

Carers rights, The Care Act 2014 - carers assessment and support plans

A carer is someone who helps another person, usually a relative or friend, in their day-to-day life. This is not the same as someone who provides care professionally or through a voluntary organisation.

The Care Act 2014 sets out carers' legal rights to assessment and support. It came into force in April 2015.

The Care Act relates mostly to adult carers – people aged 18 and over who are caring for another adult. This is because young carers (aged under 18) and adults who care for disabled children can be assessed and supported under children's law.

However, regulations under the Act allow the government to make rules about looking at family circumstances when assessing an adult's need for care, which means, for example, making sure the position of a young carer within a family is not overlooked.

The Act also contains new rules about working with young carers or adult carers of disabled children to plan an effective and timely move to adult care and support.

What does the Care Act do?

Previously, carers didn't have a legal right to receive support, although local authorities could provide support at their discretion. This meant that the ability to have an assessment and access a range of support varied depending on where the carer lived.

The Care Act gives local authorities a responsibility to assess a carer's need for support, where the carer appears to have such needs. This replaced the law which said the carer must be providing "a substantial amount of care on a regular basis" to qualify for an assessment.

This means more carers are now able to have an assessment. The local authority will assess whether the carer has needs and what those needs may be. This assessment will consider the impact of caring on the carer.

It will also consider the things a carer wants to achieve in their own day-to-day life. It must also consider other important issues, such as whether the carer is able or willing to carry on caring, whether they work or want to work, and whether they want to study or do more socially.

If both the carer and the person they care for agree, a combined assessment of both their needs can be undertaken.

I'm a carer. Am I eligible for support?

When the carer's assessment is complete, the local authority must decide whether the carer's needs are eligible for support from the local authority. This approach is similar to that used for adults with care and support needs.

In the case of carers, eligibility depends on the carer's 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 (which means their established home is in that local authority area)

If there is a charge (as there sometimes may be, as explained below), it has to be accepted by the carer (or the adult being cared for, if it falls to them).

Support planning for carers

The local authority and the carer will agree a support plan, which sets out how the carer's needs will be met. It may be that the best way to meet a carer's needs is to provide care and support directly to the person they care for – for example, by providing replacement care to allow someone to take a break from caring. It's possible to do this as long as the person needing care agrees.

Charging and financial assessment for carers

In most cases, local authorities don't charge for providing support to carers, in recognition of the valuable contribution carers make to their local community. But this is something the local authority can decide.

If supporting a carer involves providing care to the person being cared for and the local authority chooses to charge for that type of care, the authority must carry out a financial assessment of the person who is being cared for.

This is because the care would be provided directly to that adult, and not to the carer. The Act makes it clear that in such cases, the carer cannot be charged.

Personal budgets for carers

Carers should receive a personal budget, which is a statement showing the cost of meeting their needs, as part of their support plan. It will include the amount the carer will pay, if any, and the amount the local authority is going to pay.

Carers have the right to request that the local authority meets some or all of such needs by giving them a direct payment, which will give them control over how their support is provided.

The Care Act and young carers

The Care Act does not deal with the assessment of people under the age of 18 who care for others. However, young carers can be supported under the law relating to children. The Children and Families Act gives young carers (and parent carers) similar rights to assessment as other carers have under the Care Act. From April 2015 the law was changed to make it easier for young carers to get help. A social worker from the local authority must visit and assess any help needed, if this is requested by the carer or his/her parents.

Social workers may be asked to help a young carer's family if there are problems that the family members are finding hard to sort out on their own.

Regulations under the Care Act set out how assessments of adults must be carried out to ensure the needs of the whole family are considered. This could include assessing what an adult needs to enable them to fulfil their parental responsibilities towards their children, or to ensure that young people do not undertake inappropriate caring responsibilities.

To find out more about a carers assessment and support plan please contact your local authority.

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