

# **CARERS POLICY**

## *Name of Acts*

### **1. What is this policy about?**

Luton Borough Council recognises and values the work done by informal carers and needs to know who they are in order to offer support. We aim to support carers by focusing on their needs and wishes. By doing this we believe we will also be supporting the person they are caring for. We aim to help carers who are willing and able to continue giving care, to do so and at the same time maintaining their own health and well-being. This will include helping carers to realise their own wishes in such areas as employment, training, education and leisure.

### **2. Background**

*Carers (recognition and services Act) 1995*

The Carers (recognition and services) Act was the first Act of Parliament that recognised the contribution unpaid carers made to society. It enabled carers to request a carer's assessment from the local authority.

*Carers and Disabled Children Act 2000*

The Carers and Disabled Children Act 2000 came into force on 1 April 2001 and gave local councils the power to supply certain services direct to carers following assessment.

The Act also gave a right to carers to request an assessment for themselves even where the person cared for had refused an assessment for, or the provision of, community care services.

*Carers (Equal Opportunities) Act 2004*

The Carers (Equal Opportunities) Act 2004 will come into force on 1 April 2005 and builds on existing carers legislation and Government support for carers. In short, 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.

## **2. Who is a Carer?**

A carer is someone who looks after a relative or friend who needs help to carry on living at home. The relative or friend may need support because they are frail, have a physical or learning disability, or because they have a mental illness. Carers do not have to live with the person they are helping. They do not need to live in Luton, but the person they are helping must do so. A carer may themselves have care needs and could be getting care help.

- 2.1** Young carers are children or young persons under 18 who provide or intend to provide, care, assistance or support to another family member. They carry out, often on a regular basis, significant or substantial caring tasks and assume a level of responsibility, which would usually be associated with an adult.

The person receiving the care is often a parent but can be a sibling, grandparent or other relative who is disabled, has some chronic illness, mental health problem or other condition connected with a need for care, support or supervision.

This policy does not include people who provide care for the following reason:

- They have an employment contract (or any other contract)
- They are volunteers providing care as part of their work for a voluntary organisation

- They are a Foster Carer

### 3. Who has the right to an assessment?

- 3.1 There are two main factors to consider when deciding if someone has a right to a carer's assessment. Firstly, he/she must be offering care and support to another person who has a right to get a community care service under Luton's Fair Access to Care guidelines (usually referred to as eligibility criteria).
- 3.2 Secondly, that person must be providing, or intending to provide, **substantial care on a regular basis**. If both of these factors are met then the council must offer a carer's assessment.
- 3.3 If the person who is being cared for refuses an assessment or service for him/herself, the carer should be offered a separate carer's assessment.
- 3.4 Young carers under the age of 16 will be seen as *children in need* under the Children Act 1989, and young carers over the age of 16 will *in exceptional circumstances* be assessed under the Carers and Disabled Children Act 2000. Please see Young Carers Policy and Procedures.
- 3.5 Parents of disabled children will usually receive an assessment and services for their family in line with Section 17 of the Children Act 1989. The assessment of carers who look after their disabled children should follow the guidance of this Act.

### 4. What can an assessment offer?

A carer's assessment is carried out in order:

- To decide whether the carer has a right to get help
- To find out what would help the carer in the caring

role to maintain their own health and well-being (his/her support needs)

- To see if these support needs can be met by Social Services or other organisations
- To identify the carer's wishes concerning employment, training, education, leisure activities

**5. What do we mean by 'substantial care on a regular basis'?**

Trying to work out what 'substantial care on a regular basis' means will depend upon individual circumstances. In each situation the assessment should look at how the carer is affected by the amount of care they give, that is the impact it has on them. The carer, together with the Social Worker, will need to decide if their caring role can be continued over a long period of time. They will also need to decide if there is a danger that the carer won't be able to carry on caring because they don't get enough of the right sort of help. The number of hours a carer gives is not the only factor in deciding whether someone has a right to an assessment. Giving vital help to another person for just an hour each week may have a huge impact on the life of a carer.

**6. Qualifying for a carer's service**

If the person getting care has a right to a community care package, and the carer is offering substantial and regular care, and the carer's assessment identifies that the role of caring has a detrimental impact on the carer's life, then the carer maybe offered a service to meet their own needs whether or not the person eligible for the community care package wishes to receive care or not.

**7. Who should carry out a carer's assessment?**

In most cases the same person can carry out the assessment of both the carer and the service user. There will be some exceptions.

**8. Direct payments (Cash Payment for Carer)**

Only services or goods clearly identified as a need through a carer's assessment can be supplied to a carer. If such a need has been identified, carers may choose to have a cash payment to purchase the goods or services themselves.

If a child is disabled then his/her parent can receive a direct payment for ***a child in need*** service.

**9. Charging policy**

Luton Borough Council makes a charge for some services provided directly to persons over the age of 18 who are being cared for.

At present there are no charges for services supplied to a carer under the Carers Act, or when the purpose of the service is to give the carer a break (e.g. sitting services) or for services for children and families.

**10. Policy review**

The Senior Management Team will review this policy within 6 months alongside comments from carers.