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DEVON COUNTY COUNCIL
Social Services

Fair Access to Care Services Policy - Devon's Eligibility Criteria for Adult Care Services

Appendix 2

Relevant Legislation

Part III of the National Assistance Act 1948

Section 21 concerns the provision of residential accommodation to certain groups of people who are in need of care and attention which would otherwise be unavailable to them.

Section 29 concerns the promotion of the welfare of certain groups of people. To qualify for community care services under this section a person must be:

"...aged 18 or over who are blind, deaf or dumb, or who suffer from mental disorder for any description, and other persons 18 or over who are substantially and permanently handicapped by illness, injury, congenital deformity or other such disabilities as may be prescribed by the Minister".

LAC (93)10 Appendix 4 asks councils to give a wide interpretation to the term substantial to take full account of individual circumstances and a flexible interpretation to the term permanent in cases where they are uncertain of the duration of the condition.

The definition of **disabled person** must be interpreted in this context to mean people over 18 years who have a permanent and substantial disability such as a learning disability, physical disability, sensory impairment, mental health difficulty, chronic illness or a combination of these.

Section 2, Chronically Sick and Disabled Persons Act 1970

Concerns services for disabled people, both adults and children.

Section 45, Health Services and Public Health Act 1968

Concerns the making of arrangements for promoting the welfare of old people.

Section 21 and Schedule 8, National Health Service Act 1977

Concerns the prevention of illness, care and aftercare of people.

Section 117, Mental Health Act 1983

Concerns the provision of aftercare services for people who were previously detained under certain sections of the Mental Health Act 1983.

Disabled Persons (Services, Consultation and Representation) Act 1986

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