

Appendix 1: New Duties to Carers Arising from the Care Act 2014

1. New duties to carers arising from the Care Act

Adults and Safeguarding Committee have previously received reports on new duties for Carers arising from the Care Act.

The duties to carers are covered throughout the Care Act. In this Appendix various sections of the Act have been highlighted to demonstrate the changes and impact for carers. It is not an exhaustive list of all the duties. These duties build on the previous duties to carers contained in the social care legislation that the Care Act takes the place of. The new duties have been built into the following policies:

- Prevention Policy
- Information, Advice and Advocacy Policy
- Assessment and Eligibility Policy (Carers)

2. Wellbeing

There is a general duty to promote an individual's well-being (for all adults including carers). The "well-being principle", relates to:

- (a) personal dignity (including treatment of the individual with respect);
- (b) physical and mental health and emotional well-being;
- (c) protection from abuse and neglect;
- (d) control by the individual over day-to-day life (including over care and support, or support, provided to the individual and the way in which it is provided);
- (e) participation in work, education, training or recreation;
- (f) social and economic well-being;
- (g) domestic, family and personal relationships;
- (h) suitability of living accommodation;
- (i) the individual's contribution to society.

3. Preventing, reducing or delaying needs

The local authority must provide or arrange for the provision of services, facilities or resources, or take other steps to help prevent or delay the development of needs for support and reduce the needs for support of carers in its area.

In performing that duty, a local authority must have regard to the importance of identifying carers in the authority's area with needs for support which are not being met (by the authority or otherwise).

4. Information and Advice

A local authority must establish and maintain a service for providing people in its area with information and advice relating to care and support for adults and support for carers.

Barnet Council has recently awarded a contract to start on 1 April 2015 which specifically addresses carer's information and advice provision. In addition, there will be a new online directory with an updated carer's section.

5. Assessment and eligibility

The duty for local authorities to undertake a carer's assessment will be 'on the appearance of need', which is similar to that for the people they care for. This removes the existing requirement that the carer must be providing "a substantial amount of care on a regular basis", and that it is based on whether the person they are caring for qualifies for support. The carer's assessment will look at the impact of the caring role on the carer.

The Local Authority must consider whether the carer will be entitled to support if they meet all three following conditions:

- The needs arise as a consequence of providing necessary care for an adult;
- The effect of the carer's needs is that any of the circumstances specified in the Eligibility Regulations apply to the carer; and
- As a consequence of that fact there is, or there is likely to be, a significant impact on the carer's wellbeing.

This is known as the national eligibility threshold for carers. Therefore, if the carer fulfils each of these stages in the decision making process, a carer will be entitled to support for themselves. This is not dependent on the eligibility of the person they are caring for.

The Care Act promotes a 'whole family approach', and so the Local Authority must identify any children who are involved in providing care and should be considering parental responsibilities when carrying out an assessment for an adult. Identification of a young carer in the family should result in an offer of a needs assessment for the adult requiring care and support and, where appropriate, the local authority must consider whether the child or young carer should be referred for a young carer's assessment or a needs assessment under the Children Act 1989, or a young carer's assessment under section 63 of the Care Act.

6. Independent Advocacy

Local authorities must arrange an independent advocate to facilitate the involvement at any stage: from the first point of contact, during an assessment and development of a care and support plan and its review if two conditions are met:

- The person has substantial difficulty in being fully involved in these processes.
- There is no one appropriate available to support and represent the person's wishes.

This applies to carers, as well as adults in need. It also applies when there is a child's carer's assessment and a young carer's assessment.

7. Support Planning

The carer will be entitled to support if their assessed needs meet the eligibility threshold and the person they care for is an Ordinary Resident of Barnet. This means that the carer may be living outside of Barnet.

For the first time, carers are entitled to receive services in their own right, as well as the adult in need, and the Local Authority must provide a support plan where they are required to meet the needs under Section 18 or Section 20 of the Care Act. 'Meeting needs' is a broad duty which enables the Local Authority to move beyond providing or arranging a particular service, to encourage a personalised and creative approach in meeting needs. This will include consideration of universal and prevention services, and other information and advice.

8. Transition to adult social care and support

The Care Act 2014 contains provisions to help preparation for adulthood for three particular groups of people, children, young carers and child's carers. Transition assessments should take place at the right time for the young person or carer and transition assessments must be carried out by the local authority when there is significant benefit to the young person or carer in doing so, and if they are likely to have needs for care or support after turning 18.