

# The Care Act

## Caring for the Carers in a Nutshell

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# The Care Act

# The law for Carers

"At last, Carers will be given the same recognition, respect and parity of esteem with those they support....  
....Now we have a **once in a lifetime opportunity** to be truly acknowledged and valued as expert partners in care"

Dame Philippa Russell, Chair of Standing Commission on Carers

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# The Care Act

# The law for Carers

For the first time, Carers will be recognised in the law in the same way as those they care for.

Carers have legal rights to assessments and support.

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## Who is a Carer?

Someone who provides unpaid care and support for another person in their day-to-day life.

The Care Act relates mostly to people over 18 however young Carers are included in the act, they must be considered and not simply left to Children's services.

The Act has new rules about Carers of children and the move to adult care and support.

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## Why do we need to change the law?

The existing law treats carers differently from the people they care for.

It mixes up rights for Carers of different ages.

It is complicated.

It makes it difficult for Carers to understand how to get support themselves.

Ultimately Carers do not have a legal right to support.

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# What does the Care Act do?

Gives local authorities a **responsibility to assess** a Carer's needs for support where the Carer **appears** to have such needs.

This will mean more Carers are able to have an assessment.

The assessment must consider:

- The impact of caring on the Carer

- The things the Carer wants to achieve day-to-day

- Whether the Carer is willing or able to carry on caring

- Whether they work or want to work

- Whether they want to study or do more socially.

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## Eligibility

Depends on the Carer's situation.

Carers can be eligible for support whether or not the adult for whom they care has eligible needs.

The Carer must be providing 'necessary' care.

Consider whether the Carer's physical or mental health deteriorating or at risk of doing so, or whether the Carer is unable to achieve any of a list of outcomes. If being unable to achieve any of these outcomes results in, or is likely to result in, a significant impact to their wellbeing, then the Carer will have eligible needs met.

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## Eligibility Outcomes

Carrying out any caring responsibilities the Carer has for a child.

Providing care to other persons for whom the Carer provides care.

Maintaining a habitable home environment.

Managing and maintaining nutrition.

Developing and maintaining family or other significant personal relationships.

Engaging in work, training, education or volunteering.

Making use of necessary facilities or services in the local community.

Engaging in recreational activities.

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## Carers Needs

Local authorities will have to consider whether the Carer's needs and their inability to achieve the outcomes will have an important, consequential effect on their daily lives, their independence and their own wellbeing.

In making this judgment, local authorities should look to understand the Carer's needs in the context of what is important to them. The impact of needs may effect different Carers differently, because what is important to the individual's wellbeing may not be the same in all cases. Circumstances which create a significant impact on the wellbeing of one individual may not have the same effect on another.

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## After eligibility determination

If there are no eligible needs, information and advice must be provided to help prevent or delay the development of needs in the future.

If there are eligible needs, agree with the Carer which of their needs they would like to be met.

Consider how the local authority may meet those needs.

Establish whether the Carer meets the ordinary residence requirement.

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# Charging

Where the local authority is meeting the needs of a Carer by providing a service directly to a Carer it has the power to charge for the service.

However, a local authority **must not** charge a Carer for care and support provided directly to the person they care for under any circumstances.

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# Prevention

Carers play a significant role in preventing the needs for care and support for the people they care for, which is why it is important that local authorities consider preventing Carers from developing for care and support themselves.

The duty to prevent Carers from developing needs for support is distinct from the duty to meet their eligible needs.

Local authorities cannot fulfil their universal prevention duty simply by meeting eligible needs, and nor would universal preventative services always be an appropriate way of meeting Carers' eligible needs.

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