

# **Report on the Care Bill 2013 Legislative Consent Motion**

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## **Background to the Bill**

1. The Care Bill 2013 had its first reading at the House of Lords on 9 May 2013.
2. The Bill concerns the reform of adult care and support and follows on from the UK Government's White Paper "Caring for our future: reforming care and support" (July 2012). It takes forward recommendations of the Law Commission Report of 2011 on adult social care. That report concluded that the existing care and support legislation is outdated and confusing and recommended wholesale reform of the law.
3. The Bill as introduced is wide ranging in scope, including clarification on entitlement to care, information provision to local communities, simplifying the existing care and support system, and consolidation of the existing legislation into one statute, supported by new regulations.

## **Purpose of the legislative consent motion**

4. There are two aspects of the Bill which are of relevance to the legislative consent motion – the abolition of the existing Health Research Authority as a Special Health Authority, and cross administration care homes placements.
5. Firstly, the Bill proposes to abolish the existing Health Research Authority as a Special Health Authority and establish it as a Non Departmental Public Body. The Bill will impose a duty on the Health Research Authority to co-operate with the DHSSPS.
6. Secondly, the Bill proposes that where a Local Authority is meeting an adult's need for care and support by providing accommodation in a Health and Social Care Trust area in Northern Ireland, that adult is to be treated as ordinarily resident in the placing Local Authority's area. Similarly, where a Health and Social Care Trust in Northern Ireland is meeting an adult's need for care and support by providing accommodation in a Local Authority within England, Wales or Scotland, the adult is to be treated as ordinarily resident in Northern Ireland. The purpose of this clause and the regulations that flow from it are to provide a co-ordinated legal basis for making such placements across the United Kingdom.

### **Committee Consideration**

7. The Committee took evidence from Department officials on the legislative consent motion on 15 May 2013. The key issues of discussion were clarification that the Bill relates to social care provision rather than health care provision, and how it would facilitate older people who wish to receive a social care placement close to family and friends.
8. Having considered the evidence, the Committee came to the view that the provisions in the Bill would enhance an individual's choice of where they

want to reside, and assist people who wish to receive a social care package closer to family and friends. It therefore agreed to support the Department in seeking the Assembly's endorsement of the legislative consent motion.

## **Appendices**

- **Appendix 1**

Hansard transcript from oral evidence session with Departmental officials (15 May 2013) <http://www.niassembly.gov.uk/Assembly-Business/Official-Report/Committee-Minutes-of-Evidence/Session-2012-2013/May-2013/Care-Bill--Legislative-Consent-Motion/>