



COMING HOME GUIDE

Can a hospital discharge someone without care in place?

A family guide

For England, with Wales, Scotland and Northern Ireland

Version 1 • October 2026. Next review: April 2027

About this guide

This guide is correct at October 2026, version 1. We've written it in good faith as general guidance to help carers and families. It isn't legal, financial or medical advice. Rules and rates change, so before you act, please make sure you have the latest version of this guide and look at the official sources: GOV.UK, Social Security Scotland, nidirect and your local council. To the extent the law allows, we can't accept liability for any errors or omissions, or for decisions made on the strength of this guide. In a medical emergency call 999. For urgent advice, contact NHS 111.

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How to use this guide

Version 1. October 2026. Next review: April 2027. Information read on 4 October 2026. We review this guide every April, and straight away if the law or the official guidance changes in any nation.

Who this guide is for: families who've been told someone is ready to leave hospital and are worried. Maybe there's no care arranged yet, the family can't provide it, the person has dementia, or they have nowhere to go. This guide answers the questions families ask most, in plain words, and shows you where the rules come from. It covers England in full, with Wales, Scotland and Northern Ireland in sections 9 to 11.

How to use it: each section answers one question. Read the ones that fit you. Section 7 has a letter you can copy to put your concerns in writing. Every fact has a source and a date, and the full list is in "Sources" at the back.

Guidance, not advice. This guide explains the official rules and guidance. It isn't legal advice, and it can't take every situation into account. If you're facing a discharge you think isn't safe, talk to the ward, PALS and the organisations in section 13 straight away.

If you're worried about their health, contact their GP or NHS 111. In an emergency call 999.

01

The short answer

- **A hospital can discharge someone once they no longer need hospital care**, even if their first choice of care isn't ready. People don't have a legal right to stay in a hospital bed to wait for it ([DHSC and NHS England, Hospital discharge and community support guidance, updated 26 Jan 2024](#)).
- **But the guidance expects a plan.** It says it's best practice to work out the person's immediate recovery needs, and put a plan in place to meet them, before they leave. Anyone who needs formal care to recover should have a safety and welfare visit on the day they leave (DHSC and NHS England guidance).
- **You don't have to agree to provide care, and the NHS and council should plan around what you can do.** If the family is unwilling or unable, the NHS and the council should work together to arrange the care needed for a safe discharge (DHSC and NHS England guidance).
- **Someone who can't make the decision themselves** shouldn't be discharged to somewhere assessed to be unsafe (DHSC and NHS England guidance).
- **If they have nowhere to live**, the hospital must ask whether they agree to be referred to the council's homelessness team ([legislation.gov.uk, Housing Act 1996, section 213B](#)).

The rest of this guide explains each point, and what you can do.

02

Can they discharge someone with no care in place?



The hospital doesn't have to wait for the preferred option. If the person's preferred care package or care home isn't available when they're ready to leave, they should be offered another option that suits their short-term recovery needs while they wait. If they don't accept any of the short-term options offered, after discussion they should be discharged to a suitable alternative (DHSC and NHS England guidance, introduction and section 12).

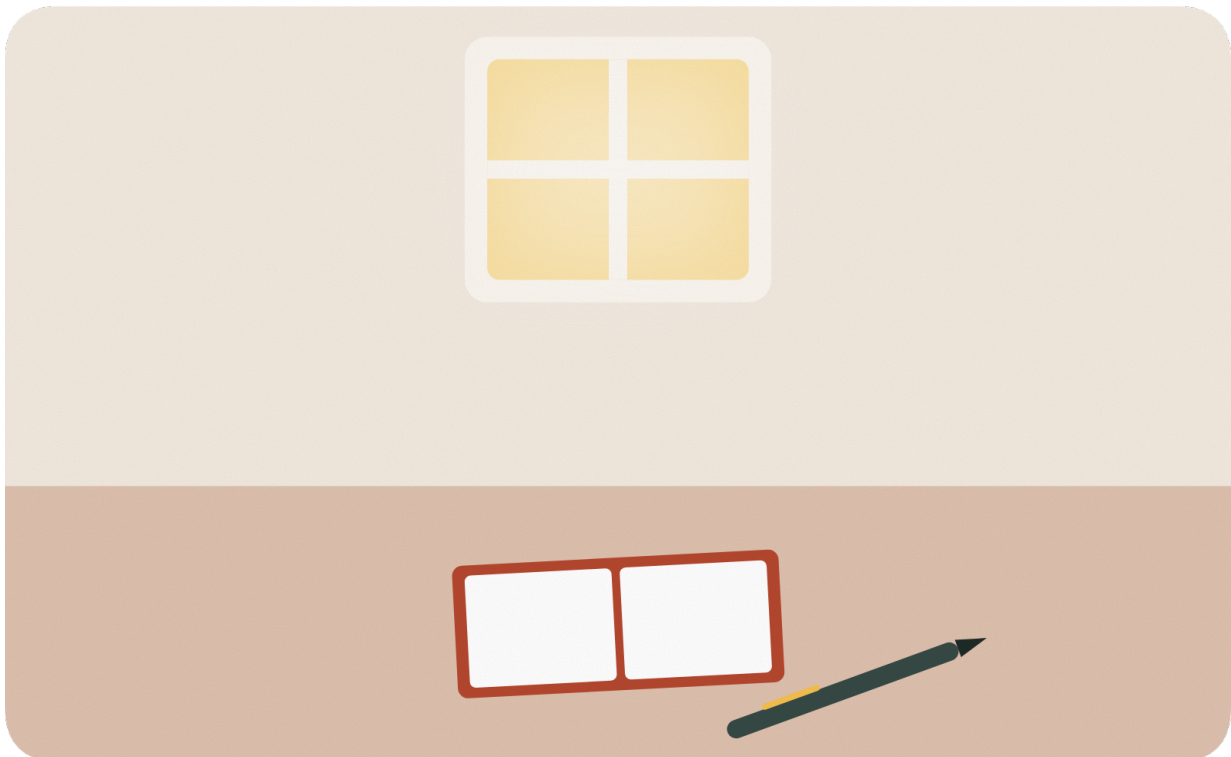
But "no care at all" isn't what the guidance describes for someone who needs it:

- Planning for discharge should begin when the person arrives in hospital (DHSC and NHS England guidance, section 3).
- It's best practice to work out their immediate recovery needs, and put a plan in place to meet them, before they leave (DHSC and NHS England guidance, section 8).

- Anyone who needs formal care and support to recover should have a safety and welfare visit on the day they leave, to make sure their care needs are met (DHSC and NHS England guidance, section 4).
- People shouldn't have to make decisions about long-term care while they're in crisis or in a hospital bed (DHSC and NHS England guidance, section 4).

Most people go home with help that starts quickly, such as reablement or other short-term support. See [our guide to coming home from hospital, section 5](#).

What you can do: ask the ward who's coordinating the discharge, what the plan is, and who'll be providing care from the first day. If there's no plan, say so, and put it in writing (section 7).



03

Do I have to provide the care?



No. You don't have to agree to provide care, and the NHS and council should plan around what you can do.

- **Hospitals must involve you.** NHS trusts must involve the person and their carer, as soon as is feasible, in discharge planning when the person is likely to need care and support afterwards ([legislation.gov.uk](https://legislation.gov.uk/ukpga/2022/25/section-91), [Health and Care Act 2022, section 91](#)).
- **They should ask whether you're willing and able.** The guidance says the hospital should find out, as early as possible, whether any carer is willing and able to give care after discharge (DHSC and NHS England guidance, section 2).
- **If you're not,** the NHS, the council and care providers should work together to arrange the care needed to make the person's choice possible, where possible, and to enable a safe discharge (DHSC and NHS England guidance, section 12).
- **You have a right to a carer's assessment.** The council must assess any carer who appears to need support, including whether you're able and willing to carry on caring ([legislation.gov.uk](https://legislation.gov.uk/ukpga/2014/19/section-10), [Care Act 2014, section 10](#)). The guidance says this should happen before a new caring role begins, if possible (DHSC and NHS England guidance, section 2).

What you can do: tell the ward, clearly and in writing, what you can and can't do, for example "I work full time and can visit in the evenings, but I can't help with washing or getting up in the morning". See [our guide to coming home from hospital, section 3](#).

04

Can they refuse to leave, or refuse the care offered?

Staying in hospital isn't a right. People don't have a legal right to stay in a hospital bed if they no longer need care there, including to wait for their preferred option (DHSC and NHS England guidance, section 12).

But a person who can make the decision can refuse care. Even where a professional disagrees with their choice, in most cases a person who has the mental capacity to decide what care they want after discharge will make the final decision. If they refuse care, that decision should ultimately be respected. They should be supported to manage the possible consequences (DHSC and NHS England guidance, section 4).

Choosing a care home. If the council assesses them as having eligible needs, it must make sure they have a genuine choice of care home, as set out in the Care Act statutory guidance (DHSC and NHS England guidance, section 12). See [our guide to arranging care, section 5](#).

05

What if they have dementia, or can't decide for themselves?



In England and Wales, the Mental Capacity Act 2005 protects people who can't make some decisions for themselves ([legislation.gov.uk, Mental Capacity Act 2005, section 1](https://www.legislation.gov.uk/ukpga/2005/9/section/1)). The NHS explains its main principles ([NHS, Mental Capacity Act, reviewed 17 Jan 2024](#)):

- assume a person can make a decision themselves, unless it's shown they can't
- don't decide someone lacks capacity just because they make an unwise decision
- a decision made for someone who lacks capacity must be in their best interests

For discharge, the guidance says (DHSC and NHS England guidance, section 13):

- Capacity is about a particular decision at a particular time. If there's reason to think the person may not be able to make decisions about their discharge, a capacity assessment should be part of discharge planning.

- If they lack capacity, any best interests decision must follow the Mental Capacity Act, and the decision-maker should record it ([legislation.gov.uk, Mental Capacity Act 2005, section 4](https://legislation.gov.uk/ukpga/2005/9/section/4)).
- **No one who lacks the relevant capacity should be discharged to somewhere assessed to be unsafe.**
- Only options that are suitable and available at the time can be considered.
- **If there's an attorney or deputy** with authority for these decisions, they're the decision-maker. See [our guide to power of attorney, section 7](#).
- An independent advocate may help, and sometimes there's a legal duty to provide one.
- If the care planned would amount to a "deprivation of liberty", there are legal safeguards, usually the Deprivation of Liberty Safeguards for a care home or hospital.

Even without a power of attorney, you should be asked. Best interests decisions must take into account the views of family and carers, where it's practical and appropriate to consult them (Mental Capacity Act 2005, section 4). Tell the ward what the person would have wanted.

06

What if they have nowhere to go?

The hospital must offer a referral. In England, if a hospital thinks someone it's caring for as an inpatient is or may be homeless, or threatened with homelessness, it must ask whether they agree to be referred to a council's housing team. If they agree and choose a council, the hospital must refer them (Housing Act 1996, section 213B; [MHCLG, A guide to the duty to refer, updated 19 Mar 2026](#)). The person has to agree, though a referral can be made without consent to safeguard a vulnerable adult (MHCLG, A guide to the duty to refer).

The discharge guidance agrees. NHS trusts should ask, when someone arrives in hospital, whether they're homeless or threatened with homelessness, and refer them as early as possible in their stay, if they agree. People who are homeless shouldn't be left out of short-term support after discharge because of their housing (DHSC and NHS England guidance, section 14).

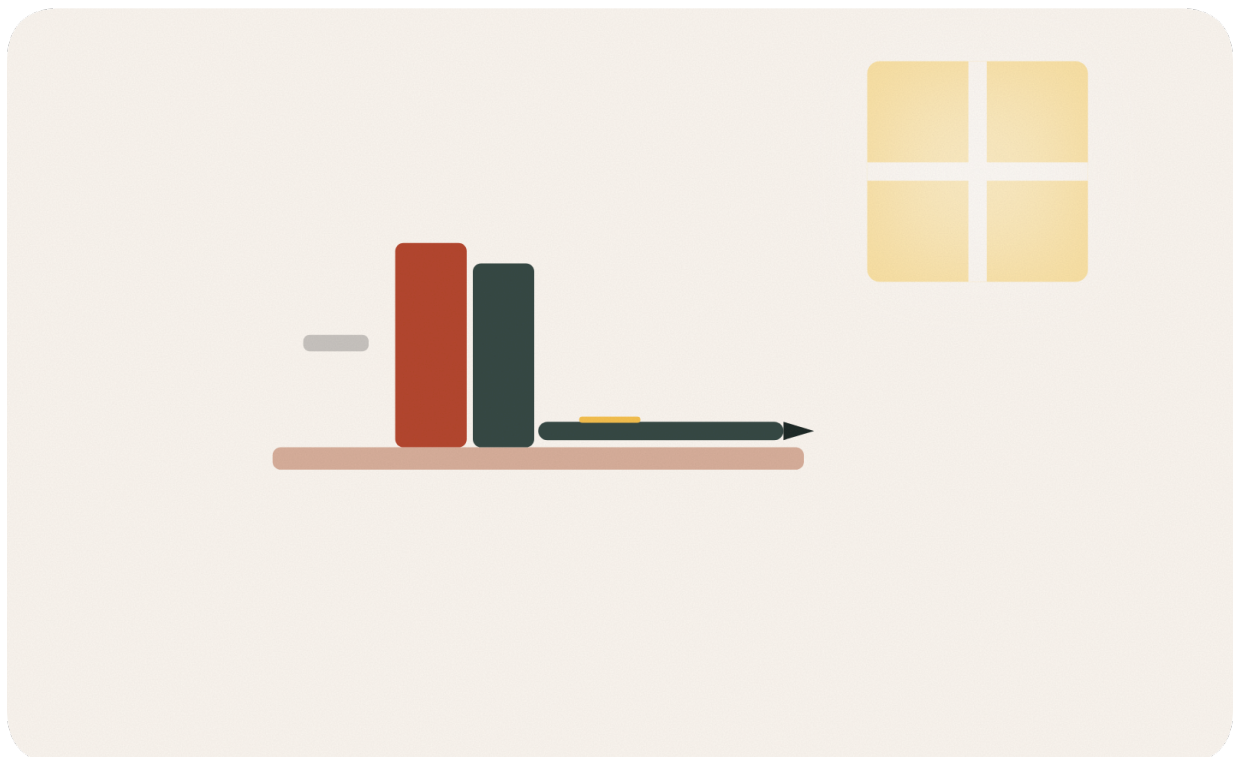
The council must help. In England, your council must help if you're legally homeless or will become homeless within the next 8 weeks. You may be legally homeless even with a roof over your head, for example if it's not reasonable to stay in your home ([GOV.UK, Help if you're homeless or about to become homeless, updated 17 Oct 2024](#)).

What you can do: if someone can't go back to where they lived, for example because it's no longer suitable, tell the ward as early as possible. Ask the ward to make the referral, and contact the council's housing or homelessness team yourself as well.

07

A letter you can copy

Use this to put your concerns in writing to the ward manager or discharge team. Keep a copy. Change the words in square brackets.



Subject: Discharge planning for [name], [ward], date of birth [date]

Dear [ward manager or discharge coordinator],

I'm [name]'s [relationship]. I understand [name] may be discharged on [date].

I'd like to be involved in planning the discharge, as their carer.

I'm worried that [no care has been arranged / I'm not able to provide the care they will need / they don't have anywhere suitable to go / they may not be able to make decisions about their discharge].

I can [describe what you can do]. I'm not able to [describe what you can't do].

Please could you tell me:

1. what the discharge plan is, and who will provide care from the first day
2. whether a carer's assessment can be arranged for me
3. [if relevant] whether a capacity assessment has been done for decisions about the discharge
4. [if relevant] whether a referral has been made to the council's housing team

Thank you,

[Your name]

[Your phone number and email]

[Date]

If you don't get an answer, contact the hospital's Patient Advice and Liaison Service (PALS) (section 8).

08

Raising concerns, and if it goes wrong



Before they leave: talk to the ward manager or discharge team, and put your concerns in writing (section 7). Each hospital in England has a Patient Advice and Liaison Service (PALS), which gives confidential help to sort out problems with NHS services, and can explain the hospital's discharge policy ([NHS, Being discharged from hospital, reviewed 6 Apr 2023](#)).

If something goes wrong after discharge, for example care doesn't arrive, call the number on the discharge paperwork and the council's adult social care team. See [our guide to the first week home, section 6](#).

Complaints in England:

- **About the NHS:** complain to the hospital trust. You normally have 12 months from the event, or from when you found out about it. You'll need the person's written consent to complain for them ([NHS England, Feedback and complaints about NHS services](#)). If you're still unhappy, you can go to the **Public Service Ombudsman** (called the Parliamentary and Health Service Ombudsman until 1 October 2026), on 0345 015 4033 ([Public Service Ombudsman, Becoming the Public Service Ombudsman, 29 Sep 2026](#)).
- **About the council or social care:** complain to the council first, then the Local Government and Social Care Ombudsman ([Local Government and Social Care Ombudsman, Make a complaint](#)).
- **About homelessness decisions:** the council's decision letter explains how to ask for a review. Shelter and Citizens Advice can help (section 13).

09

Wales

- **Discharge** follows the Welsh Government's guidance, using a model called "Discharge to Recover then Assess" ([Welsh Government, Hospital discharge guidance, updated 7 Feb 2025](#)). It asks hospitals to involve unpaid carers in discharge planning.
- **Carers** have a right to a carer's needs assessment from the council ([legislation.gov.uk, Social Services and Well-being \(Wales\) Act 2014, section 24](#)).
- **Capacity:** the Mental Capacity Act 2005 applies in Wales too (section 5 of this guide).
- **Nowhere to go:** councils must help people who could lose their home or are homeless ([Welsh Government, Support if you are homeless or about to become homeless](#)).
- **Complaints:** talk to the health board. Llais gives free complaints advocacy ([Llais, Making a complaint](#)). Then the [Public Services Ombudsman for Wales](#).

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Scotland

- **Carers must be involved.** Health boards must tell the carer about the plan to discharge as soon as reasonably practicable, ask for their views, and take them into account ([legislation.gov.uk](https://legislation.gov.uk/ukpga/2016/16/section-28), [Carers \(Scotland\) Act 2016, section 28](#)). Instead of a carer's assessment, the council must offer an Adult Carer Support Plan (mygov.scot, [Get an Adult Carer Support Plan or Young Carer Statement](#), updated 12 Sep 2025).
- **Capacity:** Scotland has its own law, the Adults with Incapacity (Scotland) Act 2000 ([legislation.gov.uk](https://legislation.gov.uk/ukpga/2000/42), [Adults with Incapacity \(Scotland\) Act 2000](#)). Ask the ward how it applies, and whether anyone holds a welfare power of attorney or guardianship.
- **Nowhere to go:** the council has a legal duty to help if someone is homeless or about to become homeless, and must provide temporary accommodation if they need it (mygov.scot, [If you're homeless](#)).
- **Complaints:** talk to staff or the health board's Feedback and Complaints Officer ([NHS inform](https://nhs.uk), [Feedback, complaints and your rights](#), updated 15 Jul 2026). Then the [Scottish Public Services Ombudsman](#).

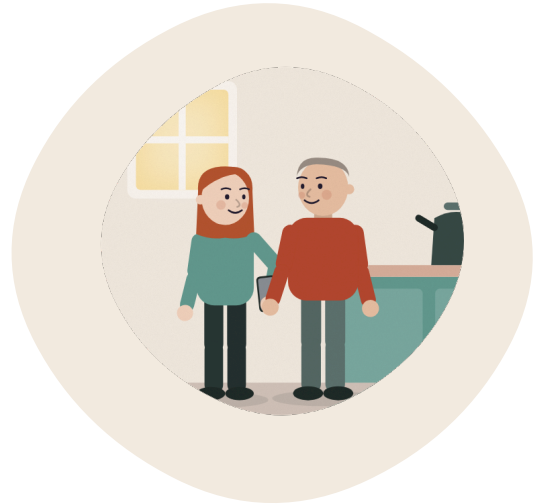
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Northern Ireland

- **Discharge plans.** There should be a discharge plan, including how the person will get home and the support they might need, and a named nurse or ward-based care coordinator responsible for them leaving hospital ([nidirect](#), [Support if you're going into hospital](#)).
- **Carers** have a right to a carer's assessment from the Health and Social Care Trust ([nidirect](#), [Assessments for carers](#)).
- **Capacity:** Northern Ireland has its own Mental Capacity Act (Northern Ireland) 2016, which is only partly in force ([legislation.gov.uk](#), [Mental Capacity Act \(Northern Ireland\) 2016](#)). Ask the Trust how decisions will be made.
- **Nowhere to go:** contact the Housing Executive. It must make sure free advice about homelessness is available to everyone, and may need to offer somewhere to stay ([nidirect](#), [Homelessness](#)).
- **Complaints:** contact the Trust's complaints manager ([nidirect](#), [How to complain or raise concerns about health services, updated 16 Feb 2026](#)). Then the [Northern Ireland Public Services Ombudsman](#).

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How Coming Home can help



Coming Home: Family Care is an iPhone app for families looking after someone. It's coming soon. It helps you organise. It isn't medical or legal advice.

The family care diary helps you note who you spoke to on the ward, what they said and when, so you have a record if you need to raise a concern.

The care circle brings the family, friends and neighbours who help into one place, with shared notes, tasks and a calendar, so everyone knows the plan for coming home.

To hear when Coming Home is ready, join the waitlist:

www.cominghomecare.app/?ref=guide-discharge-without-care

Built by people who know home care.

13

Who to call



- **The ward manager or discharge team**, first.
- **PALS** at the hospital (England).
- **The council's adult social care team**, for care and carer's assessments (the Trust in Northern Ireland).
- **The council's housing or homelessness team** (the Housing Executive in Northern Ireland).
- **Carers UK Helpline**: 0808 808 7777 ([Carers UK, Helpline and other support](#)).
- **Age UK Advice Line**: 0800 678 1602 ([Age UK, Advice Line](#)).
- **Shelter**, for housing and homelessness advice in England: england.shelter.org.uk/housing_advice/homelessness
- **Citizens Advice**: www.citizensadvice.org.uk/

If you're worried about their health, contact their GP or NHS 111. In an emergency call 999.

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Sources

All read on 4 October 2026 unless another date is given. Dates in brackets are the page's own published, updated or reviewed date.

England: discharge guidance and law

- DHSC and NHS England, Hospital discharge and community support guidance (updated 26 Jan 2024), introduction and sections 2 to 4, 8 and 12 to 14: www.gov.uk/government/publications/hospital-discharge-and-community-support-guidance/hospital-discharge-and-community-support-guidance
- legislation.gov.uk, Health and Care Act 2022, section 91: www.legislation.gov.uk/ukpga/2022/31/section/91/enacted
- legislation.gov.uk, Care Act 2014, section 10: www.legislation.gov.uk/ukpga/2014/23/section/10
- NHS, Being discharged from hospital (reviewed 6 Apr 2023): www.nhs.uk/nhs-services/hospitals/going-into-hospital/being-discharged-from-hospital/

England and Wales: mental capacity

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- legislation.gov.uk, Mental Capacity Act 2005, section 4: www.legislation.gov.uk/ukpga/2005/9/section/4
- NHS, Mental Capacity Act (reviewed 17 Jan 2024): www.nhs.uk/social-care-and-support/making-decisions-for-someone-else/mental-capacity-act/

England: homelessness

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- MHCLG, A guide to the duty to refer (updated 19 Mar 2026): www.gov.uk/government/publications/homelessness-duty-to-refer/a-guide-to-the-duty-to-refer
- GOV.UK, Help if you're homeless or about to become homeless (updated 17 Oct 2024): www.gov.uk/if-youre-homeless-at-risk-of-homelessness

England: complaints

- NHS England, Feedback and complaints about NHS services: www.england.nhs.uk/contact-us/feedback-and-complaints/complaint/
- Public Service Ombudsman, Becoming the Public Service Ombudsman (29 Sep 2026): www.ombudsman.org.uk/news-and-blog/news/becoming-public-service-ombudsman
- Local Government and Social Care Ombudsman, Make a complaint: www.lgo.org.uk/make-a-complaint

Wales

- Welsh Government, Hospital discharge guidance (updated 7 Feb 2025): www.gov.wales/hospital-discharge-guidance
- legislation.gov.uk, Social Services and Well-being (Wales) Act 2014, section 24: www.legislation.gov.uk/anaw/2014/4/section/24
- Welsh Government, Support if you are homeless or about to become homeless: www.gov.wales/support-if-you-are-homeless-or-about-become-homeless
- Llais, Making a complaint: www.llaiswales.org/have-your-say/making-complaint
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- mygov.scot, If you're homeless: www.mygov.scot/if-youre-homeless
- NHS inform, Feedback, complaints and your rights (updated 15 Jul 2026): www.nhsinform.scot/care-support-and-rights/health-rights/feedback-and-complaints/feedback-complaints-and-your-rights/
- Scottish Public Services Ombudsman: www.spso.org.uk/

Northern Ireland

- nidirect, Support if you're going into hospital: www.nidirect.gov.uk/articles/support-if-youre-going-hospital
- nidirect, Assessments for carers: www.nidirect.gov.uk/articles/assessments-carers
- legislation.gov.uk, Mental Capacity Act (Northern Ireland) 2016: www.legislation.gov.uk/nia/2016/18/contents
- nidirect, Homelessness: www.nidirect.gov.uk/articles/homelessness
- nidirect, How to complain or raise concerns about health services (updated 16 Feb 2026): www.nidirect.gov.uk/articles/how-complain-or-raise-concerns-about-health-services
- Northern Ireland Public Services Ombudsman: www.nipso.org.uk/

Helplines and advice

- Carers UK, Helpline and other support: www.carersuk.org/help-and-advice/helpline-and-other-support/
- Age UK, Advice Line: www.ageuk.org.uk/services/age-uk-advice-line/
- Shelter, Homelessness: england.shelter.org.uk/housing_advice/homelessness

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Changelog

Version	Date	What changed	Why
1	October 2026	First published	Information read on 4 October 2026

The next review is due in April 2027, or straight away if the law or guidance changes. The latest version is always at

www.cominghomecare.app/guides/can-hospital-discharge-without-care



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This edition

Version	1
Published	October 2026
Next review	April 2027



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