

# The Care Act

The law for carers

# Carers

- For the first time, carers will be recognised in the law in the same way as those they care for.
- The Act sets out carers' legal rights to assessments and support
- The Act mostly relates to adult carers – people over 18 who are caring for another adult
- Young carers (under 18) and adults who care for disabled children can be assessed and supported under Children's law.
- **HOWEVER**, the Act allows us to look at family circumstances when assessing an adults need for care which means, for example, making sure that the position of a young carer in a family should not be overlooked.



# Carers - Assessment

- Carers have a legal right to receive support
- The Local Authority must carry out a needs assessment or a carers assessment where the carer *appears* to have needs.
- Replaces existing law which says that the carer must be providing “a substantial amount of care on a regular basis” in order to qualify for an assessment
- The assessment must focus on needs and outcomes and on the impact of caring on the carer.
- It must also consider the things that a carer wants to achieve in their own day to day life.
- Must also consider whether the carer is able or willing to carry on caring – whether they want to work or study or do more socially.
- Even if the carer is providing care to someone who does not receive our care, they are still entitled to a carers assessment.



# Carers - Eligibility

- Local Authority must decide whether carers needs are eligible for support
- Approach to decisions on eligibility similar to that used for adults with care and support needs.
- In the case of cares, eligibility depends on the carers situation, The carer will be entitled to support if:
  - They are assessed as having needs that meet the eligibility criteria
  - The person they care for lives in the local authority area.



# Carers – support planning

- Local Authority must agree a support plan setting out how carers needs will be met
- Replacement care to a service user can be provided as part of carers support plan if it is the best way to meet a carers needs.
- Carers should receive a personal budget
- Carers can request a direct payment



# A whole family approach – identifying young carers

- In assessment consideration must be given to the impact of the person's needs for care and support on family members or other people the authority feels are appropriate.
- The Care Act does not deal with assessment of people under the age of 18 who care for others. **However**, the Children and Families Act gives young carers and parent carers similar rights to assessment as other carers under the Care Act.
- The LA must identify any children who are involved in providing care – the LA must consider:
  - The impact of the person's needs on the young carer's wellbeing, welfare, education and development
  - Whether any of the caring responsibilities the young carer is undertaking are inappropriate.

