



Summary

Carers Wales created the Track the Act programme to monitor the implementation of the **Social Services and Well-being (Wales) Act 2014**. This is the second in a series of briefings about how local government in Wales is delivering on their new duties towards carers as set out in the Act. Briefing 1 can be downloaded at: www.carersuk.org/wales/policy-resources-for-professionals/policy-library/track-the-act-briefing-1

Briefing 2

Track the Act Briefing 2 relates to the first year of the Act's implementation, from 6 April 2016 – 5 April 2017.

We have seen little evidence that in its first full year the Social Services and Well-being (Wales) Act 2014 has improved the lives of Wales 370,000 carers.

We have identified that councils have responded to the Act. Some councils have well thought out and clearly articulated strategies for ensuring they are meeting their statutory duties. There are however significant differences between these strategies and consequently how councils are now delivering services on the ground. This means carers who have a right to support from councils experience a 'post code lottery' of how and when they are assessed, if at all, and the services they subsequently receive, if any. This lack of consistency also obstructs a clear view on whether councils are delivering effective services. Our Track the Act survey of unpaid carers has identified that many carers in Wales are still having difficulty accessing services.

We are particularly concerned that where councils are using "What Matters" Conversations¹ as an assessment process they may not be meeting their statutory duty to offer and undertake a 'Carer's needs assessment'. The Act encourages relevant proportionate assessments, but councils may be acting unlawfully if carers do not know the legal basis of the conversations or assessments they are having.

We are also concerned that carers are being charged for services through the back door. Although councils no longer charge carers to access their services they are increasingly referring carers to paid-for services. These charges can accumulate in significant amounts of money which adds to carer poverty.

¹ What Matters conversations are used by some authorities to assess a carers needs in terms of care and support, based on what matters to the carer as an individual. It considers personal strengths and support available from family, friends and others in the community.

There is some good news. We have also identified that when carers receive advice from someone working for a council (or a third party acting on their behalf) they are happy with it. Increasing numbers of carers are also seeing information produced by councils, which is designed to support them in their role.

Background

From the outset Carers Wales felt it was important to have an evaluation of the implementation of the Act that focused solely on carers. We understood that regulators, local government, Welsh Government and other 3rd sector organisations would be undertaking similar research but we wanted something that concentrated on carers. This is because carers can get forgotten, have their needs confused with those of the person they care for, or be seen as an afterthought. The ethos of the Act specifically sought to overcome this by explicitly including carers throughout the legislation and codes of practice, so we wanted to see how far the Act is meeting what it set out to achieve for carers.

Care and Social Services Inspectorate Wales (CSSIW) has recently produced a thematic report called 'In support of carers' this considers the impact of the Act on carers. It may be beneficial for readers of this briefing to look at the CSSIW report as together they build up a fairly consistent picture of how the Act is impacting on carers.

Social Services and Well-being (Wales) Act 2014

The Act places a set of new duties on councils:

- Unpaid carers in Wales have equal legal rights for support as the people they look after.
- There is a legal duty on councils to meet a carer's eligible needs following a carer's needs assessment.
- Councils must ensure that they have information, advice and assistance services in place and clearly signposted so carers can get the right information at the right time.
- There is a legal duty on councils to make sure there are a wide range of relevant community services and activities available in the local area for information services to signpost people to.
- Councils are now also required to promote the well-being of both, people 'in need' and of their carers.

"I think cuts to services have counterbalanced anything the Act might try to do and in my view from seeing other carers there is less Council support now".

Track the Act respondent

Research

The Track the Act programme fulfils a different role to the one being undertaken by statutory bodies and academic institutions. It is not our job or intention to provide a complete and detailed evaluation of the Act. We have a responsibility to give carers a voice as well as to challenge assumptions, highlight good practice and shine a light on what can be improved.

To understand how the Act is being implemented we have used a number of different research methodologies. We have made Freedom of Information (FOI) requests to local government, reviewed council websites, analysed statistics published by the Welsh Government and have collected direct feedback from carers through the Track the Act survey. Carers Wales is also in regular contact with carers and professionals working with carers. This report has been informed by these relationships.

Carers Wales would like to continue to work with colleagues in local government to think through some of the challenges and opportunities created by the Act. We hope that this research and the data that we have generated is of some use to councils when they are evaluating how they have implemented this ground breaking piece of legislation. We would also welcome any opportunity to help councils improve the way they deliver services for carers.

Track the Act survey

- A total of 517 carers representing every Welsh council completed our survey
- 73% of the respondents (377) cared for someone over 50 hours per week
- 72% of the respondents (372) were in contact with their council before April 2016
- Of the respondents that were in contact with their council 54% (201) were already receiving a service from their council

The responses indicate that the majority of people who completed the Track the Act survey were those carers who were already in the social care system. There was however a sizable minority who had no contact with social services at all. Although this may not be a statistically balanced sample the size and breadth of the feedback is a useful indicator of the impact, or not, the Social Services and Wellbeing (Wales) Act is having on carers.

Freedom of Information (FOI) requests

‘Unnecessary secrecy in government leads to arrogance in governance and defective decision-making’

The opening sentence of the Freedom of Information Act 1997 whitepaper.

Over the last year we have made two separate FOI requests to Welsh councils. After the first FOI request (which was highlighted in the Track the Act Briefing 1) we consulted with councils about how we would make future FOI requests. Following the consultation we delayed our second FOI request to enable councils to meet a Welsh Government reporting deadline and amended our questions.

Seven out of Wales’ 22 councils did not provide any, or significant amounts of the data we requested when we undertook a second round of FOI requests. The reason cited for not providing data was Section 12 of the Act, which was, while the data does exist it would be too expensive to retrieve it.

Our FOI enquires included relatively simple questions² such as

- During this period how many carers of people over the age of 18 have been recorded as having been offered a carer’s needs assessment?
- During this period how many carers of people over the age of 18 have been recorded as having received a carer’s needs assessment?

The majority of Welsh councils, including those with similar IT systems, were able to provide this data.

Under Section 16 of the Freedom of Information Act we made a number of follow up requests to councils to help us reframe the questions so that they were able to provide the data, or simply provide us with any data they held relating to carers. Again a number of authorities responded that they were unable to provide any data.

We have decided not to comment on the individual performance of any council within the briefings, or indicate how they responded to the FOI requests in this report, as we believe it may distract from our overall findings. However, we have decided to publish all the data and correspondence, including the consultation responses, from every council on our website.

We hope that this may be of use to other organisations and individuals who are analysing the implementation of the Act. It may also be of interest to organisations and individuals interested in local government governance.

² A full list of the FOI questions we have asked is included as an appendix to this report

Information Advice and Assistance

Providing Information Advice and Assistance (IAA) to carers is a foundational element of the Act.

Survey responses

- In the first six months of the Act's implementation (6 April 2016 - 6 October 2016) only 16% respondents had seen any information produced by councils that would help them in their caring role. However, in the second six months (6 October 2016 – 6 April 2017) this had increased to 46%. This indicates that more carers are seeing information produced by councils.
- Of the carers who had seen this information 78% thought the information was useful or very useful
- Of the 517 respondents 155 had been referred by their council to a third party to get support for their role as a carer and 70 of these 155 had received advice from a member of staff employed by a council about their caring role
- Of the 517 respondents 233 of them had received advice from a member of staff employed by a council about their caring role with 198 of these finding that the advice was very useful or useful.

A significant proportion of carers who had received advice or had seen information were happy with it.

“I got all the help I needed, but I had to research it all myself. There was a book with all relevant information in it, produced by the council, but I had never seen it in any public places e.g. doctors surgery until I asked for information. The help is out there but you have to search for it. When I asked for help it was readily available”.

Track the Act respondent

We have identified from the FOI requests that most councils have put significant amounts of work into developing 'Information, Advice or Assistance' (IAA) systems. Our research indicates however that most councils in Wales still do not know how many carers they are providing IAA to. Although there is no specific duty to collect this data, it seems counter intuitive that councils have chosen not to put in place systems that can collect relatively basic data given its importance.

Carer's Needs Assessment

"I had a carer's assessment in June 2016, however none of the referrals made by the social worker contacted me"

Track the Act respondent

Carers now have a right to receive support from social services. Access to this support can be through a carer's needs assessment (CNA). Councils have a duty to offer everybody who is a carer for someone who is receiving support from social services a CNA.

Carer's needs assessments should also be offered to people who have need in their own right to support them in their caring role whether or not the cared for person is receiving support from social services. This right, in our view, is particularly important for:

- The parents of disabled children
- People who care for more than one person
- Carers who also have a condition or impairment that makes caring difficult
- Young carers
- Working carers

Survey Responses

In the first six months of the Act's implementation (6 April 2016 - 6 October 2016) only 19% of our respondents had been offered a CNA. However, in the second six months (6 October 2016 – 6 April 2017) this had increased to 44%. This indicates that more carers are being offered one.

This data indicates that over the year councils have increased the proportion of people who receive CNA. This is not surprising and is probably to do with the normal scheduling of reassessments over a year.

However there are still significant numbers of people who are not being offered carer's needs assessments who should be. It is worth remembering that the *Track the Act* survey is being completed by people who identify themselves as carers and who often have very substantial caring responsibilities.

"I have been directed to another organisation whose support met my needs, but not by the council. I am not sure whether I have had an assessment. I have support in part. Getting respite is impossible"

Track the Act respondent

Figures produced by the Welsh Government show that in the year 2015/16 there was significant variability in how many carer's needs assessments each council had undertaken. In 2015/16 some authorities completed thousands of assessments whilst others a few hundred. Our research indicates that the situation has not altered and there remains significant unexplained variability in the level of assessment.

“I kept contacting social services & begging for help. Eventually they agreed to provide respite care. A week later nothing had happened. I left a note at the GP Surgery “By the time you receive this I will have left”.”

Track the Act respondent

Our FOI requests have demonstrated that the approach to providing CNA’s varies significantly between authorities. This indicates that there is not, despite significant levels of training and support from the Welsh Government, a national approach to how assessments are undertaken. This creates a ‘postcode lottery’ where carers in some areas will receive an assessment, whereas others won’t.

What matters conversations

“I have previously requested a carers assessment and received one. It did not provide me with any practical support I felt I was just there to be a statistic for a tick box.”

Track the Act respondent

In-line with guidance on the Act councils are expected to do proportionate assessments. This process, however, changes from authority to authority. Many councils have chosen to use the ‘What Matters’ approach to delivering a carer’s needs assessment. Some appear to be only using a ‘What Matters’ approach, whereas others are using the ‘What Matters’ approach for newly identified carers but a more involved approach for people who are already caring for someone.

Carers Wales is becoming increasingly concerned that carers receiving basic ‘What Matters’ conversations do not understand clearly whether or not they are having a carer’s needs assessment. Specifically, we are concerned that carers are not informed that they are being assessed and what rights they have for assistance in the assessment process under the Care and Support (Assessment) (Wales) Regulations 2015. If this is the case we believe that some councils in Wales may be acting unlawfully in not offering and providing carer’s needs assessments in-line with the Act. Lighter touch conversations and assessments can be a relevant way to find out about and meet carers’ needs but it is also vital, if carers are to be full partners in the process, that they are fully informed about their legal rights and entitlements and are given timely notification of a date and time which they agree to, so they have the opportunity to have a family member/friend or advocate to accompany and support them.

“I feel like nobody cares about the carers, there is not enough support unless you make a nuisance of yourself it seems that no-one takes any notice and if that is not your nature you are left to cope on your own.”

Track the Act respondent

Another area of particular concern is how the carer’s needs assessment process is working for carers of people under the age of 18, including families with disabled children. Information received as part of our Freedom of Information request process indicates that most Welsh councils do not capture any data on carer’s needs assessments for carers of people under the age of 18. In part this is because systems are not set up to record if the cared for is under the age of 18.

“I have had a nightmare trying to get a carer’s assessment for myself. I’m still waiting. Social services are not interested at all. I have been made to feel like I’m wasting their time. The response to saying I care for my children was “Well that’s your job, do they even have a disability?”.”

Track the Act respondent

Eligibility for services

Survey responses

- Of the 150 people who responded to our survey and who had had a carer’s needs assessment 48% had received a service from their council

However, the FOI data we have received clearly indicates that there is significant variability between authorities in this area.

- Some authorities provide a significant number of carers with a service whereas several councils only offer a handful of carers a service in their own right.
- Some authorities record carers support plans separately whereas others bundle carers support plans into a single pot with the cared for.
- One council had not offered any carer a service in their own right in the period 6 April 2016 – 6 October 2016.

This variation may however be in part to some councils counting the support to carers within a package provided to the cared for whereas others separate it out.

One response from a council to the questions to our FOI illustrates this issue

During this period how many carers of people over the age of 18 went to on to have “eligible needs” and receive a support plan following a carer’s needs assessment by the council directly?

Council’s response

In line with the Act, we support individuals to meet their individual outcomes by exploring all options. With co-production being a key area of the Act, the cared for may have a care and support plan which is also meeting the carers outcomes and this would not be counted in the FOI response. Therefore, this answer does not provide an accurate picture of the level of support being received by carers.

Essentially what the council seems to be saying is that the carer’s needs are being met through the “cared for” support plan. This may be true, though it does obscure how many carers are having their needs met under the Act. It goes against the spirit of how the Act was framed and this may mean that councils are not meeting their statutory duties in this area.

Charging

Our FOI requests indicate that councils in Wales have a policy not to charge any carers. However, our survey indicates that 20% of carers who receive a service from their council think they are being charged.

Although councils do not officially charge carers for services increasingly they are referring carers to community organisations that require a payment to access their services. Carers are paying for a service that was once provided by councils but is now provided by a 3rd party organisation. Carers Wales do not have a problem with charging in principle, however we are concerned that this outsourcing of support needs to be recognised so it can be properly monitored and regulated for audit and governance purposes.

Currently councils may appear beneficent when they are actually shunting fees away from them to other organisations. For the carer it makes no difference if a charity or a council charges them £20. Recognising this is important because these charges cumulatively can add up to significant amounts of money and will be contributing to carer poverty. These services are however absolutely vital in ensuring that people can continue to be cared for in the community and support or 'underpin' the efficient running of the whole health and social care system.

Response by Carers Wales

Carers Wales believes that as a matter of urgency:

1. Welsh Government should
 - a. Review the current use of 'What Matters' conversations as carer's needs assessments in order to gather evidence of:
 - i. whether carers are given adequate written notice of an assessment, arranged at a convenient date, time and place for the carer
 - ii. whether carers are being offered support such as advocacy before they are assessed
 - iii. whether carers are aware that they are being assessed during the 'What Matters' conversations
 - iv. whether sufficiently detailed records are being collected as part of 'What Matters' type carer's needs assessments
 - v. whether the carer is given a duplicate copy of the records and is aware that they can raise any further concerns they may have
 - b. Review how the data it collects on IAA and carer's needs assessments can be used to contrast and compare the performance of councils
 - c. Require councils to collect data
 - i. in the disabled person's plan that identifies if carers have been offered a carer's needs assessment, and if so how long ago the assessment took place
 - ii. in the disabled persons plan that identifies if carers needs have been met through the disabled persons plan.
2. Local government should
 - a. Collect data on the number of carers contacting them.
 - b. Ensure transparency for audit and governance purposes, by publishing details of fees charged by organisations it refers carers to as part of a support plan.
 - c. Provide carers with a copy of their assessment.
 - d. Require commissioned services to provide carers with a copy of their assessment.

Contact us

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Appendix 1 FOI questions

These questions relate to the period 6 April 2016 – 5 April 2017

Question 1: Can you describe your council's operational approach to providing Information, Advice and Assistance for:

Carers of adults

Carers of disabled people under the age of 18

Question 2: Can you describe your council's operational approach to carer's needs assessments for:

Carers of adults

Carers of disabled people under the age of 18?

Question 3: During this period how many people who made contact with the council did you record as being a carer?

Question 4: During this period how many people who you recorded as being a carer received information to support their caring role?

Question 5: Did you fund any organisations to provide information, advice or assistance to carers during this period?

Question 6: Did you fund any organisations to undertake carer's needs assessments during this period?

Question 7: During this period how many carers of people over the age of 18 have been recorded as having been offered a carer's needs assessment:

by the council directly?

by a third party on your behalf?

Question 8: During this period how many carers of people over the age of 18 have been recorded as having a carer's needs assessment:

by the council directly?

by a third party on your behalf?

Question 9: During this period how many carers of people over the age of 18 went to on to have "eligible needs" and receive a support plan following a carer's needs assessment:

by the council directly?

by a third party on your behalf?

Question 10: During this period how many carers of disabled people under the age of 18 have been recorded as having been offered a carer's needs assessment:

by the council directly?

by a third party on your behalf?

Question 11: During this period how many carers of disabled people under the age of 18 have been recorded as having a carer's needs assessment:
by the council directly?
by a third party on your behalf?

Question 12: During this period how many carers of disabled people under the age of 18 went to on to have "eligible needs" and receive a support plan following a carer's needs assessment:
by the council directly?
by a third party on your behalf?

Question 13: During this period how many carers were charged for a service by your authority?