



As a carer, what impact will the Care Act 2014 have on my current situation?

With carers' rights for support being assessed in the new Care Act, we have created this factsheet to explain the changes that are being made, and how this might affect you and those currently in your care.

The Care Act 2014 marks a shift in relation to carers' rights. For the first time, carers' rights are placed on a similar footing to those of disabled adults themselves.

The Act relates mainly to adult carers of other adults, with some exceptions for young carers which will be explained in this factsheet.

Carer's assessment

Under section 10 of the Act, where it appears to a local authority that a carer may have needs for support, whether currently or in the future, the local authority must carry out an assessment of those needs.

Section 10(4) of the Act confirms that the assessment should be carried out regardless of the level of the carer's needs for support, and regardless of the carer's (or the disabled adult's) financial resources.

When the assessment is carried out, there are certain things the local authority must take into account, including:-

- Whether the carer is able to, and is likely to continue to, provide care for the adult
- Whether the carer is willing to provide care
- The outcomes that the carer wishes to achieve in day-to-day life
- Whether the carer works or wishes to do so
- Whether the carer is participating in, or wishes to participate in education, training or education.

Eligibility criteria

Just like for disabled adults, once an assessment of a carer's needs has been carried out, the local authority will need to apply eligibility criteria to see which of those needs are eligible for support. Regulation 3 of the Care and Support (Eligibility Criteria) Regulations 2014 sets out the eligibility criteria for carers, which sets out how a carer has eligible needs in the following circumstances:-

1. Their needs arise as a consequence of providing necessary care for an adult
2. The effect of the carer's needs is that any of the following circumstances apply:
 - a. The carer's physical or mental health is, or is at risk of, deteriorating
 - b. The carer is unable to achieve any of the following outcomes
 - Carrying out caring responsibilities the carer has for a child
 - Providing care to other persons for whom the carer provides care
 - Maintaining a habitable home environment in the carer's home (whether or not this is also the home of the adult needing care)
 - Managing and maintaining nutrition
 - Developing and maintaining family or other personal relationships
 - Engaging in work, training, education or volunteering
 - Making use of necessary facilities or services in the local community, including recreational facilities or services; and
 - Engaging in recreational facilities.
 - c. As a consequence of the above there is, or is likely to be, a significant impact on the carer's wellbeing.

Meeting the needs

Under section 20 of the Care Act, a local authority must meet a carer's needs in the following circumstances:

- The adult needing care is ordinarily resident in the local authority's area
- There is no charge for meeting the carer's needs (or where there is a charge, the carer's financial resources are either below the financial limit or they ask the local authority to meet the needs nevertheless)
- If meeting the needs involves providing care to the adult themselves, there will either need to be no charge for meeting the adult's needs, or where there is a charge the adult will need to fall below the financial threshold or ask the local authority to meet the needs nonetheless. The adult would also need to agree to the provision of care to meet the carer's needs.

Therefore, after the local authority has carried out an assessment and determined the eligible needs, it will carry out a financial assessment and then provide the necessary support to meet the carer's needs.

It is important to remember that all of the other general duties in the Care Act apply to carers as well. Therefore the well-being of the carer must be considered, the local authority must consider whether there are steps it can take to prevent, reduce, or delay any needs the carer has (even if they are not eligible for support), and a 'whole family' and holistic approach must be taken.

The wishes and views of the carer must be ascertained and taken into account when the assessment and support plan is completed.

Young carers

The Care Act applies only to adult carers of adults. However, there are some important points to note when a young carer (a child who cares for an adult) approaches the age of 18.

Under sections 63-64 of the Care Act, where it appears to a local authority that a young carer is likely to have needs for support after becoming 18, the authority must carry out a 'young carer's assessment'.

It must carry out this assessment if it is satisfied that it would be of significant benefit to the young carer, and if the carer either consents to the assessment, or where they lack capacity or are not competent to consent, where it is considered to be in the carer's best interests for the assessment to be carried out.

The young carer's assessment must assess whether the young carer has needs for support, what those needs are, and whether the young carer is likely to have needs for support after becoming 18, and what those needs are likely to be.

The local authority will need to consider whether the young carer is willing to provide care beyond the age of 18, the extent to which the young carer works, wishes to work, or wishes to participate in education, training or recreation, and the impact on the carer of providing care.

Having carried out a young carer's assessment, a local authority must give the young carer an indication as to whether their needs are likely to meet the eligibility criteria after they reach the age of 18, and advice or information about what can be done to meet or reduce the needs for support at this stage, or about preventing or delaying further needs which may develop.

“I was given very clear information and the degree of care and understanding was very good.”

-Chambers & Partners, 2014

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