

CARERS ASSESSMENTS AND CARERS PLANS

LEGISLATION

Carers (Equal Opportunities) Act 2004
Carers and Disabled Children Act 2000
Carers (Recognition and Services) Act 1995
Policy Guidance and Practice Guidance, Department of Health 1996, 2001 and 2005
National Service Framework for Mental Health – Standard 6
“A Practitioners Guide to Carers Assessments” – Department of Health 2002

Definition:

CARERS look after family, partners or friends in need of help because they are ill, frail or have a disability. The care they provide is unpaid.

1. Most carers’ assessments take place under the Carers (Recognition and Services) Act 1995. The carers own needs are addressed as a distinct element of the users assessment. The assessment is to establish what support a carer needs to continue to care and to allow the carer to have a private discussion with the assessor and a chance to consider his or her own needs.

If the user is unwilling or unable to have their needs assessed, a Carers Assessment can be undertaken independently under the Carers and Disabled Children Act 2000.

2. **Carers (Recognition and Services) Act 1995**

- 2.1 Where a local authority is carrying out an assessment of the needs of a user **AND** a carer provides or intends to provide a substantial amount of care on a regular basis;

The carer may request that the local authority assesses his/her ability to provide and continue to care. The local authority **must** take the results of that assessment into account in deciding about service provision to the user.

- 2.2 The Act applies to carers of all ages and includes parents of children with disabilities. It also includes children/young people who are carers. It **EXCLUDES** paid care workers and volunteers.

- 2.3 The carer does not have to live in the same household and does not have to be a family member – for example, a neighbour can be a carer.

3. **Carers and Disabled Children Act 2000**

- 3.1 Carers over the age of 16 who care for an adult can ask for an assessment of their own needs, even when the person they care for does not want to be assessed.

- 3.2 Local authorities **may** provide Carers with services in their own right. This can be anything which the local authority considers will be effective in supporting Carers (see Procedure SI 25).

3.3 Local authorities can provide Carer Break Vouchers so that there is more freedom to decide where and when to take a break (see Procedure SI 28).

3.4 Carers are able to receive direct payments for **their own** services. This includes Parent Carers and Carers over the age of 16. Carers **cannot** receive direct payments for services to meet the community care needs of the person they care for.

4. Carers (Equal Opportunities) Act 2004

4.1 Clause 1 means that Local Authorities have a legal **duty** to inform carers of their right to a carers assessment.

4.2 Clause 2 amends earlier carers' legislation so that carers assessments **must** include consideration of whether the carer works, or wishes to work, and is undertaking or wishes to undertake, education, training or any leisure activity. The conclusions of this **must** be considered when deciding what services it is necessary to provide.

4.3 Clause 3 states that if the local authority requests another authority to plan services, that authority **must** give that request due consideration. The local authority can request any relevant authority to provide a range of services to support the individual carer or user. Relevant authorities include Primary Care Trusts and NHS Trusts and housing authorities.

5. Young Carers

5.1 The statutory policy guidance for the Carers (Equal Opportunities) Act says:

“As a fundamental principle, it should not be assumed that children should take on similar levels of caring responsibilities as adults. Services should be provided to parents to enhance their ability to fulfil their parenting responsibilities. There may be differences of view between children and parents about appropriate levels of care. Such differences may be out in the open or concealed. The resolution of such tensions will require good quality joint work between adult and children's social care services as well as co-operation from schools and health care workers. This work should include direct work with the young carer to understand his or her perspective and opinions. The young person who is a primary carer of his or her parent may have a good understanding of the family's functioning and needs which should be incorporated into the assessment.”

- (see Procedure on Young Carers SI 27).

6. Consulting Carers Outside of Carers Assessment

6.1 The Community Care Directions 2004 require:

- that an appropriate range of information is given to carers, even where they do not take up carers assessments
- a refusal of the offer of a carers assessment must not be used as a reason to exclude a carer from care planning.

- 6.2 How to involve carers within care planning for the service users is described in Procedure CM 1.
7. **National Service – Framework for Mental Health Standard 6 – “Caring for Carers”**
- 7.1 Standard 6 of the framework requires that all individuals who provide regular and substantial care for a person who has had a Community Programme Assessment (CPA) should:
- have an assessment of their own caring, physical and mental health needs, repeated on at least an annual basis;
 - have their own written care plan which is given to them and implemented in discussion with them.
- 7.2 Standard 6 affects Young Carers as well as Adult Carers of people with mental health problems. Where the carer is under 18 discussions with Children’s Services are essential. A child or young person involved in a CPA case should normally be regarded as a Young Carer.

8. **POLICY CONTEXT**

- 8.1 Surrey County Council’s Action for Equality Policy states:

“in providing services, equality involves:

- providing fairness and equality of opportunity
- recognising that everyone is different and that these differences must be equally respected, and
- challenging discrimination so that we demonstrate our commitments to equality and do not exclude people or make them feel isolated.

We are fully committed to tackling all forms of unlawful or unfair discrimination including those on the grounds of: age, asylum or refugee status, caring responsibilities, class, colour, disability (including physical, sensory impairment, mental health problems or learning disability), ethnic or national origin (including Travellers), gender reassignment, HIV status, language, marital status, nationality (including citizenship), part-time working, race, religion, sex, sexuality or trade union membership.”

- 8.2 Carers Plans have been developed as good practice to record the outcome of the Carers Assessment. There is a duty to give the carer such a record, although how this is done is not specified by Government.
- 8.3 The General Social Care Council’s code of practice for social care professionals says that staff must protect the rights of carers and promote their interests; promote equal opportunities for carers and respect diversity and different cultures and values.

- 8.4 Decisions about the provision of services arising from the carers assessment need to be informed by the Service's eligibility criteria. These recognise risk to carers as well as service users.

Initially the assessed risk in any particular case needs to be considered in relation to user only ie. what would be the risk to the user's care or living arrangements be if the carer was not present. If this level of risk suggests there are eligible needs, the assessor should then consider what part of the needs it is necessary for the County Council to meet. Support which the carer is **willing or able** to provide does not have to be met. If the carer does not want to or is unable to meet an eligible need, this is a need which has to be addressed by the County Council.

Where a carer has **eligible** needs in their own right, the County Council has to meet these needs just as we would for a service user. The provision of such support is not dependent on whether "carers money" is available. An eligibility decision must be made before the need to provide a service is determined. This decision should be communicated to the person being assessed. It will be unlawful to refuse to consider carers eligible needs in relation to work, education/training or leisure simply on the grounds that a particular budget has been spent. It is however lawful to come to this conclusion and decline a service where the assessed needs are not eligible needs.

9. BACKGROUND (TO ASSESSMENT PROCESSES)

- 9.1 All caring situations are unique and, as such, are influenced by personal and family lifestyles, relationships, religions and cultural factors. Assessments should take account of the cultural context and relationship within which caring takes place.
- 9.2 All staff who undertake assessments of users should offer a carers assessment to a carer. This includes Advisory Officers, Occupational Therapists, Social Workers, Care Managers, Community Support Workers ie. anyone at any stage of the assessment and review process.
- 9.3 Carers should be offered the choice of a joint or separate assessment according to their preference. A joint assessment takes place in the presence of the service user and a separate assessment takes place at a different time and/or in a different place.
- 9.4 The purpose of the assessment is to establish (as part of the wider assessment) the ability of the carer to provide and to continue to provide care, if this is their wish. It is also to look at the carer's own needs and safeguard the carer's welfare. The outcome of this assessment then informs the assessment of the user's needs and care plan.
- 9.5 A carer may still have a carers assessment in their own right if the user refuses an assessment or is unable to be assessed for any other reason.
- 9.6 Where the carer chooses a private discussion for their assessment they will need to be assured about confidentiality. It will always be important to reach agreement about how the results of such discussions will be shared with the user.
- 9.7 When seeking information from a carer at the initial stage it is clearly not helpful to simply ask "can you cope". Like all people, carers may not wish to openly state that

they can not manage (which has overtones of "failure"). Ascertain who does what in the household. The collection of this information enables the assessor to consider the IMPACT of their caring responsibilities on the carer. This impact influences their ability to continue to care. The impact of caring may be influenced by the age, health and emotional state of the carer as well as the level of tasks undertaken.

- 9.8 In assessing the carer's ability to care or continue to care, assessors must not assume a willingness by the carer to continue caring, or to continue to provide the same level of support. Assumptions must also not be made that carers will give up work to care.
- 9.9 Guidance issued under the Carers and Disabled Children Act says Local Authorities should take account of Carers' needs in relation to work within the Carer's Assessment. It should not be assumed that a carer will give up work in order to care and options around training and work should be discussed with the carer where he/she wishes.

10. PROCEDURE

- 10.1 The assessment of the carers needs takes place as part of standard care management or CPA assessment process (or as part of an assessment under the Children Act in the case of Young Carers).

10.2 Information for Carers

All teams will have a supply of the leaflet "Looking After Someone". This gives details of a carers right to request an assessment and details of relevant local carers support. This leaflet must be given to all carers who make contact with our service, irrespective of their level of need or risk, and also to users who indicate that there is an active involvement of a carer. As well as giving essential information to the carer giving this leaflet fulfils our legal duty to advise carers of their right to request an assessment. The file/case notes should record that the leaflet has been given.

- 10.3 Where English is not the carer's (or user's) first language, consider involving an interpretation service – W.I.T.S. Link Line 01483 750548.

A Department of Health leaflet "A Carers Guide to Assessment" is available in Vietnamese, Urdu, Turkish, Somali, Punjabi, Gujarati, Greek, Chinese, Bengali and Arabic and can be downloaded from www.carersnet.org.uk. (see carers information – ethnic minority carers).

At the start of the assessment, ascertain whether there are any language, communication and comprehension difficulties. There are a range of communication methods, including British Sign Language, Palantype and Deaf, Blind Manual and these and others should be considered. Assessors should involve appropriate personnel which may include the use of interpreters and/or signers when necessary.

10.4 Initial Assessment

The initial assessment is undertaken using form SS622. This is normally undertaken by phone but the person being "assessed" **must** be told that this is what is happening at the start of the conversation. Also check that the Carer is aware of the right to an assessment under the act if providing regular and substantial care. It is the responsibility of the assessor or their line manager to make a judgement whether it would be more

appropriate to carry out this stage of the assessment face to face. Requests for a face to face meeting by a user or carer should always be considered sympathetically and acceded to unless there is a good reason not to do so.

10.5 **Recording on SWIFT**

Carers must be recorded on SWIFT at both Initial Assessment stage and when a Carer's assessment is offered and undertaken (see SWIFT Procedures and "Recording Carers Information" available via S-Net).

10.6 **Carers Assessment**

The Carer's views must be recorded by the assessor using form SS626A. The assessment should be undertaken **through discussion** with the carer either privately or with the user, whichever is the Carer's wish. ***It is not acceptable to simply post the form to the carer or leave it with them without any guidance.***

The 24 Hour Diary form SS626b is available as a tool to help carers focus on the demands placed on them. It can also provide useful evidence of the impact of caring.

The Carers Assessment and a Carers Plan recording the outcomes of the assessment must be agreed with the carer. Community Care Teams can generate these via SWIFT. The format for the Carers Plan is also available as SS 623.

10.7 Form SS201 is used to undertake Community Programme Approach Assessments and the resultant plan for the carer is recorded on SS202.

10.8 **Young Carers**

An assessment of Young Carers as children in need will be undertaken through The Children's Services Children Act assessment procedures – Form SS200 is available for recording the Young Carers Needs (see procedure SI 27). To facilitate this a referral to Children's Services should normally be made where the disability or illness of an adult in the household has a significant impact on the child or young person. A referral to Surrey Young Carers Project should also be made. However, Community Care assessments **must** ensure that children and young people are not left with unreasonable levels of caring responsibilities. It is the responsibility of Adult and Community Care Services to provide the support that prevents this being the case. Services should be (subject to the eligibility policy) provided to disabled adults to enhance their ability to fulfil their parenting responsibilities.

10.9 **Discharge Planning**

Reference in the Carers (Recognition and Services) Act to carers who "intend" to care is specifically designed to ensure carers assessments are undertaken as part of the hospital discharge process.

10.10 **Re-assessment**

A re-assessment takes place when a material change in circumstance occurs. This includes a change in the carers circumstances which affects their ability to care.

10.11 **Carer Break Vouchers and Direct Payments** – a range of flexible outcomes can be achieved – see procedure SI 28 "Carers Break Vouchers" and SI 26 "Direct Payments and Carers."

11. Costs

- 11.1 The cost of services provided after a Carer's assessment will need to be met from the budget for the user's 'client group' because the carer normally gets support within the package of care for the user.
- 11.2 Carers are not charged for provided directly to them services and the carers income is not taken into account when assessing the charge to be made to the service user.
- 11.3 If young carers receive services as Children in Need (sect. 17 Children Act 1989) they become users in their own right and the appropriate Children's Services budget would meet the costs. Determining whether a young carer needs support within the user's package of care or under Children Act provisions needs careful professional assessment and discussion with the young person and their family. Liaison between Adult and Children's staff is essential when a child or young person is caring for an adult.
- 11.4 Where a Carer looks after a person in a different geographical or local authority area, financial responsibility rests with the area where the user lives (para. 26 Carers & Disabled Children Act practice guidance).

12. Reviews

- 12.1 Carers should be involved in all reviews. Where the carer has not previously had a "Carers Assessment" they are entitled to request this as part of the next review and should be offered an assessment.
- 12.2 At every review of a user's care plan, a review of the Carers Plan/needs should also be undertaken. It should not be assumed that a carer is still able or willing to continue to provide the same level or nature of care, or that their own circumstances have not changed.
- 12.3 When carrying out a review of carers needs they should be given the opportunity to say whether they would like more control over how their services are provided – particularly by way of Direct Payments.

LEVEL OF DECISION

- 13. This section will be added once a combined review of this procedure and CM 1 (Care Management Procedures) has been undertaken.

USEFUL REFERENCES

- 14. For further guidance see "**A Practitioners Guide to Carers Assessments under the Carers and Disabled Children Act**" – Department of Health 2000. (Copy attached)

FORMS

SS626A for adult Carers of adults

SS626B Carers Assessment 24 hour Diary

SS623 Carers Plan

SS200 for Young Carers

SS201 for CPA Assessments (Mental Health)

SS202 CPA Carers Plan – produced as a result of the Carers Assessment