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D I R E C T I O N S

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**NATIONAL HEALTH SERVICE ACT 2006**

**ENGLAND**

**The Delayed Discharges (Continuing Care) (Amendment)  
Directions 2018**

The Secretary of State for Health and Social Care gives the following Directions in exercise of the powers conferred by sections 8 and 272(7) and (8) of the National Health Service Act 2006<sup>(a)</sup>.

**Citation, commencement, application and interpretation**

1.—(1) These Directions may be cited as the Delayed Discharges (Continuing Care) (Amendment) Directions 2018 and come into force on the 1st October 2018.

(2) These Directions apply to every NHS trust.

(3) In these Directions, “the principal Directions” means the Delayed Discharges (Continuing Care) Directions 2013<sup>(b)</sup>.

**Amendment of direction 1 of the principal Directions**

2. In direction 1(3) of the principal Directions (citation, commencement, application and interpretation), in the definition of—

- (a) “Decision Support Tool”<sup>(c)</sup> for “28th November 2012” substitute “1st March 2018”;
- (b) “Fast Track Pathway Tool”<sup>(d)</sup> for “28th November 2012” substitute “1st March 2018”;
- (c) “National Framework”<sup>(e)</sup> for “28th November 2012” substitute “1st March 2018”;
- (d) “NHS CHC Checklist”<sup>(f)</sup> for “28th November 2012” substitute “1st March 2018”;
- (e) “multi-disciplinary team” for “persons for community care services under section 47 of the National Health Service and Community Care Act 1990” substitute “an adult’s needs for care and support under section 9 of the Care Act 2014 (assessment of an adult’s needs for care and support)<sup>(g)</sup>”;
- (f) “patient” for ““qualifying hospital patient” as defined in section 1(1) of the Community Care (Delayed Discharges etc) Act 2003” substitute ““hospital patient” as defined by paragraph 7 of Schedule 3 to the Care Act 2014”; and
- (g) “regulated activity” for “2010” substitute “2014”<sup>(h)</sup>.

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<sup>(a)</sup> 2006 c. 41; by virtue of section 271 of the Act, those powers are exercisable by the Secretary of State only in relation to England.

<sup>(b)</sup> Signed on 5<sup>th</sup> July 2013.

<sup>(c)</sup> The Decision Support Tool can be found at [www.gov.uk/government/publications/national-framework-for-nhs-continuing-healthcare-and-nhs-funded-nursing-care](http://www.gov.uk/government/publications/national-framework-for-nhs-continuing-healthcare-and-nhs-funded-nursing-care).

<sup>(d)</sup> The Fast Track Pathway Tool can be found at [www.gov.uk/government/publications/national-framework-for-nhs-continuing-healthcare-and-nhs-funded-nursing-care](http://www.gov.uk/government/publications/national-framework-for-nhs-continuing-healthcare-and-nhs-funded-nursing-care).

<sup>(e)</sup> The National Framework can be found at [www.gov.uk/government/publications/national-framework-for-nhs-continuing-healthcare-and-nhs-funded-nursing-care](http://www.gov.uk/government/publications/national-framework-for-nhs-continuing-healthcare-and-nhs-funded-nursing-care).

<sup>(f)</sup> The NHS CHC Checklist can be found at [www.gov.uk/government/publications/national-framework-for-nhs-continuing-healthcare-and-nhs-funded-nursing-care](http://www.gov.uk/government/publications/national-framework-for-nhs-continuing-healthcare-and-nhs-funded-nursing-care).

<sup>(g)</sup> 2014 c.23

<sup>(h)</sup> S.I. 2014/2936

**Amendment of direction 2 of the principal Directions**

3. In direction 2(1) of the principal Directions (duties of NHS trusts), for “section 2(2) of the Community Care (Delayed Discharges etc) Act 2003” substitute “paragraph 1(1) of Schedule 3 to the Care Act 2014 (cases where hospital patient is likely to have care and support needs after discharge)”.

Signed by authority of the Secretary of State for Health and Social Care



Sarah Gravenstede  
Member of the Senior Civil Service  
Department of Health and Social Care

2 October 2018