 2014

Legislation: [Sections 17ZH and 17ZL of the Children Act 1989](#)

Notes: Changed from a duty to a power by temporary suspension of local authorities need to comply in accordance with Section 15 of the Coronavirus Act 2020.

Applies in: England only

Applies to: county council, district council, London borough, metropolitan council, unitary authority, Common Council of the City of London

#### **Social care: transition to adult support**

A local authority must take certain steps in relation to existing care arrangements for a child where an assessment is taking place under the Care Act 2014

Legislation: [Section 2A of the Chronically Sick and Disabled Persons Act 1970](#)

Notes: Changed from a duty to a power by temporary suspension of local authorities need to comply in accordance with Section 15 of the Coronavirus Act 2020.

Applies in: England only

Applies to: county council, district council, London borough, metropolitan council, unitary authority, Common Council of the City of London

### **Function(s): Adult services – Adult social care, Health and social care - Carers**

#### **Social care: assistance to carers**

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;(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).The local authority must also have regard to regulations when carrying out this duty.

Legislation: [Section 2 of the Care Act 2014](#)

Notes: Changed from a duty to a power by temporary suspension of local authorities need to comply in accordance with Section 15 of the Coronavirus Act 2020.

Applies in: England only

Applies to: county council, district council, London borough, metropolitan council, unitary authority, Common Council of the City of London

### **Function(s): Educational support – Health and welfare at school**

### **Education: failure to comply with school attendance order**

A local authority may issue proceedings for breach of a school attendance order.

Legislation: [Section 443 of the Education Act 1996](#)

Notes: Under Section 37 of the Coronavirus Act 2020 where a school is closed in accordance with a temporary closure direction, section 437 to 443 of the Education Act 1996, do not apply to the extent absence from school is attributable to the direction. See also section 446 of the Education Act 1996, Education (Penalty Notices) (England) Regulations 2007/1867 and Education (Penalty Notices) (Wales) Regulations 2013/1983

Applies in: England and Wales

Applies to: county council, district council, London borough, metropolitan council, unitary authority

### **Education: failure to secure regular attendance at school**

A local authority may issue proceedings for failing to secure regular attendance at school.

Legislation: [Section 444 of the Education Act 1996](#)

Notes: Under Section 37 of the Coronavirus Act 2020 any absence attributable to a temporary closure direction is not to be taken into consideration for the offence under section 444 of the Education Act 1996.

Applies in: England and Wales

Applies to: county council, district council, London borough, metropolitan council, unitary authority, Common Council of the City of London