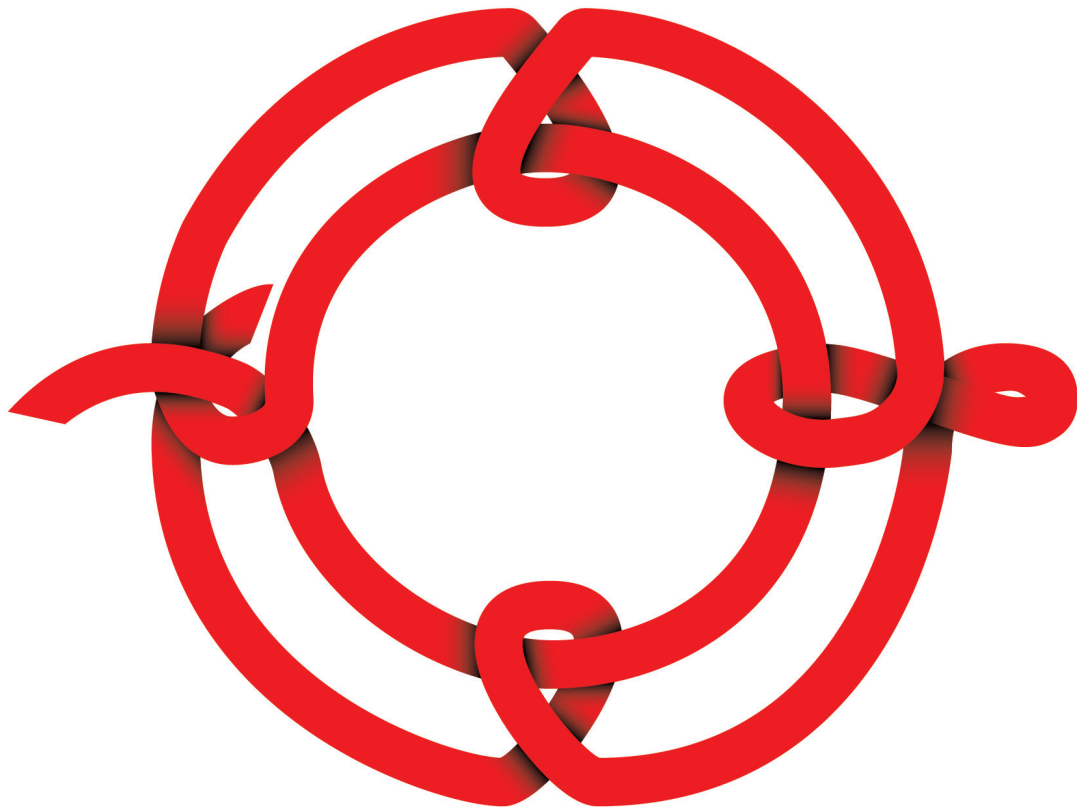


Assessments and the Care Act

Getting help in England from April 2015



This factsheet contains information about the new system of care and support that came into place in England on 1 April 2015.

The Care Act 2014 and the Children and Families Act 2014 strengthen the rights and recognition of carers in the social care system, and came into effect in April 2015.

New rights entitle carers and the people they care for to a clear right to an assessment of their needs regardless of their income and finances or their level of need. Young carers and the parents of disabled children are also included in the new system.

The benefit of having an assessment is that it will identify care and support needs and provide information and advice about services aimed at meeting those needs.

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Stage 1: Assessing your support needs

What is a carer's assessment?

A carer's assessment is for adult carers of adults (over 18 years) who are disabled, ill or elderly. It is an opportunity to discuss with your local council what support or services you need. The assessment will look at how caring affects your life, including for example, physical, mental and emotional needs, and whether you are able or willing to carry on caring.

Who can have a carer's assessment?

Any carer who appears to have needs for support should be offered an assessment by social services.

As a carer you will be entitled to an assessment regardless of the amount or type of care you provide, your financial means or your level of need for support. You can have an assessment whether or not the person you care for has had a community care assessment/needs assessment, or if the local council have decided they are not eligible for support.

If you and the person you care for agree, a combined assessment of both your needs can be undertaken at the same time.

If you are sharing caring responsibilities with another person, or more than one person, including a child under 18, you can each have a carer's assessment. You don't necessarily have to live with the person you are looking after or be caring full-time to have a carer's assessment. You may be juggling work and care and this is having a big impact on your life.

How do you get a carer's assessment?

As a carer you should be offered an assessment by the local council adult social services department of the person you are looking after. If you have not been offered one, you should contact them by phone, in writing or on-line, and ask for a carer's assessment or for a review of your support plan. If you want to, you can ask for an assessment before you take up your caring role.

How do you prepare for a carer's assessment?

In preparation for your assessment, it is useful to give yourself some time to think about how caring affects you. It's also important to start thinking about any help that would make a difference to you as a carer. This will help when you discuss things that social services have to consider when doing a carer's assessment. For a list of questions which should give you a clear idea of the help you may need, see the appendix on page 26.

Bear in mind that you might not know about all the types of help that could be available, the assessment is to help the council understand what things you are having problems with.

Social services must give you information about the assessment in advance – for example a list of the questions they will ask. They may give you a form to write down your thoughts to these questions before the carer's assessment. Often this is referred to as a self-assessment questionnaire. Alternatively you may find it helpful to write some notes for yourself, and talk to family or friends to help you think about your needs.

How is the carer's assessment carried out?

The law says that all assessments must be carried out in a manner which:

- is appropriate and proportionate to your needs and circumstances
- ensures that you are able to participate effectively in the assessment
- has regard to your choices, wishes and the outcomes you want to achieve
- takes account of the level and severity of your needs

If the assessment involves a meeting, it should be carried out in a convenient and private place, usually at your home or at a council office. Meetings are likely to be part of the process if the person you care for is having an assessment as well. It is your choice about whether the person you care for is present or not. If it helps, you can have a family member, a friend or a Carers Support Worker from a carers organisation with you.

Assessments can be done over the phone or online, but this should only happen if you agree. If you think you can easily express your needs over the phone or online then this method may be the right one for you. Online or telephone assessments are unlikely to ever be appropriate for people who lack capacity or have difficulties with communication.

Your council may carry out a supported self-assessment. This could involve you filling in a self- assessment questionnaire, and then being contacted by the council to discuss what you have written on the form.

In some areas, local organisations may be asked to carry out the assessment, but arrangements should still be made through your local council and they should explain who will carry out the assessment. The assessment should be carried out by a social worker or another trained professional.

The assessment will consider whether or not your caring role impacts on your health or prevents you from achieving outcomes, for example staying in work or having a social life, and what could be done to help you combine these things with caring. It should cover:

- your caring role and how it affects your life and wellbeing
- your health – physical, mental and emotional issues
- your feelings and choices about caring
- work, study, training, leisure
- relationships, social activities and your goals
- housing
- planning for emergencies (such as a Carer Emergency Scheme) – the local council should be able to tell you more about what they can do to help you plan for an emergency

You should be asked about these issues, if not you can raise them yourself. The aim of the assessment is to help you get the support that you need. So it's best to give your honest opinion about your caring role, the care you provide and your feelings about being a carer. Remember to look at the list of questions in the appendix on page 26 of this factsheet.

Independent advocate

The council must provide you with an independent advocate to assist you in the assessment process (and after) if:

- without support you would have 'substantial difficulty' in communicating your wishes, or understanding, retaining and assessing information during the assessment *and*
- there is no other appropriate person who is able and willing to help you

Stage 2 – Looking at whether your needs are eligible for support

How will the local council decide if my needs as a carer are eligible for their support?

The Care Act introduces national rules for deciding who is eligible for care and support. But it will still be for local councils to make the decision about whether or not your needs meet the rules and so whether you have what the law calls eligible needs.

You will meet the eligibility criteria if there is likely to be a significant impact on your wellbeing as a result of you caring for another person. There are three questions the council will have to consider in making their decision:

- Are your needs the result of you providing necessary care?
- Does your caring role have an effect on you?
- Is there, or is there likely to be, a significant impact on your wellbeing?

If the answer to all three questions is yes, then you will have eligible needs. These questions are explained in more detail below.

Are your needs the result of you providing necessary care?

The council could decide that the care you provide is not necessary, that the cared for person could do the things you do themselves. Or they could decide that your needs or problems are the result of something other than your caring role.

Does your caring role have an effect on you?

The effect on you must be either:

- your physical or mental health is at risk of getting worse, *or*
- you are unable to achieve at least one of the following outcomes:
 - look after any children you have responsibilities for
 - provide care to any other person
 - maintain your home in a fit and proper state
 - eat properly and maintain proper nutrition
 - maintain and develop your relationships with family and friends
 - take part in any education, training, work or volunteering you may wish to
 - time for social activities, hobbies etc.

In considering whether or not you can achieve the above outcomes, the law states that the council must take into account any difficulties you have. You will be considered unable to achieve the outcome if you:

- need assistance to achieve the outcome
- can achieve the outcome unaided but experience pain, distress or anxiety
- can achieve the outcome unaided but doing so endangers, or may endanger your or another person's health and safety

Is there, or is there likely to be, a significant impact on your wellbeing?

'Wellbeing' is defined in the Care Act. The definition is very broad and includes things like social and economic wellbeing, personal dignity, control over your day to day life, participation in education, work or social activities, relationships with other people, having suitable accommodation, protection from abuse and neglect.

'Significant' is not defined in law, and so should be given its everyday normal meaning. If you think the effect on you is noticeable or important, this could count as significant.

Although the Care Act does not define what counts as a significant impact on your wellbeing, it does list a number of things that the council must take into account when considering the issue. These are:

- you are best-placed to judge your wellbeing
- your views, wishes, feelings and beliefs should be taken in to account
- the importance of reducing existing needs, and preventing or delaying the development of needs
- decisions should be based on your circumstances, not assumptions about you
- you should be able to participate as fully as possible in decision making
- the needs of the carer and cared for person need to be balanced
- the need to protect people from abuse and neglect
- any restrictions on rights or freedoms should be kept to the minimum possible

If your level of need varies the local council must take this into consideration so that a full picture of your level of need is developed. The reason for the variation is not important, it can be because the condition of the person you care for fluctuates from day to day or week to week, or because you have other responsibilities that can affect you from time to time.

Stage 3 - What help you might get after a decision about your needs

Information and advice

Everyone, including those whose needs are considered not to be eligible for support must receive information and advice from the local council on the following:

- details of the needs that have been identified
- how to access care and support
- the care providers and services they can choose from in their locality
- how to obtain financial advice
- how to raise concerns about safeguarding, ie what to do if you are worried that a vulnerable person is at risk of harm or neglect
- how to access preventative services that could delay or prevent your needs from increasing

If the decision is that you are not eligible for care and support, advice and information may be all you receive from your local council. This advice and information should be relevant to your specific circumstances and the local area you live in. It could for example include information about a local carers support service.

Support plan

If your local council decides that your needs are eligible, then providing you want them to, they must draw up a support plan detailing how these needs will be met.

If you have eligible care needs, then providing you want them to, the local council have a legal obligation to meet these needs. It may be agreed that the best way to help you as a carer is by providing services directly to you, by providing services to the person you care for, or a combination of both.

The local council can provide services themselves, or arrange services through another organisation. Alternatively, you or the person you care for can request direct payments, which are payments which enable you to buy services to meet your eligible needs. For more information on direct payments visit carersuk.org/directpayments

Your local council may or may not charge you for carers services, most councils do not. If they do, they must carry out a financial assessment to work out whether you have to make a contribution and if so, how much. If the help you are offered is free, the council do not have to carry out a financial assessment.

Note: If your local council do charge you for services and the outcome of your financial assessment is that you will have to pay the full charge, then the local council only needs to draw up a support plan and meet your needs, if you ask them too. The local council can then issue an additional charge for this.

The support plan must include:

- details of the needs identified in the assessment
- which needs meet the eligibility criteria
- which needs the council is going to meet, and how
- the outcomes that you want to achieve
- information about the personal budget available (the amount of money that the local council has worked out it will cost to arrange the necessary care and support for you)
- information and advice to support you in your role as a carer and address your needs
- information about direct payments

Some examples of the kind of help that could be available to you as a carer if you are eligible for support:

- help getting around: taxi fares, driving lessons, repairs and insurance
- costs for a car where transport was crucial
- technology to support you: mobile phone, computer where it is not possible to access computer services from a local library
- help with housework or gardening
- help to relieve stress, improve health and promote wellbeing such as gym membership

Some examples of the kind of help that could be available to the person you care for, in order to help you as a carer:

- changes to the disabled person's home to make it more suitable
- equipment such as a hoist or grab rail
- a care worker to help provide personal care at home
- a temporary stay in residential care/respice care
- meals delivered to the disabled person's home
- a place at a day centre
- assistance with travel, for example to get to a day centre
- laundry services
- replacement care so you can have a break

For adults who require care and support

Stage 1 – Assessing the needs of an adult

What is a needs assessment?

A needs assessment is for adults (18 years and over) who may need help because of a disability, ill health or old age. It must look at a person's physical, mental and emotional needs, with a clear duty on the local council to consider the following:

- the person's needs and how that impacts on their care
- the things that matter to the person, for instance, a need to help with getting dressed or support to get to work
- the person's choices and goals, for example if they wish to take up a new activity or maintain relationships, and preferences for their day-to-day care
- the types of services, information, advice, facilities and resources which will prevent or delay further needs from developing, helping the person stay well for longer (for example, the local council may offer the person a period of reablement to reduce needs and regain skills, before completing the assessment)
- the needs of the family of the person being assessed

When should an adult receive a needs assessment?

The duty for local councils to assess an adult with care and support needs is triggered by the appearance of need, and must be carried out regardless of the 'level' of those needs or the person's financial resources. This is called a needs assessment. Even if you as the carer are providing all the care the person needs, they are still entitled to an assessment.

As a carer you are entitled to be involved in the assessment if the person you care for wishes.

How do you prepare for a needs assessment?

In preparation for the assessment, it is useful for you and the person you care for to take some time to think about their physical, mental and emotional needs, including their goals, wishes and preferences.

How is a needs assessment carried out?

If the person you care for has not been offered an assessment, you should contact your local council by phone, in writing or on-line, and ask for one.

The assessment meeting will normally be carried out face to face, usually by a social worker or another trained professional. The meeting should be carried out in a convenient and private place, usually at the cared for persons home. If it helps, you can have a family member, a friend or a support worker from a carers organisation with you.

Assessments can be done over the phone or online, but this should only happen if you agree. If you think you can easily express your needs over the phone or online then this method may be the right one for you. Online or telephone assessments are unlikely to ever be appropriate for people who lack capacity or have difficulties with communication.

In some areas, social services ask local organisations to carry out the assessment, but arrangements should still be made through social services. Your local council should explain who will carry out the assessment, and the assessor should be trained. Where particularly complex needs are involved, an assessor with specialist expertise or knowledge should be involved.

If the adult agrees and has capacity, they may also carry out a self-assessment. The local council will still be involved to help support the process, and to be satisfied that the person has identified all of their needs.

The law says that local councils should apply an appropriate approach to enable the person being assessed to have their needs and wishes heard, such as to allow as much contact with the local council as they need.

Independent advocate

The council must provide the person you care for with an independent advocate to assist them in the assessment process (and after) if:

- without support they would have 'substantial difficulty' in communicating their wishes, or understanding, retaining and assessing information during the assessment *and*
- there is no other appropriate person who is able and willing to help them

Stage 2 – Looking at whether the adult’s needs are eligible for support

How will the local council decide if the adult I am caring for is eligible for their support?

The Care Act introduces national rules for deciding who is eligible for care and support. But it will still be for local councils to make the decision about whether or not the adult’s needs meet the rules and so can be considered as having what the law calls eligible needs.

Importantly, the fact that an adult’s needs are currently being met by a carer is irrelevant in deciding whether or not the adult meets the eligibility criteria.

There are three questions the council will have to consider in making their decision:

- Does the person you care for have care and support needs as a result of a physical or mental condition?
- Due to care and support needs is the person you care for unable to achieve or meet two or more desired goals or outcomes?
- Is there, or is their likely to be a significant impact on the person’s wellbeing?

If the answer to all three questions is yes, then the person you care for will have eligible needs for care and support. These questions are explained in more detail below.

Does the person you care for have care and support needs as a result of a physical or mental condition?

This can include physical, mental, sensory, learning or cognitive disabilities or illnesses, substance misuse or brain injury. There is no need for a formal diagnosis.

Due to care and support needs is the person you care for unable to meet two or more desired goals or outcomes?

The desired goals or outcomes are:

- eat properly and maintain proper nutrition
- maintain personal hygiene
- manage toilet needs

- dress appropriately
- able to use and move about the home safely
- maintain their home in a fit and proper state
- maintain and develop relationships with family and friends
- take part in any education, training or volunteering they may wish to
- be able to participate in social activities, hobbies and make use of public transport and local services
- look after any children they have responsibilities for

In considering whether or not they can achieve the above outcomes, the law states that the council must take into account any difficulties they have. They will be considered unable to achieve the outcome if they:

- need assistance to achieve the outcome
- can achieve the outcome unaided but experience significant pain, distress or anxiety
- can achieve the outcome unaided but doing so endangers, or may endanger their or another person's health and safety
- can achieve the outcome with assistance, but it takes significantly longer than would normally be expected

Is there, or is their likely to be a significant impact on the persons wellbeing?

'Wellbeing' is defined in the Care Act. The definition is very broad and includes things like personal dignity, control over your day to day life, participation in education, work or social activities, relationships with other people, having suitable accommodation, protection from abuse and neglect. There is clearly some overlap with the list of outcomes above.

'Significant' is not defined in law, and so should be given its everyday normal meaning. If you think the effect is noticeable or important, this could count as significant.

Although the Care Act does not define what counts as a significant impact on wellbeing, it does list a number of things that the council must take into account when considering the issue. These are:

- the adult is best-placed to judge their own wellbeing
- their views, wishes, feelings and beliefs
- the importance of reducing existing needs, and preventing or delaying the development of needs

- decisions should be based on the adults circumstances, not assumptions about them
- they are able to participate as fully as possible in decision making
- balancing the needs of the carer and cared for
- the need to protect people from abuse and neglect, ie what to do if you are worried that a vulnerable person is at risk of harm or neglect
- any restrictions on a person's rights or freedom should be kept to the minimum possible

If the adult's level of need changes because of their condition (for example, if there are days when tasks can be completed and days when they cannot), the local council must take this into consideration so that a full picture of the adult's level of need is developed.

Stage 3 - What help they might get after a decision about their needs

Information and advice

Everyone, including adults whose needs are considered not to be eligible for support must receive information and advice from the local council on all of the following:

- details of the needs that have been identified
- how to access care and support
- the care providers and services they can choose from in their locality
- how to obtain financial advice
- how to raise concerns about safeguarding, ie what to do if you are worried that a vulnerable person is at risk of harm or neglect

Care and support plan

If your local council decides that the adult you care for has eligible needs, then providing they want them to, the local council must draw up a care plan detailing how these needs will be met.

If the eligible needs of the adult you care for are already being met in some way (eg by you as a carer), then the local council do not have to meet them but they should still be recorded in the care plan. As a carer you are entitled to be involved in this process if the person you care for agrees. The council cannot lawfully assume that you will continue to meet the adult's needs. Therefore it is important for you to be clear about the level of care you are

willing and able to provide.

If the eligible needs of the adult you care for are not already being met in some way then providing they want them to, the local council have a legal obligation to meet these needs. The local council can provide services themselves, or arrange services through another organisation. Alternatively, the person you care for can request direct payments, which are payments which enable them to buy services to meet their eligible needs. For more information on direct payments visit carersuk.org/directpayments

Unless it is a service that the local council provides free of charge, they must carry out a financial assessment to work out whether the adult you care for has to make a contribution and if so, how much.

Note: If the outcome of their financial assessment is that they will have to pay the full charge, then the local council only needs to draw up a care and support plan, and meet their needs, if they ask them to. The local council can then issue an additional charge for this.

The care plan must include:

- details of the needs identified in the assessment
- which needs meet the eligibility criteria
- which needs the council is going to meet, and how
- the outcomes that the person you care for wants to achieve
- the personal budget available (the amount of money that the local council has worked out it will cost to arrange the necessary care and support for them)
- information about direct payments
- information and advice on what can be done to reduce their needs, and to prevent or delay the development of needs in the future

Some examples of the kind of help that could be available to the person you care for:

- changes to the disabled person's home to make it more suitable
- equipment such as a hoist or grab rail
- a care worker to help provide personal care at home
- a temporary stay in residential care/respice care
- meals delivered to the disabled person's home
- a place at a day centre
- assistance with travel, for example to get to a day centre
- laundry services
- replacement care so you can have a break

The Whole Family Approach

When carrying out any assessment, local councils are expected to adopt what is called a whole family approach. This means considering how the needs of the person being assessed impacts on other family members, or anyone in their support network.

There are few prescriptive rules about the whole family approach, but it should mean that local councils pay more attention to the views of carers. It should also mean that councils are more likely to consider the needs of children or other adults who live with or support the disabled person, but are not immediately considered to be carers.

Councils are encouraged to consider combining the assessments of people within the same family, for example those of the carer and cared for, so that the assessments are linked and complimentary.

Similarly, assessments can sometimes be carried out jointly with another agency, such as the NHS, to ensure that all the professionals involved in a person's care are talking to each other when decisions about care are being made.

There is a specific responsibility that where a disabled adult is being cared for, and it appears a child is involved in that care, then the local council has a duty to:

- consider the impact on the child of the disabled adult's needs – in particular, the impact on the child wellbeing, welfare, education and development
- identify whether the child is having to perform tasks which are inappropriate, given all the circumstances

For disabled children and their families

Parent carers of disabled children

A parent carer is someone over 18 who provides care for a disabled child for whom they have parental responsibility.

The Children and Families Act 2014 amends the Children Act 1989 requiring local councils to assess parent carers on the appearance of need or where an assessment is requested by the parent. This is called a parent carers needs assessment. This assessment can be combined with one for the disabled child, and could be carried out by the same person at the same time.

The local council must also be satisfied that the child and their family come within the scope of the Children's Act, ie that the child is a child in need (see page 18 for details).

The local authority must then assess:

- whether a parent carer has needs for support and what those needs are
- whether it is appropriate for the parent to provide, or continue to provide, care for the disabled child, in the light of the parent's needs for support, other needs and wishes

Parent carers' needs assessment must also consider:

- the wellbeing of the parent carer
- the need to safeguard and promote the welfare of the child cared for, and any other child for whom the parent carer has parental responsibility

Wellbeing has the same meaning as applies to carers of disabled adults in the Care Act (see page 7). Any services to be provided for parent carers of disabled children can be included in a child's Education Health and Care plan, if the child has one.

Non parent carers of disabled children

Carers of a disabled child under 18 who do not have parental responsibility for the child (such as a grandparent, sibling or extended family member) do not have a right to an assessment under the Care Act or the Children's and Families Act. The Government has said it will preserve the right to an assessments for this group of carers by not repealing the relevant parts of the Carers (Recognition and Services) Act 1995.

However this means that such carers will still have to request a carer's assessment and will have to show they are providing, or intend to provide, regular and substantial care. See carersuk.org/careact for updates.

Children's Act Assessment?

Assessments for disabled children will continue to be carried out under the Children's Act 1989. Local councils have a duty to assess a 'child in need' under the age of 18 for any services that they or their family may need.

A 'child in need' is defined as one of the following:

- a child who is unlikely to achieve or maintain, or to have the opportunity of achieving or maintaining, a reasonable standard of health or development without the provision of services by a local council
- a child whose health or development is likely to be significantly impaired, or further impaired, without the provision of services
- a child who is disabled

Note: The Children Act considers a child disabled if the child is blind, deaf, non-verbal, suffering from a mental disorder of any kind, substantially and permanently handicapped by illness, injury or congenital deformity or such other disability as may be prescribed.

The assessment considers all the help that your disabled child needs, the needs of any other children in the family and the help that you may need to care for the disabled child. This assessment can be combined with the parent carer's assessment, or an assessment of your child's educational needs.

How do you arrange a Children Act Assessment?

You can request a Children's Act assessment by contacting or writing to your local council. Explain that your child is disabled and a child in need and you want an assessment of the needs of your child and your family to be carried out.

You should describe your child's impairment, and (if you have one), you could provide a copy of any diagnosis of your child's disability. Describe what difficulties you are having and the type of help you would like. Alternatively you could ask your GP, health visitor or voluntary organisation to contact them on your behalf.

The local council should respond immediately (should be within one working day), letting you know whether it will carry out the assessment. The assessment will normally be carried out by a social worker at a visit to the home of your child but other agencies may also be involved, such as health and education.

What will the assessment involve?

The assessment will involve gathering information (which will include talking to you, your child and other key people in your child's life); assessing this

information and deciding whether any of your child's or family's needs are eligible for support services from the local council and ensuring that this support is then put in place.

How should I prepare for the assessment?

These suggestions may be useful to help you prepare for the assessment:

- Get together a file with all the relevant information about your child, such as letters, medical reports, notes etc. from GPs and professionals involved. Evidence can also come from letters / statements from family members, friends, other professionals or anyone who knows your situation.
- If you think that it would help, you could arrange for someone to support you at the assessment, such as an advocate or professional.
- Take time to think about what you want to say, for example, about your child's needs, the impact the caring role has on you and your family and the outcome you are hoping for from the assessment.
- Think about any risks you, your disabled child and any other family member may experience if help is not provided.
- Keep a note of the assessment meeting that you think will be helpful such as any decisions agreed.

What support might my child be entitled to?

Local councils have different eligibility criteria for deciding who to provide services to. If your child has been assessed as requiring additional services, these will be set out in a care plan which should be reviewed every six months.

Examples of the types of services include:

- practical assistance in and around your home such as home help, personal care, equipment or a sitting service
- services based outside the home such as an after-school club or holiday play scheme
- travel and other social care assistance to enable your child to take part in recreational activities or education
- home adaptations and facilities
- holidays
- temporary short break or respite care or the provision of accommodation on a longer term basis

The local council can also provide services that can help the family, and help you as a carer.

For young carers

Young carers are children under 18 with caring responsibilities. Their rights to be assessed come mostly from the Children's Act 1989 and the Children and Families Act 2014.

As part of the whole family approach, if there is a disabled adult being cared for, then the local council has a duty to consider whether there are any children involved in providing that care, and if so, what the impact is on that child.

The local council have a duty to assess 'on the appearance of need' (ie without a 'request' having to be made). They also have a more general duty to 'take reasonable steps' to identify young carers in their area.

The local council must involve the child with caring responsibilities, their parents and any other person the young carer requests in the assessment process. The assessment itself must look at whether or not the young carer wishes to continue caring, and whether it is appropriate for them to continue caring. When doing this they have to take into account any education, training, work or recreational activities the young carer is or wishes to participate in.

Where a young carer's eligible needs are identified as requiring support, local councils will have to:

- provide support directly to the young carer *or*
- demonstrate that the 'cared for person's' assessment has provided adequate care and support to prevent inappropriate care being required from the young carer

For people in transition to adulthood

This section covers the provisions for disabled children (and their carers) and young carers as their 18th birthday approaches. A carer of a disabled child does not have to be the young person's parent. It can be anyone who is providing, or intends to provide care to that child.

Local councils have to provide support to enable individuals and families to plan ahead so that there are no gaps in services when a person becomes 18. An assessment helps identify services that may be required during the transition to adulthood.

Whether or not the person being assessed (or their carer) have eligible needs after they turn 18 will ultimately depend on whether or not they meet the eligibility criteria appropriate to them as either a carer or disabled person.

The Care Act introduces a new duty on local councils to carry out assessments for the following individuals:

- ▶ children receiving care and support who are approaching their 18th birthday. This is called a Child's Needs Assessments (CNA) 'in transition'
- ▶ carers of disabled children who are approaching their 18th birthday. This is called a Child's Carer's Assessment (CCA) 'in transition'
- ▶ young carers who are approaching their 18th birthday – this is called a Young Carer's assessment (YCA) 'in transition'

An assessment must be carried out by your local council where it considers that:

- ▶ the young carer, child or carer of a disabled child is likely to have care and support needs after the child becomes 18 *and*
- ▶ there is 'significant benefit' to the young carer, child or adult carer if an assessment is made

Young carers and carers of disabled children are entitled to an assessment even where the individual you care for (child or adult) does not receive care or support services.

There is no rule about what age the child needs to be before an assessment can be requested or made. Your local council is able to be flexible so that each individual's circumstances can be taken into account when deciding if and when an assessment is made. If it is decided that an assessment be made, it must take place before the child becomes 18.

The local council can decide not to carry out an assessment where it considers that there is not 'likely to be a need for care and support post-18'

or because the timing is not of 'significant benefit' to the child's preparation for adulthood. They must still though provide information and advice on what can be done to prevent or delay the development of needs for care and support.

If the local council decides not carry out an assessment because the timing is not of 'significant benefit' it should advise when it is likely to be of significant benefit and contact the child or you to arrange the assessment at that time.

The support given to the child, young carer or adult carer by the local council should continue to apply when they become 18 or until it is reviewed.

What should the assessment consider?

Local councils will need to consider:

- the current needs of the person, including the types of adult care and support that might be beneficial before adulthood
- what needs they are likely to have when they (or the child they care for) turn 18
- the outcomes, desires and goals they want to achieve in life – this can include for example, employment, education, training, independent living, friends, relationships, community participation, activities

Specifically for carers of disabled children and young carers, consideration must be given to whether the carer is able and willing to continue caring, both now and when the child turns 18, and whether they are or want to participate in work, education, training or recreational activities.

The local council has a legal responsibility to cooperate by working with the child, their families and professionals in health, education and social care to ensure a successful transition to adult care.

The Care Act states that the local council can combine any of these 'transition' assessments with any other assessment (such as education and health) being carried out for some other person (provided all parties agree). So for example, if a hospital is carrying out an assessment at the same time as the local council's assessment, the local council can carry out that assessment jointly with the hospital.

When a local council assesses a child (including a young carer) who is receiving support from the local council's children's services, the Care Act requires them to continue providing them with support through the assessment process.

What happens after the assessment has been made?

Following the assessment a person should receive:

- advice and information about the sort of support they can expect once the disabled child or young carer turns 18
- what can be done to meet or reduce the needs as well as what can do to stay well, and prevent or delay the development of future needs.

If the local council does not complete the assessment before the disabled child or young carer turns 18, they will have to continue to provide any support already in place to them (or their carer) until the assessment is complete.

Moving areas

Your care when you move areas within England

If the person you care for is receiving services from one local council (the first council) and then moves to another local council area in England (the second council) there are provisions in the Care Act to make sure that there should be no gap in care and support when the move happens.

The person you care for should tell the second council of their intention to move and of their wish to be assessed. The new council then has to:

- provide the person and their carer with information they may need
- request any information they need from the first council
- carry out an assessment of their needs

If the second council does not make a decision about care and support before the move takes place, they must meet the needs that the first local council had previously identified. If they then make a different decision about eligible needs to the first local council, they must explain why.

The first council is responsible for making any arrangements needed on the day of the move itself.

If you are moving to another area outside of England, you should seek advice, you can contact the Carers UK Adviceline – see final page for contact details.

Charging

Paying for care and support services and financial assessments

Once the local council has completed its assessment and agreed with you which of your needs you want it to meet, a financial assessment will be carried out. The financial assessment will look at your income and savings and the outcome could be that:

1. You are entitled to receive some or all of the services free of charge.
2. You have to pay something towards the costs of the services you receive.
3. Your income or savings are above the threshold and so the local council does not have to provide you with any services.

Some of the services you are offered or referred to may be free or not charged for regardless of whether or not your income and savings are above the threshold.

Even if you are assessed as having income or savings above the threshold, you can still ask the local council to meet your care needs. The Care Act allows the authority to charge for services in this situation, as well as for cost of arranging and managing those services. Before making a decision to ask for this, it's best to be clear about any charges and compare it to the cost of arranging and managing services yourself. Note that you will not be able to ask the local council to do this if you are assessed as needing residential care, although this may change in the future.

The local council cannot charge you for any help they have provided to the person you care for, even if this help was provided as a result of your carer's assessment.

Complaints

Assessments

If you are not happy with the way you have been treated, or with the outcome of any of the assessments, you can complain to social services. All social services departments should have a complaints procedure that you can follow – ask the social services department for a copy.

If you are not happy with the outcome of your complaint, you may be able to take a complaint to the Local Government Ombudsman. Your social services department should be able to give you more information about this.

If social services have acted unlawfully (eg have refused to carry out an assessment without good reason), you may be able to take them to court. This is called a judicial review. You will need to seek legal advice if you are thinking about taking the local council to court. An application for judicial review must be made without delay and within a maximum period of three months so it is important to get legal advice as quickly as possible.

Services

If you are not happy with the services provided after an assessment, you can complain to social services. If services are provided by an agency or care home, you may also be able to complain directly to them through their own complaints procedure. If you are concerned about the quality of the service, you can contact the Care Quality Commission.

For more information about complaints, or for advice on how to make a complaint, contact the Carers UK Adviceline – see final page for contact details.

Appendix

Questions to help prepare you for your carer's assessment

By answering the following questions, you should get a much clearer idea of your needs and you can then discuss with your social worker the services that might be most helpful to you to meet these needs.

Help and time

- Do you help the person you are looking after with:
 - housework?
 - shopping?
 - bathing?
 - going to the toilet?
 - cooking?
 - other personal care?
 - keeping an eye on them?
 - dealing with money?
 - laundry?
- How many hours a week do you provide care? Include all the time you spend with the person you care for, the things you do for them and how long they take you.
- Do you have to help during the day or night, or both?
- Does anyone else help? If so, for how long?
- Would you like some help (or extra help) with these jobs? List the tasks you would like help with (putting the most important first).
- Are you able to spend enough time on other family responsibilities, eg being with your children, your partner, parents or siblings?

Health

- Does the person you care for have any health problems you find hard to deal with? Describe them as fully as you can.
- Do you have the information you need about the condition of the person you care for to enable you to care for them fully?
- Do you have any health problems? If so, are they made worse by your caring role? Describe them as fully as you can.
- Do any health problems you may have make it harder for you to care?
- Are you getting enough sleep?
- Do you feel you are suffering from stress or depression?

- Is caring having a negative impact on your health?
- Is caring preventing you from looking after your own health, ie your diet, nutrition, getting exercise etc?

Feelings and choices about your caring role

- Do you feel that you do not have a choice about providing care?
- If you feel that you cannot carry on at all, or can only carry on if you reduce the amount of caring you do, tell the social worker. It is not unusual to feel this way and it is important they know how you really feel.
- What would you most like to change about your situation?
- Is there a plan in place to look after the person you care for if you were you suddenly unable to care for any reason?

Work/study/leisure

- Do you work? If so, for how many hours a week?
- Does your employer know that you are a carer – do they know about your rights, eg to time off in an emergency?
- Do you feel you can manage to work and provide care? If you cannot manage or are at risk of not managing - do explain this.
- What would make working/caring easier for you?
- Would you like to start or return to work/study?
- Do you have the skills you would need to return to work or education were your caring role to end?
- Are there things that you find enjoyable and relaxing that you cannot do anymore because of your caring responsibilities? (eg a hobby, visiting friends, going to the cinema).
- When was the last time you had a whole day to yourself to do as you pleased?
- Are you able to keep in contact with friends and family?

Housing

- Do you live with the person you care for? Is the arrangement satisfactory? If not, why not?
- Does the person you care for have any difficulties moving around their home? (eg can they climb the stairs, or have a bath on their own?)
- Do you have to help them? If so, are you able to do this safely and without causing yourself any pain or injury? Special equipment could make life easier for the person you look after and caring easier for you
- Are you able to look after your own home, do you have enough time to attend to housework and keep your house as you would like it?

This factsheet is designed to provide helpful information and advice. It is not an authoritative statement of the law. We work to ensure that our factsheets are accurate and up to date, but information about benefits and community care is subject to change over time. We would recommend contacting the Carers UK Adviceline or visiting our website for the latest information.

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Carers UK Adviceline

For expert information and advice about caring.



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10am-4pm)



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