



CARERS FACT SHEET 1

Legislation important for Carers

The Carers (Recognition and Services) Act 1995 states that carers are:

- Adults (people age 18 or over) who provide, or intend to provide, a substantial amount of care on a regular basis and
- Children and young people (under 18) who provide, or intend to provide, a substantial amount of care on a regular basis

(The Act means a carer who provides a substantial amount of care on a regular basis, and who does not provide that care on the basis of a contract of employment or other arrangement.)

‘Substantial’ is usually defined as those carers who provide care to the extent that they are unable to choose to stop, without the person being cared for being at significant risk. Regular means a significant number of hours to suit the needs of the person being cared for.

In other words, if you are giving someone the support and help he or she needs and are not being paid for it you are a carer. The amount of care that different carers give varies enormously. You may call in on a neighbour at regular intervals to make sure they are OK and do one or two tasks that they can’t manage themselves, or you may be providing complete physical and emotional care for someone who lives with you and is completely unable to help themselves. You may feel that you have to become a carer, or you may do it because you want to (or you may do it for a combination of reasons). Whatever it is that makes you a carer, you are entitled to help and support.

The 1995 Act required that a ‘Carers Assessment Document’ be completed, under the Act, whenever a carer requests an assessment.

The Carers and Disabled Children Act 2000 came into force on 1 April 2001.

The Act states that you are entitled to an assessment of your own needs. You may also be offered caring services in your own right.

You have the right to request the Social Services Department to carry out an interview, or a series of interviews, with you to see what help you may need.

- It gives carers the right to their own assessment even when the person they care for refuses any outside assistance
- It gives carers the right to receive direct services themselves



- It provides for payments to be made to carers so they can buy their own support (see Direct Payments) and this provides greater choice and flexibility for carers
- It provides for vouchers to be given to carers so that they can arrange their care at a time of their choosing – but these are not available in every area.
- It provides for parents of children with 'special needs' to receive Direct Payments throughout that child's upbringing until they are 18 years old (subject to the child meeting the current assessment of need criteria)
- It provides for payments to be made in lieu of services to disabled children aged 16 or 17.

However, the Act also gives local authorities the power to charge carers for services that are delivered directly to them. You should ask at your local social services office about any charges before you commit yourself to receive any service.

The Carers (Equal Opportunities) Act received Royal Assent on 22 July 2004.

The Act will ensure that carers are able to take up opportunities which those without caring responsibilities take for granted.

The Act builds on existing carers legislation and Government support for carers.

It will:

- Ensure that all carers know that they are entitled to an assessment of their needs;
- Place a duty on councils to consider a carers outside interests (work, study or leisure) when carrying out an assessment; and
- Promote better joint working between councils and the health service to ensure support for carers is delivered in a coherent manner.

Health Minister Stephen Ladyman, said: "Support for carers must revolve around ensuring they are able to make choices as individuals. The Carers (Equal Opportunities) Act will provide a firm foundation for better practice by councils and the health service. It provides councils with the appropriate levers to promote better joint working and cooperation. This will mean less duplication of work by social services and more focus on the needs of individual carers. It will deliver real and concrete changes for carers by placing a duty on councils to inform carers of their existing rights and extend those rights to consider the carers wish to combine normal everyday activities like work and hobbies with caring."



Main clauses contained within the Carers (Equal Opportunities) Act 2004:

Clause 1 (Duty to inform carers of right to an assessment)

Clause 1 introduces new provisions into the Carers (Recognition and Services) Act 1995 and the Carers and Disabled Children Act 2000.

It will ensure that carers are made aware of their right to an assessment. Assessments are often the first step to support and services for carers. Knowing about the assessment process is key to ensuring that carers are getting information in a more consistent way and at an appropriate time. In addition, despite the wealth of best practice information and guidance some carers remain unaware of their rights.

Clause 2 (Assessment of carers)

This expands assessments under the 1995 and 2000 Acts by requiring councils to consider the carers wishes - to work, undertake any education, training or leisure activities. Carers will have the opportunity to discuss alternative care services and highlight the importance of equality of opportunity for all aspects of life. Councils should then take into account the outcome of such holistic assessments when providing services.

Clause 3 (Co-operation between authorities)

Makes provision for consideration of carers in the planning process, as well as providing a specific duty to consider assistance in relation to individual carers. It will promote joint working by requiring bodies, including councils and the NHS, to give due consideration to requests for help from a local authority in relation to planning and the provision of services that might assist individual carers to care and to continue to care.

This came into force in April 2005.