

NOT PROTECTIVELY MARKED

Unit: Policies and Procedures

# Worcestershire County Council

# **Carers Policy**

Final Version  
May 2016

Carers Policy

**Document Control**

<b>Organisation</b>	Worcestershire County Council
<b>Title</b>	Carers Policy
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<b>Filename</b>	Carers Policy v20.docx
<b>Owner</b>	Rachel Fowler – Carer Unit Manger DASH
<b>Subject</b>	Carers Policy
<b>Classification</b>	NOT PROTECTIVELY MARKED
<b>Review date</b>	Next review date: June 2017
<b>SID Location</b>	
<b>Equalities Impact Assessment</b>	Not required
<b>Approval (by whom and date):</b>	DAS DLT Care Act Implementation Team

**Version History**

Revision Date	Reviser	Version	Description of Revision
20/10/2015	Amanda Blackton	1	First draft
20/05/2016	Rachel Fowler	2	Final adjustments following new combined assessment processes

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## Carers Policy

### Introduction

The purpose of this document is to provide a carers policy for Worcestershire County Council, Directorate of Adult Services (DAS). This policy outlines the Directorate's key responsibilities in relation to carers as prescribed in legislation and provides local guidance as to how we expect staff to discharge those responsibilities.

In the Care Act 2014, a carer is defined as 'Somebody who provides support or who looks after a family member, partner or friend who needs help because of their age, physical or mental illness, or disability. This would not usually include someone paid or employed to carry out that role, or someone who is a volunteer.' (Care Act Guidance pg. 497).

[The 2011 Census](#) estimated that 63,685 carers were living in Worcestershire. [Carers UK](#) identified that carers represented over 10 per cent of the population in 2011, delivering an estimated county-wide saving in health and social care costs of £1,043 million. It is therefore not only a legislative requirement, but also a financial imperative, that carers in Worcestershire are valued and offered timely and appropriate support. As the needs of carers differ, the spectrum of support they may require must reflect this.

In Worcestershire, we have developed a pathway to support carers, which this policy outlines. The carer's pathway starts with information, advice and general support services, which are universally available to all carers and continues through to Carer's Assessments and support for carers assessed as eligible against National Eligibility Criteria.

### Audience

This policy applies to all adult social care staff employed by Worcestershire County Council, including those social care staff seconded to the Worcestershire Health and Care NHS Trust who work in integrated teams. It also applies to healthcare staff who undertake carer's assessments as part of the delegated responsibility to carry out Carer's Assessments given to Worcestershire Health and Care NHS Trust under section [75 of NHS Act 2006](#).

### Scope of Policy

This policy mainly covers adult carers, caring for adults over 18 years of age. It does however; include a section on young carers, as both Adult and Children's Services have responsibilities to ensure young carers are supported.

It also covers departmental responsibilities at the time of transition from adult to children's services, for young carers and parent carers caring for children at the transition stage.

## **Section 1 Carers Wellbeing, Preventing, Reducing, Delaying Needs and the Provision of Information and Advice**

### **1.1 Relevant legislation and guidance - Carers Wellbeing, Preventing, reducing, delaying needs and the provision of information and advice**

Care Act 2014 Sections 1, 2 and 4.

Care and Support Statutory Guidance 2014

Chapter 1: Promoting wellbeing

Chapter 2: Preventing, reducing or delaying needs

Chapter 3: Information and advice

Equality Act 2010

Children and Families Act 2014 (Amendments to Section 17 of Children's Act 1989)

### **1.2 Key Statutory Requirements - Carers wellbeing, preventing, reducing, delaying needs and the provision of information and advice**

The wellbeing principle applies in all cases where a local authority is carrying out a care and support function, or making a decision, in relation to a person. It applies equally to adults with care and support needs and their carers.

The Care Act 2014 stresses that the care and support system must work to actively promote wellbeing and independence, and not just wait to respond when people reach a crisis point. The local authority's responsibilities for prevention apply to all adults, including carers.

Local authorities are responsible for ensuring that all adults, including carers, in their area with a need for information and advice about care and support are able to access it. In providing information and advice, local authorities must recognise and respond to the specific requirements that carers have for both general and personal information and advice.

### **1.3 Worcestershire Guidance - Carers wellbeing, preventing, reducing, delaying needs and the provision of information and advice**

In performing any of their social care functions, staff in Worcestershire must ensure that they apply the wellbeing principle equally to carers as to the person they care for and place due regard to the importance of achieving a balance between the individual's wellbeing and that of any friends or relatives who are involved in caring for the individual.

Carers play a significant role in preventing the needs for care and support for the people they care for, which is why it is essential that workers recognise the importance of preventing carers from developing needs for care and support themselves.

A carer's pathway has been developed to ensure we give carers in Worcestershire the right support at the right time. Carers in Worcestershire are able to access many services without the need for a formal assessment and the pathway places a strong emphasis on the provision

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of carer specific information, advice and support that promotes carer welfare e.g., carer training, carer advice, and information and support services provided by a commissioned provider. (See pathway Appendix1)

All staff, whether they undertake carer's assessments or not, carry a responsibility to identify carers at the earliest possible stage and to signpost them appropriately into the pathway. Particular attention should be paid to identifying any young carers under the age of 18.

Carers accessing Your Life, Your Choice will be signposted to the WCC commissioned carer support provider. Those carers who refer themselves through the Access Service will still have the opportunity to be directly referred to the commissioned carer support provider for information and advice prior to receiving a statutory carer's needs assessment.

It is also important that carers who are having a carer's needs assessment are signposted to voluntary sector advice, information and support services as they can be an important source of ongoing support once the assessment process has been completed.

## Section 2 Carers and Assessment

### 2.1 Relevant legislation and guidance – Carers and Assessment.

Care Act 2014 Sections.

Care and Support Statutory Guidance 2014 - Chapter 6

Children and Families Act 2014 (Amendments to Section 17 of Children's Act 1989)

### 2.2 Key Statutory Requirements - Carers and Assessment

#### 2.2.i Entitlement to and Responsibility for Undertaking Carer's Assessments

Where an individual provides or intends to provide care for another adult and it appears that the carer may have any level of needs for support, local authorities must carry out a carer's assessment. Where an adult provides care under contract (e.g. for employment) or as part of voluntary work, they should not normally be regarded as a carer, and so the local authority would not be required to carry out the assessment. There may be circumstances where the adult providing care, either under contract or through voluntary work, is also providing care for the same adult outside of those arrangements. In such a circumstance, the local authority must consider whether to carry out a carer's assessment for that part of the care they are not providing on a contractual or voluntary basis.

#### 2.2.ii Whole Family Approach and Combining Assessments

The Care Act stresses the need to adopt a whole family approach. The intention of the whole family approach is for local authorities to take a holistic view of the person's needs and to identify how the adult's needs for care and support impact on family members or others in their support network.

The local authority must also identify any children who are involved in providing care. (see section on young carers)

An assessment should also take into account the parenting responsibilities of the person.

Local authorities may combine an assessment of an adult needing care and support or of a carer with any other assessment it is carrying out either of that person or another where both the individual and carer agree, and the consent condition is met in relation to a child. If either of the individuals concerned does not agree to a combined assessment, then the assessments must be carried out separately.

Putting the person at the heart of the assessment process is crucial to understanding the person's needs, outcomes, wellbeing and delivering better care and support. The local authority must also involve any carer the person has, and in all cases, the authority must also involve any other person requested.

#### 2.2.iii Undertaking the Carer's Assessment

##### General Assessment Requirements which also apply to Carers Assessments

Key Care Act requirements which apply to needs assessments, also apply to carers assessment.

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From an early stage local authorities should consider whether the individual would have substantial difficulty in being involved in the assessment process and if so consider the need for independent advocacy.

An 'assessment' must always be appropriate and proportionate. It may come in different formats and can be carried out in various ways, including but not limited to:

- A face-to-face assessment between the person and an assessor.
- A supported self-assessment, which should use the same assessment materials as a face-to-face assessment, but where the person completes the assessment themselves and the local authority assures itself that it is an accurate reflection of the person's needs.
- An online or phone assessment, which can be a proportionate way of carrying out assessments e.g. where the person's needs are less complex or where the person is already known to the local authority
- A joint assessment, where relevant agencies work together to avoid the person Undergoing multiple assessments.
- A combined assessment where an adult's assessment is combined with a carer's assessment and/or an assessment relating to a child so that interrelated needs are properly captured and the process is as efficient as possible.

An assessment should be carried out over an appropriate and reasonable timescale taking into account the urgency of needs and a consideration of any fluctuation in those needs.

Local authorities should inform the individual of an indicative timescale over which their assessment will be conducted and keep the person informed throughout the assessment process.

An assessment should be a collaborative process and it is therefore essential that the process is transparent and understandable.

To help the adult with needs for care and support, or the carer, prepare for the assessment the local authority should provide in advance, and in an accessible format, the list of questions to be covered in the assessment.

Following their assessment, individuals must be given a record of their needs or carer's assessment. A copy must also be shared with anybody else that the individual requests the local authority to share a copy with.

### **Carer Assessment Specific Requirements**

Carers' assessments must seek to establish not only the carer's needs for support, but also the sustainability of the caring role itself. Where the local authority is carrying out a carer's assessment, it must include in its assessment a consideration of the carer's potential future needs for support. Factored into this must be a consideration of whether the carer is, and will continue to be, able and willing to care for the adult needing care.

The carer's assessment must also consider the outcomes that the carer wants to achieve in their daily life, their activities beyond their caring responsibilities, and the impact of caring upon those activities. This includes considering the impact of caring responsibilities on a carer's desire and ability to work and to partake in education, training or recreational activities, such as having time to themselves. This impact should be considered in both a short-term immediate sense but also the impact of caring responsibilities over a longer term, cumulative sense.

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When carrying out a carer's assessment, a local authority must also consider whether, and if so to what extent, matters other than the provision of support could contribute to the achievement of the outcomes that the carer wishes to achieve in day-to-day life.

A local authority, in carrying out a carer's assessment, must involve the carer, and any person whom the carer asks the authority to involve.

### 2.3 Worcestershire Guidance – Carers and Assessments

#### 2.3i Entitlement to and Responsibility for Undertaking Carer's Assessments

Any carer who appears to have a need for support should be offered an assessment. A carer will be entitled to an assessment regardless of the amount or type of care they provide, their financial means or their level of need for support. They can have an assessment whether or not the person they care for has had a needs assessment, or if the local council have decided the person they care for is not eligible for support.

There may be more than one carer in a situation. In such cases, all those providing care must be offered an assessment.

In some situations, two people with care needs may be providing mutual care for each other. Each individual should be recognised as both a service-user and carer.

When an informal carer gets paid, via Direct Payments, or any other method, for services which they provide to a user, they become an employee and may no longer have a right to a Carer's Assessment. There may be circumstances where the adult providing care, either under contract or through voluntary work, is also providing care for the same adult outside of those arrangements. In these circumstances discretion can be used as to whether to carry out a carer's assessment for that part of the care they are not providing on a contractual or voluntary basis. There may also be cases where the person providing care does so as voluntary work or under contract, but the nature of their relationship with the person cared for is such that they ought to be considered as a "carer" within the scope of the Act. The local authority has the power to carry out an assessment in such cases, if it judges that there is reason to do so.

Carers who are caring for someone who is considered to be 'self-funding' or are in receipt of Continuing Health Care Funding are still entitled to a Carer's Assessment. (N.B. Where CHC are meeting the 'cared for's' needs, they should also fund any needs for replacement care)

Carers of people who are in receipt of permanent 24 hour care e.g. a residential or nursing placement would not normally be entitled to a Carers Assessment as there is a paid carer present at all times, so there should not be need for additional informal care. There may be cases where the council has to use its discretionary rights to provide a carers assessment e.g. where a carer chooses to go in every day to feed his wife, however he is unlikely to be eligible for services as the care provided should not be 'necessary care'.

Responsibility for carrying out Carer's Assessments rests with the County Council. The responsibility to carry out Carer's Assessments for carers of people receiving secondary mental health services and carers of people with learning disabilities is delegated to Worcestershire Health and Care NHS Trust under [section 75 of NHS Act 2006](#)

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Carers are entitled to an assessment by the local authority in which the person they look after is resident, regardless of where they themselves live. Therefore, the County Council has a responsibility towards any carer, caring for a resident in Worcestershire, even if the carer lives in a different county. Conversely, carers living in Worcestershire but caring for someone in a different local authority are entitled to an assessment from the cared-for person's local authority. This principle is to be applied to cross team boundaries i.e. it is the responsibility of the team responsible for the 'cared for' to undertake the Carer's Assessment. (see Cross Border Protocol)

### **2.3.ii Whole Family Approach and Combining Assessments**

A whole family approach is to be taken towards all aspects of the care pathway within Worcestershire. Such an approach recognises that the physical and emotional wellbeing of carer, service user and their families are inextricably linked. Taking a whole-family approach during assessment means local authorities stand the best chance of identifying everyone's needs including those with caring responsibilities and supporting people to achieve the outcomes that are important to them whilst maintaining a strong supportive family unit. This approach must respect the individuality and rights of the people concerned but also recognise the interdependencies of achieving their desired outcomes.

The Act emphasises the importance of considering the person in the particular family and community context in which they live. This means looking at both how the person's needs impact on those around them and whether those around them are willing and able to contribute towards meeting the outcomes the person wants to achieve.

The local authority must also identify any children who are involved in providing care. (See section on young carers). An assessment should also take into account the parenting responsibilities of the person being assessed.

Worcestershire has responded to this requirement by developing the Combined Needs Assessment. This enables the needs of the person with care needs to be assessed alongside their carer. The Cared for and the carers needs are considered jointly and reflect both perspectives in terms of desired outcomes and support required to meet this. However, it must always be made clear that if a separate assessment is preferred for either then this must be provided.

### **2.3.iii Undertaking the Carer's Assessment**

Workers should agree with the carer whether they are happy to have a combined or separate assessment. This offer should be re-visited throughout the assessment and support planning process.

Workers will need to consider whether the carer will have 'substantial difficulty' in being involved in the assessment and ensure that appropriate support is put in place to facilitate their involvement.

When arranging and carrying out an assessment, accommodation must also be made for any communication, cultural, language or religious needs of the carer.

The confidentiality of carers will be respected as far as this is consistent with safeguarding them and others. Carers need to know at an early stage that their confidentiality may not be maintained if there were concerns that either they or the person they care for are at risk.

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Consent to share information needs to be obtained from the carer so that we can work with partner agencies to arrange services.

Staff must always be alert to any safeguarding and mental capacity issues affecting the carer or cared-for and act in accordance with safeguarding procedures and the [Mental Capacity Act 2005](#).

In undertaking a carer's assessment, workers should explore with carers their ability and willingness to continue to care and the sustainability of this role over time. No assumptions should be made about the carer's willingness to continue caring or continue undertaking particular tasks.

The carer's assessment must also consider the outcomes that the carer wants to achieve in their daily life, their activities beyond their caring responsibilities, and the impact of caring upon those activities. This includes considering the impact of caring responsibilities on a carer's desire and ability to work and to partake in education, training or recreational activities, such as having time to themselves. This impact should be considered in both a short-term immediate sense but also the impact of caring responsibilities over a longer period of time.

In line with whole family asset based approach, workers should explore the strengths an individual themselves has, as well as what or who is available in the carers immediate family, or community to help them meet their outcomes.

The impact of the caring role on the carer's health and well-being should be considered carefully. Workers should consider whether there is a significant risk to the carer's wellbeing or to the sustainability of the caring role, if their needs/outcomes are not met, whilst also considering whether there is likely to be any fluctuation in need.

The assessment should be recorded in line with recording requirements and a copy given to the carer, unless it would cause significant distress to do so. Consideration needs to be given as to whether the assessment is needed in alternative formats or languages.

Carers should be given information about how to make a complaint, comment or compliment about any aspect of their involvement with social care.

## Section 3 Carers and Eligibility

### 3.1 Relevant Legislation and Guidance - Carers and Eligibility

Care Act 2014 Sections 13  
Care and Support Statutory Guidance 2014 – Chapter 6  
Care and Support (Eligibility Criteria) Regulations 2014.

### 3.2 Key Statutory Requirements - Carers and Eligibility

#### Carer neutrality during service users eligibility determination

The 'eligibility criteria' regulations make it explicit that the decision about whether an adult has eligible needs, is made on the basis that it does not take into account any support that is being provided by third parties (i.e. carers): 'instead, where a person receives support from a carer, this will be taken into account during the development of the Care and Support Plan.' This is to ensure that should there be a breakdown in the caring relationship, the needs are already identified as eligible, and therefore local authorities must take steps to meet them without further assessment. Local authorities are not required to meet any eligible needs which are being met by a carer, but those needs should be recognised and recorded as eligible during the assessment process.

#### Carer national eligibility criteria

To be eligible a carer must meet **all three** of the following conditions:

1. Carers needs arise as a consequence of providing necessary care for an adult
2. The effect of the carer's needs are that the carer's physical; or mental health is, or is at risk of, deteriorating, and/or the carer is unable to achieve any of the following outcomes:
  - i. carrying out caring responsibilities the carer has for a child;
  - ii. providing care to other persons for whom the carer provides care;
  - iii. maintaining a habitable home environment;
  - iv. managing and maintaining nutrition;
  - v. developing and maintaining family or other significant personal relationships;
  - vi. accessing and engaging in work, training, education or volunteering;
  - vii. making use of necessary facilities or services in the local community, including recreational facilities or services;
  - viii. engaging in recreational activities
3. If these outcomes remain unmet it will or is likely to have a significant impact on the carer's wellbeing.

Authorities must be aware that the regulations provide that 'being unable' to achieve outcomes, includes circumstances where the carer:

- Is unable to achieve the outcome without assistance.
- Is able to achieve the outcome without assistance, but doing so causes or is likely to cause significant pain, distress or anxiety or endangers.

Consideration must be given to fluctuating needs.

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The guidance makes clear that 'carers' eligibility does not depend on whether the 'adult for whom they care has eligible needs'. Accordingly, the fact that an adult is not eligible for support is irrelevant in so far as the carer's assessment is concerned.

**Following the outcome of the eligibility determination the local authority must provide the person to whom the determination refers with a copy of the decision. If the needs have been deemed not eligible, the local authority has to explain how they have reached this decision. If, following completion of the assessment, the local authority deems that a person's needs are not eligible, it must provide information and advice on meeting or reducing the needs.**

### 3.3 Worcestershire's Guidance - Carers and Eligibility

#### **Carer neutrality during service users eligibility determination**

Carer Neutral - During the assessment of an adult with care needs, workers must seek to establish a complete picture of the individual's needs, what outcomes they want to achieve in their day-to-day life and what impact this has on their wellbeing, regardless of any support being provided by a carer. Where the adult has a carer, information on the care that they are providing should be captured during assessment, but it must not influence the eligibility determination. It is important to understand what impact the provision of care may have on any carer's wellbeing. If the information provided indicates that the carer might have needs for support due to their caring responsibilities, then workers must offer to undertake a carer's assessment for that individual.

#### **Carer National eligibility criteria**

Workers must complete the new carer eligibility determination at the very end of the carer's assessment, where they will be asked to record their eligibility decision. The decision should reflect evidence recorded in the assessment and professional analysis around the carer's needs, desired outcomes, impact and levels of risk.

Within the eligibility determination, workers need to confirm whether or not all three of the following conditions apply to the carer:

**Condition A** - the need for support arises because the carer is providing necessary care to an adult,

**Condition B** - the effect of the needs are that,

- **their physical or mental health is at risk of deteriorating** - Many carers will themselves have health conditions that do not arise from caring. The test here is whether physical or mental health conditions are deteriorating, or likely to deteriorate as a result of providing care.

**and/or** they are unable to achieve **any** of the following outcomes;

- **Carrying out any caring responsibilities the carer has for a child** - any parenting or other caring responsibilities the carer has for a child in addition to their caring role for the adult. e.g., the carer might be a grandparent with caring responsibilities for their grandchildren while the grandchildren's parents are at work.
- **Providing care to other persons for whom the carer provides care** - any additional caring responsibilities the carer may have for other adults. e.g., a carer may also have

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- caring responsibilities for a parent in addition to caring for the adult with care and support needs.
- **Maintaining a habitable home environment** -whether the condition of the carer's home is safe and an appropriate environment to live in and whether it presents a significant risk to the carer's wellbeing. A habitable home should be safe and have essential amenities such as water, electricity and gas.
- **Managing and maintaining nutrition** - whether the carer has the time to do essential shopping and to prepare meals for themselves and their family.
- **Developing and maintaining family or other significant personal relationships** - whether the carer is in a position where their caring role prevents them from maintaining key relationships with family and friends or from developing new relationships where the carer does not already have other personal relationships.
- **Engaging in work, training, education or volunteering** - whether the carer can continue in their job, and contribute to society, apply themselves in education, volunteer to support civil society or have the opportunity to get a job, if they are not in employment.
- **Making use of necessary facilities or services in the local community** -whether the carer has an opportunity to make use of the local community's services and facilities and for example consider whether the carer has time to use recreational facilities such as gyms or swimming pools.
- **Engaging in recreational activities** - whether the carer has leisure time, which might for example be some free time to read or engage in a hobby.

**Condition C** - as a consequence there is, or is likely to be a significant impact on their well-being.

### **What does 'unable to achieve mean'?**

Being unable to achieve an outcome because of your carer needs, means you cannot do it without assistance, or attempting to do it would cause you significant pain, distress or anxiety or endanger your health or the safety of others. A key issue here is whether the carer would be able to achieve the outcomes if there were no caring responsibilities? If 'no' then the carer would not be eligible for carer services.

### **What is meant by necessary care?**

No definition is given of 'necessary care' in the legislation but workers need to confirm that the carers needs arise as a result of providing necessary care i.e. that they are not things that the cared for person could do for themselves, or that the carers needs are not a result of something other than the caring role. In determining necessary care, you should consider

- What would be impact if care stopped?
- Could they provide this care for themselves? If yes, provide information and advice as appropriate.
- Are required activities ones that the individual requiring support should be able to carry out as part of normal daily life but is unable to do so?
- Is the carer over-involved and supplying support that is not strictly necessary? The person cared for may have become used to support that he or she does not really need.
- Is carer duplicating care already supplied by others?
- Necessary care can include care provided to support needs that are not eligible. The person cared for does not have to have eligible needs e.g. they may be unable to meet only one outcome in the service user eligibility criteria.

### **What is 'significant' impact on wellbeing?**

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Consideration should be given to aspects of the well-being principle in making the eligibility decision including: physical and mental health and emotional wellbeing, safety, ability to exercise control over their life, having suitable accommodation, contact with family, the community and economic security.

No definition is given of 'significant' in the legislation, but workers should consider its everyday meaning and whether the carer's needs and their inability to achieve the outcomes will have an important, consequential effect on their daily lives, their Independence and their own wellbeing. The impact of needs may affect different carers differently, because what is important to the individual's wellbeing may not be the same in all cases. Circumstances which create a significant impact on the wellbeing of one individual may not have the same effect on another. It could mean an impact of some size on one outcome area, or a cumulative impact.

### **What do we mean by unable to achieve?**

Carers should be consider unable to achieve the outcome if they:

- 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 them or another person's health and safety

### **Fluctuating needs**

If a carer's need varies workers must take this into consideration so that a full picture of the level of need is developed. The reason for the variation can be because the condition of the person you care for fluctuates from day to day or week to week, or because the carer has other responsibilities that can affect them from time to time For example, if the carer is a parent of school children, they may not have the same level of need for support during term time as during school holidays.

### **Carer eligible vs 'adult in need' ineligible**

This obligation stems from section 20 of the Act, which states:

(7) A local authority may meet some or all of a carer's needs for support in a way which involves the provision of care and support to the adult needing care, even if the authority would not be required to meet the adult's needs for care and support under section 18.

(8) Where a local authority is required by this section to meet some or all of a carer's needs for support but it does not prove feasible for it to do so by providing care and support to the adult needing care, it must, so far as it is feasible to do so, identify some other way in which to do so.

### **Informing the carer of eligibility decision**

A copy of the carer assessment and the eligibility determination must be provided.

If someone is not eligible, they must be provided with information and advice on what might be available in the wider community to meet or reduce their ineligible needs and what preventative measure might be taken to prevent needs developing.

## Section 4 Carers Person Centred Support Planning

### 4.1 Relevant Legislation and Guidance - Carer Support Planning

Care Act 2014 Section 25

Care and Support Statutory Guidance 2014 - Chapter 10. 10.31

### 4.2 Key Statutory Requirements -

#### Carers Role in support Planning for an Adult

In preparing a care/support plan, section 25(3) requires that local authorities must involve the adult for whom it is being prepared and any carer that the adult has.

Any eligible needs met by a carer are not required to be met by the local authority, for so long as the carer continues to do so. The local authority should record in the care and support plan which needs are being met by a carer, and should consider putting in place plans to respond to any breakdown in the caring relationship.

#### Carers Support Plan

The 'sign off' of a plan should only occur once the authority has taken 'all reasonable steps to reach agreement with the person for whom the plan is being prepared and carers must be given a record of their support plan.

Where the carer also has eligible needs, the local authority should consider combining the plans of the adult requiring care and the carer, if all parties agree.

A care and support plan or, in the case of a carer, a support plan is a document prepared by a local authority which should include:

- the needs identified by the assessment;
- whether, and to what extent, the needs meet the eligibility criteria;
- the needs that the authority is going to meet, and how it intends to do so;
- for a carer, the outcomes the carer wishes to achieve, and their wishes around providing care, work, education and recreation where support could be relevant;
- information and advice on what can be done to reduce the needs in question, and to prevent or delay the development of needs in the future;
- the personal budget for the adult concerned.

### 4.3 Worcestershire's Guidance - Carers Role in support Planning for an Adult

The results of the carer's assessment should be taken into account when deciding on the level of support to be provided for the person receiving care. Carers, whether assessed separately or not, should be involved in the care planning of the person they care for, unless there are clear reasons to the contrary which should be documented.

During the assessment, local authorities must consider all of the adult's care and support needs, regardless of any support being provided by a carer. Where the adult has a carer, information on the care that they are providing can be captured during assessment, but it must not influence the eligibility determination. After the eligibility determination has been reached, if the needs are eligible or the local authority otherwise intends to meet them, the care which a carer is providing can be taken into account during the care and support planning stage. The

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local authority is not required to meet any needs which are being met by a carer who is willing and able to do so, but it should record where that is the case. This ensures that the entirety of the adult's needs are identified and the local authority can respond appropriately if the carer feels unable or unwilling to carry out some or all of the caring they were previously providing.

### **Carer's Support Plan**

The Carer's Support Plan is an operational plan of action for the carer, outlining what the carer can expect to happen following on from their assessment. Through the assessment process, the carer's needs and the outcomes they want to achieve should have been identified. Consideration as to how their outcomes can be met should be recorded in the support plan. This may be via statutory, voluntary or universal services. It is also important to address what solutions the carer might have to deal with a particular challenge themselves. It is essential not to deskill carers but to empower them.

The Carer's Support Plan should be recorded in line with recording requirements and a copy given to the carer, unless it would cause significant distress to do so. Consideration needs to be given as to whether the support plan is needed in alternative formats or languages.

The same principles which apply to assessment apply to both support planning and review i.e. whole family approach, wellbeing principle, confidentiality, ensuring appropriate support to take part in process. If both parties agree a combined support plan can be developed, following a combined assessment.

## 5. Carer Personal Budgets

### 5.1 Relevant Legislation and Guidance - Carer Personal Budgets

Care Act 2014 Sections 25, 26 and 31  
Care and Support Statutory Guidance 2014  
Chapter 11: Personal Budgets  
Chapter 12: Direct Payments

### 5.2 Key Statutory Requirements - Carer Personal Budgets

The carer's personal budget must be an amount that enables the carer to meet their needs to continue to fulfil their caring role, and takes into account the outcomes that the carer wishes to achieve in their day to day life. Local Authorities must specify in a carer's support plan the amount of their personal budget. Section 25 (1) (e)\* does not distinguish between 'adults' and 'carers'.

The assessment of the carer's desired outcomes must include their wishes and/or aspirations concerning paid employment, education, training or recreation if the provision of support can contribute to the achievement of those outcomes. The carer is entitled to have their eligible unmet needs met in the same way as the service user. The manner in which the personal budget will be used to meet the carer's needs should be finalised as part of the planning process.

Local authorities must have regard to the wellbeing principle of the Act as it may be the case that the carer needs a break from caring responsibilities to look after their own physical/mental health and emotional wellbeing, social and economic wellbeing and to spend time with other members of the family and personal relationships.

Decisions on which services are provided to meet carers' needs, and which are provided to meet the needs of the adult for whom they care, will impact on one of their personal budgets to include the costs of meeting those needs.

The purpose of the support planning process is to agree how a person's eligible needs should be met and therefore how the local authority will discharge its duty to do so. 'Meeting needs' is an important concept under the Act and provides a greater variety of approach in how needs can be met.

Carer needs may be met through support direct to the person they care for, by universal services including those which are not directly provided by the local authority or by the carers own resources (friends and family for example). Carers can also have their own 'unmet' needs met through the use of a personal budget.

Personal budgets are a key part of the Governments aspirations for a person-centred care and support system. Adults whose needs are met by the local authority must receive a personal budget as part of the support plan. The personal budget is an important tool that gives the person clear information regarding the money that has been allocated to meet the needs identified in the assessment and recorded in the plan.

We must meet assessed eligible unmet needs that cannot be met in another way

### **5.3 Worcestershire's Guidance - Carer Personal Budgets**

The Carer Assessment and Support planning process will help identify which areas of the carer's life are being significantly impacted upon, and the best way to meet those areas of need. The need(s) must relate to the caring role.

The range of support available to meet some of those carer needs may include universal services and direct support to the cared for person. All carers with eligible social care needs are entitled to have any further unmet needs provided through the provision of a Carer Personal Budget if those needs cannot be met through other ways.

The purpose of the Carer Personal Budget is to promote the carer's sense of well-being where significant impact has been identified, and to support the carer to continue in their caring role by achieving the outcomes that are important to them.

A Carer Personal Budget will be paid in the form of a direct payment.

#### **Carer Budget Indicator**

This considers the significant impact caring is having on the carer's wellbeing within the nine carer outcome areas which are embedded within the new assessment. An indicative amount is given depending on the number of outcome areas with significant impact, which can be requested through the support planning process to provide support directly to the carer. The amount indicated by the budget indicator can always be moderated to ensure that amount is enough to reasonably pay for the cost of the identified service that will meet the carer's outcomes.

## 6 Review of Carer Support Plans

### 6.1 Relevant Legislation and Guidance - Review of Carer Support Plans

Care Act 2014 Section 27

Care and Support Statutory Guidance 2014 Chapter 13

Department of Health's 1999 National Service Framework for Mental Health (standard 6)

### 6.2 Key Statutory Requirements - Review of Carer Support Plans

A local authority has a general duty to ensure that care and support plans and carer's support plans are reviewed regularly. Additionally they must undertake a review on receipt of a reasonable request to do so, or when they are made aware that there is a change in the individual's/carers needs or circumstances which would warrant a review.

The review process should be person-centred and outcomes focused, as well as accessible and proportionate to the needs to be met.

When undertaking a review of a person needing care, if there is a carer support plan, the local authority should consider whether the carer's support plan requires reviewing at the same time. Even if the carer does not have a carer support plan, the process must involve the person needing care and also the carer where feasible.

The review will help to identify if the person's/carers needs have changed and can in such circumstances lead to a reassessment. It should also identify other circumstances which may have changed, and follow safeguarding principles in ensuring that the person is not at risk of abuse or neglect.

The expectation is that authorities should conduct a review of the care and support plans and carer's support plans no later than every 12 months, although a light-touch review should be considered 6–8 weeks after agreement and sign-off of the plan and personal budget, to ensure that the arrangements are working.

The local authority must if satisfied that the circumstances have changed in a way that affects a care and support or support plan, carry out a needs or carer's assessment and financial assessment, and then revise the plan and personal budget accordingly. This process may be referred to as a 're-assessment'. A 're-assessment' cannot occur without first conducting a review and then deciding that a revision of a plan is necessary.

Standard six of the National Service Framework for Mental Health states that carers of people on CPA who provide regular and substantial care, should be offered an assessment and a care plan which is reviewed at least annually.

### 6.3 Worcestershire's Guidance - Review of Carer Support Plans

#### Frequency of Reviews

A light touch review should be offered at 6-8 weeks by the worker who completed the support plan to ensure it is working and to iron out any problems, prior to transferring to Review Team. The worker should agree and record the frequency of future reviews, which should be at least

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annually. Wherever possible and with agreement, reviews of carer support plans and those of the person they care for should take place at the same time.

Carers should be made aware of how to request a review if there is a change in either their own needs/circumstance or the needs/circumstances of the person they care for. Requests for response reviews should generally result in a review unless there is good reason not to undertake one.

### **When do we keep a carers case open for planned review**

It is important that those carers most in need are prioritised for review. Carers cases must remain open for review and reviewed annually where:

- Safeguarding issues or concerns are identified in relation to carer or 'cared for'.
- The carer is over 60 and cares for a person with a Learning Disability.
- Carers who provide regular and substantial care for a person on Care Programme Approach (Mental Health).
- Where a carer has been assessed as having eligible support needs which are being met through a carer support plan.
- When service user is in receipt of replacement care to meet the support needs of the carer.

The Carer's Support Plan should make it clear whether the carer should expect a review in the future. Carers not identified for review should be advised to contact the Worcestershire Health and Social Care Access Service should their circumstances change. Further contact with the Access Service would trigger a new Carer's Assessment.

### **When will the Central Review Team accept a review?**

The Central Review Team will undertake Carer's Reviews if they are identified as needed with the following exceptions:

- Carers of people under 65, who are accessing secondary mental health services. (Mental health teams can send carer's planned reviews to the Central Review Team only when secondary services have discharged the 'cared for' and the above criteria for the need for a planned carer's review are met.)
- Reviews for over 60 carer's for people with Learning Disabilities are undertaken by Learning Disability Older Family Carer Support Workers.

### **Method of Review**

Consideration should be given to the method of review and making a range of review options available which may include self-review, peer led review, reviews conducted remotely, telephone, or face to- face reviews with a social worker or other relevant professional.

The same principles which apply to assessment apply to both support planning and review i.e. whole family approach, wellbeing principle, confidentiality, ensuring appropriate support to take part in process. If both parties agree a combined review can be undertaken, following a combined assessment.

### **Principles for Review**

All reviews should:

- Be proportionate and take into consideration risk and fluctuating need.
- Must involve the person, their carer and any other persons the adult may want involved, and their advocate where the person needs one.

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- Be person-centred and outcome focused.
- Consider the review and revision of the care and support plan and the carer support plan as intrinsically linked, especially where it relates to a change in circumstances or presenting need.
- Not be overly-complex or bureaucratic.

A carer's review should cover these broad elements.

- Has the carer or the person they care for's circumstances and/or care and support or support needs changed?
- Revisiting all outcome areas, and clearly demonstrating if the carer is able/unable to achieve them.
- What is working in the support plan, what is not working, and what might need to change?
- If relevant, has a carer's personal budget, or replacement care services enabled the carer to meet their needs and the outcomes identified in their plan.
- Are there any changes in the carer or cared for person's informal and community support networks which might impact negatively or positively on the support plan?
- Have there been any changes to the carer or cared for's needs or circumstances which might mean they are at risk of abuse or neglect?
- How is the caring role impacting on the carers wellbeing?
- Consider whether there are any new outcome areas the carer is able or unable to achieve, as a result of the caring role?
- Whether the carer is able and willing, and is likely to continue to be able and willing, to provide care for the adult needing care?

### **Re-Assessment**

If carer's circumstances have changed in a way that significantly affects their support plan, a carer's assessment should be undertaken and the support plan revised accordingly. This process may be referred to as a 're-assessment'. A significant change in carer's circumstance could include a change in the caring role, or a change in the impact of the caring role.

The re-assessment should not be a new assessment from the beginning of the care and support process, but should be a proportionate assessment that takes into consideration what is already known of the person and incorporates revised elements as appropriate. The need for re-assessment could be identified during the planned review or as a Triage response to a carer request for a response review/reassessment.

If the cared for's circumstances have changed significantly enough to require a reassessment, consideration should be given to whether the carer requires either a review or reassessment.

## 7. Young Carers

### 7.1 Relevant Legislation and Guidance – Young Carers

Care Act 2014 Sections

Care and Support Statutory Guidance 2014

The Children and Families Act 2014 (Amendments to Section 17 of Children's Act 1989)

### 7.2 Key Statutory Requirements - Young Carers

#### **The Children and Families Act 2014** (Amendments to Section 17 of Children's Act 1989)

This amendment to the Children Act has clarified the law relating to young carers' and addresses the council as a whole (applying to both adult and children's services). The new provisions include;

- Ensuring the right to an assessment of needs for support will be extended to all young carers under the age of 18 regardless of who they care for, what type of care they provide or how often they provide it;
- Placing a clearer duty on local authorities to undertake an assessment of a young carer's needs for support on request or on the appearance of need,
- Requiring councils to ensure that young carers are identified and that consideration is also given as to whether they are a 'child in need'
- Making links between children's and adults' legislation to enable local authorities to align the assessment of a young carer with an assessment of an adult they care for to prevent inappropriate care.
- Requiring Councils to be proactive about identifying young carers in their area and acting to help reduce their need for support through the provision of information and preventative measures (for example in schools).

#### **Care Act 2014**

The Care Act regulations and guidance specify that Adult Services must identify children in the household, consider whether they are young carers and if so whether they are children in need\*.

Identification of a young carer in the family should result in an offer of a needs assessment for the adult requiring care and support and, where appropriate, the local authority must consider whether the child or young carer should be referred for a young carer's assessment or a needs assessment under the Children Act.

When carrying out an adult's or carer's assessment, if it appears that a child is involved in providing care the local authority must consider:

- the impact of the person's needs on the young carer's wellbeing, welfare, education and development;
- how supporting the adult with needs for care and support can prevent the young carer from undertaking excessive or inappropriate levels of care.

An assessment should take into account the parenting responsibilities of the person as well as the impact of the adult's needs for care and support on the young carer.

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Local authorities should ensure that adults' and children's care and support services work together to ensure the assessment is effective.

**The Care Act and Young Carers in Transition to Adulthood**

The Care Act requires councils to undertake an assessment for a young carer if it considers that she/ he is likely to have needs for support after becoming 18 and that the assessment would be of significant benefit to him / her. If a local authority decides not to undertake such an assessment it must give reasons for its refusal.

**7.3 Worcestershire's Guidance - Young Carers and Transitions to Adult Services**

In Worcestershire a Memorandum of Understanding for young carers has been developed alongside a young carer's pathway to ensure young carers are supported within the requirements of the legislation which spans both Adults and Children's Services. The memorandum defines a young carer as 'a person under 18 who provides or intends to provide care for another person (of any age, except where that care is provided for payment, pursuant to a contract or as voluntary work). This relates to care for any family member who is physically or mentally ill, frail elderly, disabled or misuses alcohol or substances. The memorandum also applies to young adult carers aged up to 25 and the transition from children's services to adult care and support. The guidance below contains the responsibilities of workers within Adult Social Care.

**Identifying Young Carers**

Workers in Adult Services need to identify young carers and support 'family units' using a whole family approach\* so that children and young people are not expected to undertake unreasonable levels of caring.

When young carers under the age of 18 are identified, the nature, extent and impact of their caring roles should be ascertained. If they are carrying out tasks inappropriate for a child of their age, additional support should be considered for the adult in need of care. Options should be explored with the family about suitable support for the young person(s) and any other children in the household. The identification of a young carer must always result in the offer of an assessment of the person being cared for.

(\*Further information and practice guidance is available in "[The Care Act and Whole Family Approaches](#)". This was published by ADASS March 2015 in association with several partners and was commissioned by the Department of Health.

**What is meant by inappropriate caring roles?**

Inappropriate caring responsibilities should be considered as anything which is likely to have an impact on the child's health, wellbeing or education, or which can be considered unsuitable in light of the child's circumstances and may include:

- personal care such as bathing and toileting;
- carrying out strenuous physical tasks such as lifting;
- Administering medication;
- Maintaining the family budget;
- Emotional support to the adult.

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When a worker is determining whether the tasks a child carries out are inappropriate, it should also take into account the child's own view wherever appropriate.

### **Impact of caring on Young Carers**

A young carer can become vulnerable when their caring role risks impacting upon their emotional or physical wellbeing or their prospects in education and life. This might include:

- preventing the young carer from accessing education, for example because the adult's needs for care and support result in the young carer's regular absence from school or impacts upon their learning;
- preventing the young carer from building relationships and friendships;
- impacting upon any other aspect of the young carer's wellbeing.

### **Making further referrals for support and assessment of young carers**

Adult workers must make referrals to Children's Service when they feel a young carer still has needs for support, even after support has been considered to replace any inappropriate caring.

Children's Services have responsibility for undertaking Young Carers Assessments. All referrals for Young Carer's Assessments should go to the Children's Services Family Front Door (Early Help Hub). A decision will then be made whether a Young Carer's Assessment or a Child in Need\* Assessment is required.

All young carers and young adult carers should be offered the support of the commissioned young carers support provider -Youth Support Services (YSS)

Referrals to Children's Services or YSS are not an alternative to providing appropriate services to the family. A referral can be made to Youth Support Services (commissioned provider for young carer support) to support a young carer under the age of 25 by anyone at any point in the process.

**Tel 01905 730 788 or email: [youngcarers@yss.org.uk](mailto:youngcarers@yss.org.uk)**

Wherever possible assessments should be combined to ensure a whole family approach and to avoid young carers and the people they care for having to be assessed by different agencies working independently and in isolation from one and other. Where they can't be combined, it is essential that workers undertaking young carers assessments liaise with workers undertaking the assessment of the 'cared for' whether they be an Adult or Children's Services worker.

### **Safeguarding Young Carers**

If there are any concerns that a young carer is suffering or likely to suffer significant harm then an urgent referrals must be made to Children's Services so this can be investigated.

### **Transitional Young Carers Assessment**

Adult's Services are responsible for undertaking Transitional Young Carers Assessment for young carers, caring for adults, as the young carer approaches adulthood, wherever it appears that there may be 'significant benefit' to the individual in doing so.

### **What is significant benefit**

Transition assessments should take place at the right time for the young carer and at a point when the local authority can be reasonably confident about what the young person's or carer's needs for care or support will look like after the young person in question turns 18.

When considering whether it is of significant benefit to assess, a local authority should consider factors which may contribute to establishing the right time to assess (including but not limited to the following):

- The stage they have reached at school and any upcoming exams;

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- Whether the young carer wishes to enter further/higher education or training;
- Whether the young carer wishes to get a job when they become a young adult;
- The time it may take to carry out an assessment;
- The time it may take to plan and put in place the support;
- Any relevant family circumstances;

**What should a transitional young carer's assessment include?**

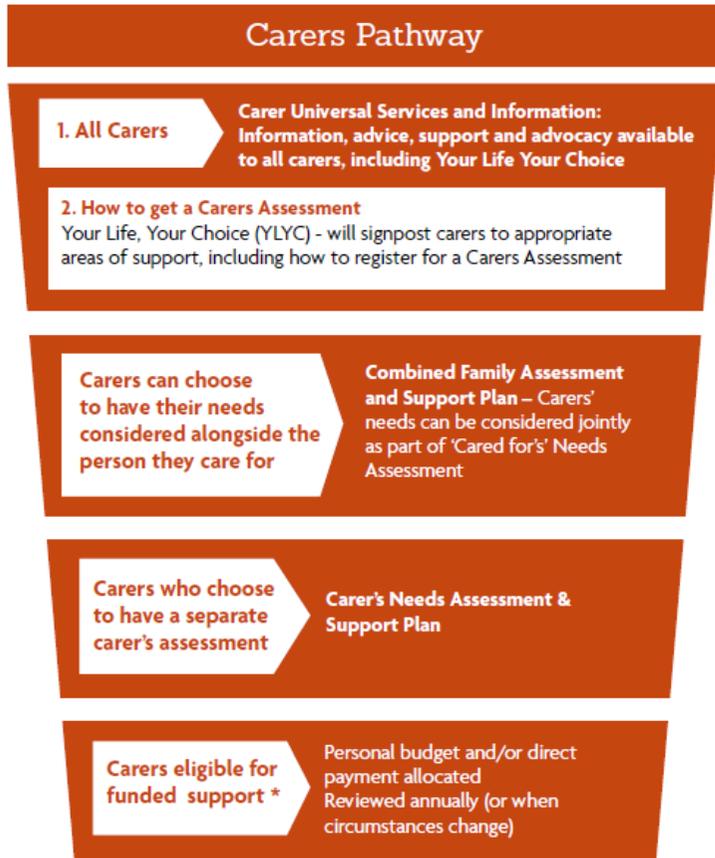
Transition assessments and planning must consider how to support young carers to prepare for adulthood and how to raise and fulfil their aspirations. This is regardless of whether the young carer currently receives any services and includes young carers whose parents have needs below the local authority's eligibility threshold.

Young carers' assessments should include an indication of how any care and support plan for the person(s) they care for would change as a result of the young carer's change in circumstances. For example, if a young carer has an opportunity to go to university away from home, the local authority should indicate how it would meet the eligible needs of any family members that were previously being met by the Young carer.

Where a transitional assessment decides young carers will not be eligible for services from Adult Social Care, they must be provided with appropriate information and advice.

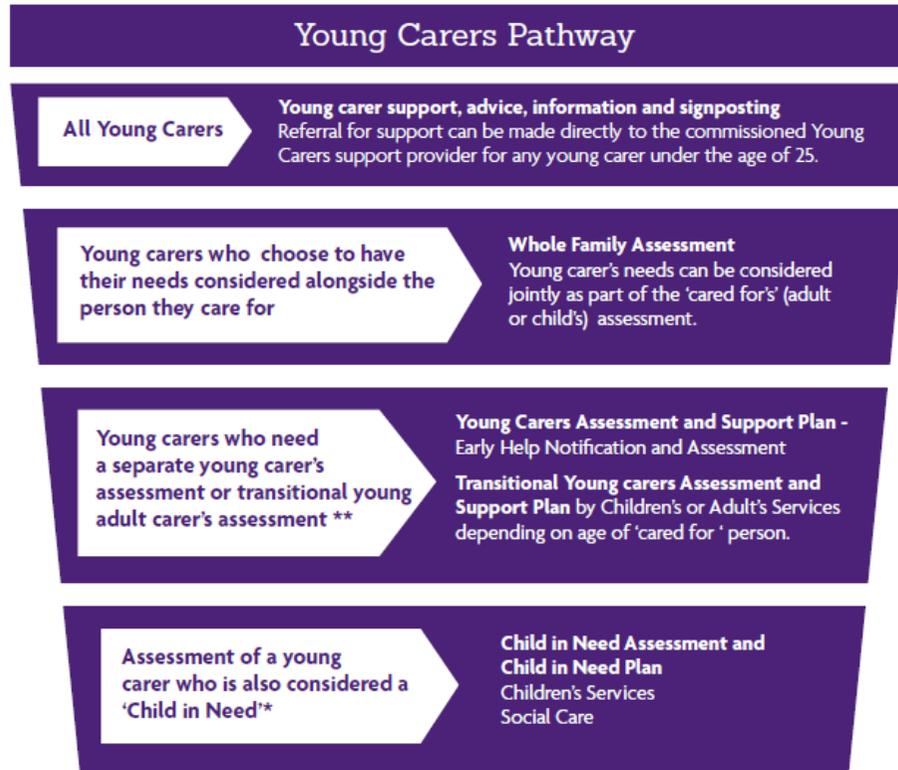
Unit: Policies and Procedures

Appendix1 – Carers Pathways



**Notes**

- \* Refers to social care funded support
- \*\* Can include provision of direct service to the service user/cared for



**Notes**

- \* Child in need: Section17 of the Children Act 1989 defines a child as being in need in law if:
  - He or she is unlikely to achieve or maintain or to have the opportunity to achieve or maintain a reasonable standard of health or development without provision of services from the LA;
  - His or her health or development is likely to be significantly impaired, or further impaired, without the provision of services from the LA;
  - He or she has a disability.
 Development can mean physical, intellectual, emotional, social or behavioural development. Health can be physical or mental health.
- \*\* Transitional Young Carers Assessment - This must be offered to any young carer who is likely to have needs for support after becoming 18 and should take place at a 'point of significant benefit' (assuming this will be roughly between the ages of 16-18), in order to consider what that post 18 support might be. If the young carer is caring for an adult, this will need to be undertaken by worker undertaking assessment of adult with care needs. If the young carer is caring for a child, this will be undertaken by Children's Services