

# Rights of Carers

## What is the definition of a Carer?

A person who provides or intends to provide care for another adult. It could be a relative or friend who assists another person in their day to day life.

If you look after an adult (aged 18+) you may be able to get help from the Local Authority to assist you with meeting your caring responsibilities.

## How does a Carer have their needs assessed?

By requesting the responsible Local Authority completes a carers assessment. Often a carers assessment is completed when the cared-for person's needs are assessed.

## Are all Carers entitled to a Carers assessment?

Yes. A Local Authority has a duty to complete a carers assessment regardless of whether or not the Local Authority believes the carer will be eligible for support.

## What should a Carers assessment consider?

A carer's assessment must include an assessment of whether:

- The carer is able, and is likely to continue to be able, to provide care for the adult needing care.
- The carer is willing, and is likely to continue to be willing to do so.

In addition:

- The impact of the carer's needs for support.
- The outcomes that the carer wishes to achieve in day to day life.
- Whether, and to what extent, the provision of support could contribute to achievement of those outcomes.

The carer's well-being should be placed at the heart of the assessment process.

## When must a Local Authority provide support to a Carer?

If the carer can answer "yes" to the following 3 questions which form the eligibility criteria:

1. Does the carer provide or intend to offer care provision for another person? Is the care provided or to be provided necessary?
2. As a result of their caring responsibilities, the carer's physical or mental health is either deteriorating or is at risk of doing so, or the carer is unable to achieve a specified outcome?

'Outcomes' include being unable to maintain a habitable home, being unable to manage and maintain nutrition, develop and maintain family or personal relationships, or engage in work training or education.

The carer must be:

- Unable to achieve the outcome without assistance. This includes where the carer would be unable to achieve an outcome even if practical assistance were provided. For example, a carer might be unable to fulfil their parental responsibilities unless they receive support in their caring role.
  - Is able to achieve the outcome without assistance, but doing so causes or is likely to cause significant pain, distress or anxiety. For example, a carer might be able to care for the adult and undertake full-time employment, but in doing so both causes the carer and cared-for person significant distress.
  - Is able to achieve the outcome without assistance but doing so is likely to endanger the health or safety of themselves or any adults or children for whom they provide care. For example, a carer might be able to provide care for their family and deliver necessary care for the adult with care and support needs, but, where this endangers the adult, the carer should not be considered able to meet the outcome of caring for the family.
3. As a result, is there, or is there likely to be a significant impact on a carer's well-being?

This requires the Local Authority to determine whether:

- The carer's needs impact on at least one of the areas of wellbeing in a significant way, or
- The cumulative effect of the impact on a number of areas of wellbeing means that they have a significant impact on the carer's overall wellbeing.

'Significant' should be accorded its everyday meaning.

## If the eligibility criteria is met, what duties does the Local Authority have?

To provide support to enable the carer to fulfil their caring responsibilities. This in effect means that the Local Authority provides replacement care to the cared-for person to provide the carer with a break.

## What kind of support may be available?

- Practical assistance in the home, such as a sitting service.
- Provision of a community-based activity, such as attendance at a day centre.
- Respite care in the form of a time-limited residential placement.

### **Is support provided to a Carer means tested?**

Yes. A Local Authority has the power to charge for support provided to a carer who meets the eligibility criteria. It is therefore essential to check the policy of the responsible Local Authority, usually available on their website.

### **How can Lester Aldridge assist?**

At Lester Aldridge we have significant experience in relation to all aspects of Local Authority funded care. We can provide:

- An initial, free consultation to discuss the circumstances of the case and whether you may be eligible for support as a carer.
- Assistance to secure a carers assessment from your Local Authority.
- Advocacy at needs assessment, care & support planning meetings, and resolution meetings if support which has been provided to assist with your caring responsibilities has broken down.
- Needs checklists to support advocacy at carers assessments and ensure that your needs as a carer are clearly articulated as part of the assessment process.
- On-going support to negotiate support to assist you with your caring responsibilities.
- Support to challenge or appeal decisions made by a Local Authority to refuse to provide support to carers.
- Advice at each key stage.