

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.

Carers and Disabled Children Act 2000 & Carers (Equal Opportunities) Act 2004

**Carers UK's response to the combined draft policy guidance
March 2005**

Introduction

1.1 Carers UK welcomes the opportunity to respond to the draft guidance. Carers UK is an organisation of carers, run by carers and it is from their views and experiences that our response is drawn. Our national freephone helpline, CarersLine, responds to over 20,000 enquiries per year from carers and professionals and Carers UK has a network of around 120 Branches. We have welcomed the dialogue with the Department of Health prior to and during the passage of the Act.

Policy guidance

- 2.1 Carers UK welcomes the fact that the policy guidance is issued under Section 7 of the Local Government Act 1970 as this is important in ensuring that the provisions of the Act are adhered to.
- 2.2 The guidance on the Carers and Disabled Children Act 2000 was exceptionally good. Although we were surprised that this new guidance is combined with existing guidance on the 2000 Act, we welcome this. We share the concern of central government that the amount of guidance to local authorities should be streamlined. However, much of the 'new' guidance in fact relates to existing legislation. Carers UK is concerned that there is a need to address more fully the very discreet issues raised in the new Act.
- 2.3 Carers UK would like to see the Carers (Recognition & Services) Act 1995 prominently referred to early in the policy guidance to remind LAs of their statutory duties in respect of assessing carers ability to provide care, informing decisions concerning community care packages which will have benefits for carers and further emphasising the responsibility to not confuse provision for the disabled person with carers services.

Duty to inform

3.1 Carers UK is concerned that little is said in the guidance in relation to 'the duty to inform' – save only to repeat the phrasing of the Act. For example, it would be helpful for the guidance to indicate that the duty is only satisfied when the carer is informed of their right within a certain

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time frame, and more immediately where it appears to the LA that the needs are urgent or the person cared for refuses to be assessed.

- 3.2 At para 21 it states 'local authorities may consider developing an information strategy to help ensure that carers are getting information about their rights in a consistent way'. As this is outlined in the Carers Strategy, we would urge that the word 'may' is replaced by 'should'. It is our view that it is crucial to the implementation of the Act that local authorities develop an information strategy for carers. Indeed the guidance on the Community Care Assessment Directions 2004 (LAC (2004) 25) – which preceded this new statutory duty to inform – stated (at para 2.6) that:

Local authorities should continue to ensure that up to date and appropriate information on the range of support, entitlements and assistance available for carers is accessible in a variety of formats. This information should be offered to all carers, irrespective of whether the carer receives an assessment.

This should be further stressed in the present policy guidance now that a statutory duty to inform has come into being. Undoubtedly, the best local authorities will already have such a strategy in place (and Carers UK has many examples which we could share), designed to identify and reach out to hidden carers. If practice guidance can give some examples of how this might be done effectively, yet in a cost efficient manner, it may be that some local authorities will be persuaded to develop an information strategy following consideration.

Employment, education, training and leisure

- 4.1 Carers UK is concerned that the 2004 Act's requirements in relation to employment, education, training, and leisure are only partly addressed in the policy guidance.
- 4.2 Paras 21 and 22 make it clear that Section 3 of the Act, which gives social services the power to call on the help of other public authorities in providing support to carers, applies on both a strategic level and at an individual level, and that partnership working is vital. Carers UK welcomes these points, and is already aware of some good practice authorities which, at a strategic level, have developed a multi-agency strategy with many successes.
- 4.4 Carers UK would like to see the guidance encourage Local Authorities to further mainstream carers services in other policy arenas such as Local Strategic Partnerships.
- 4.5 We also welcome that reassessments must cover education, training work

and leisure, and the recommendation that authorities should “conduct a further carer’s assessment where the carer wants his wish to work to be considered, unless the LA is satisfied that it has been taken into account”. The question of whether and how the Act applied to reassessments was one of the most commonly raised questions in the series of seminars Carers UK held around the Act.

- 4.6 Particularly welcome is the statement that black and minority ethnic carers should be a target group.
- 4.7 Carers UK agree that all 'local authorities will need to review, and in some cases, amend their assessment procedures to ensure that they have incorporated issues of work, life-long learning and training'. We note the omission of the requirement to incorporate leisure issues and urge that it is included here in order to ensure the policy guidance properly reflects the duties under the 2004 Act.
- 4.8 Carers UK welcome the encouragement 'to consider flexible and innovative use of services which would help minimise the impact of the caring role on the carer's own life' (para 38). However, we would like the guidance to assert more clearly that this includes developing services which help ensure carers can fulfil their own aspirations in relation to education and training, leisure, and work.
- 4.9 We welcome, and recognise the importance of, the need to consult with community care and carers' service users on the timing and nature of any services provided. It is critical that this point is strengthened in the practice guidance with examples.
- 4.10 Also, Carers UK would like to see the policy guidance indicate that implementing the 2004 Act will entail close monitoring and regular audits of support services, looking at how far they allow carers to participate in leisure, learning and employment.
- 4.11 Furthermore, it is our view that effective implementation of the 2004 Act will entail training for social services staff. The training should aim to ensure front-line staff are best prepared to work in partnership with carers on identifying opportunities for learning, leisure and work, and are able to access appropriate information networks and other programmes provided by other agencies. Without such training it is our view that good practice will remain confined to those local authorities already working within an equalities framework which includes carers, recognising and supporting their rights to a normal life outside of caring.

Direct payments

- 5.1 Direct Payments were identified during Carers UK’s seminars as a good

way of using the Act. However, the DP section makes no clear link with how they can be used in regard to the new Act. Some examples related to education, work, and leisure would be welcome (in addition to the examples given, unchanged from the 2000 Guidance).

Policy context

- 6.1 Carers UK is concerned that the policy guidance does not seem to have been placed in the context of other initiatives such as the Carers Strategy, Improving Life Chances for Disabled People, and the department's own report on Carers and Employment. Carers UK would like to see the policy context explained in the guidance, including reference to the recent Social Exclusion Unit publication¹ that noted that the social exclusion strategy had failed in respect of 'people with physical or mental disabilities or chronic health problems, together with their carers'. The policy guidance should explain that section 2 is part of the Government's comprehensive agenda aimed at tackling social exclusion and that the local authority response should also be 'joined up' – involving cross cutting initiatives and link into the information strategy in section 1.
- 6.2 Also, given the poor availability of affordable and appropriate childcare for parents of disabled children, we feel it would be helpful to local authorities if the guidance drew attention to the Government's Ten Year Childcare Strategy.

The NHS obligation

- 7.1 Clause 5 of the original Bill required PCTs to promote the health and well being of carers. This was withdrawn upon an undertaking by the Minister to issue directions to 'include provision for carers in their [ie PCTs] local development plans' (under s28 Health Act 1999). Unfortunately the Government then changed its mind – but the Minister did undertake to 'better deliver on the promise' by 'pursuing alternatives' including 'that PCTs will have to consult and take into account the health needs of carers through developmental support'. Carers UK believes that the policy guidance could have been one mechanism for ensuring the health needs of carers are taken into account. There needs to be a specific statement concerning the importance of PCTs developing carer policies. The present policy guidance could be expressed as applying to the NHS.

Conclusion

- 8.1 Although this represents Carers UK's response to the guidance, we would also like to stress the importance of providing additional funding for this new piece of legislation. Carers UK is concerned that carers will not see the benefits of the legislation if there is no additional funding linked to its

¹ *Breaking the Cycle: Taking stock of progress and priorities for the future. A report by the Social Exclusion Unit* Sept 2004, Office of the Deputy Prime Minister, London: para 1.61.

implementation. We do, however, welcome the announcement confirming the continuation of the Carers Grant, and at an increased level, until at least 2008.