

Disability Law Service

Fighting injustice for disabled people

CARERS ASSESSMENTS FACTSHEET

Who is a carer?

A carer is someone who helps another person, usually a relative or friend, in their day-to-day life but not in a professional capacity or through a voluntary organisation.

The Care Act 2014 relates mostly to adult carers over 18, who are caring for another adult.

The Children Act 1989 relates to young carers, aged under 18 and adults who care for a disabled child.

The regulations under the Care Act 2014 require looking at family circumstances when assessing an adult's need for care, for example, to ensure that the position of a young carer within a family is not overlooked.

The Care Act 2014 also provides for transitional arrangements to be made for young carers, or adult carers of disabled children, to plan an effective and timely move to adult care and support.

Carers under the Care Act 2014

Under the Care Act 2014, local authorities are required to assess a carer's need for support, where the carer appears to have such needs. The local authority will assess whether the carer has needs and what those needs may be. This assessment will consider the impact of caring, on the carer. It will also consider the things that a carer wants to achieve in their own day-to-day life. It must also consider other important issues, such as whether the carer is able or willing to carry on caring, whether they work or want to work, and whether they want to study or do more socially.

If both the carer and the person they care for agree, a combined assessment of both their needs can be undertaken.

Parent carers of disabled children under the Children Act 1989

Parents who care for disabled children have right to a carer assessment under the Children Act 1989, allowing them a break from their caring role. This assessment is conducted and met by Children Services.

Young carers under the Children Act 1989 & Children & Families Act 2014

The Children and Families Act gives young carers (under 18 years) rights to a carer assessment similar to those for adult carers under the Care Act 2014.

Regulations under the Care Act 2014 set out how assessments of adults with care and support needs must be carried out to ensure the needs of the whole family are

considered. This includes assessing what an adult needs to enable them to fulfil their parental responsibilities towards their children, or to ensure that young people do not undertake inappropriate caring responsibilities.

Adults caring for disabled children reaching 18 years

The Care Act 2014 enables an adult carer of a disabled child to request a carer assessment of their needs, in advance of the child reaching 18. Where a local authority carries out such an assessment, it has the power to provide support to the carer even though they are caring for a child not an adult. This would, for example, enable a local authority to provide support that is available through an adult carers' centre.

Young carers transitioning to adult services

The Care Act 2014 enables a young carer (of an adult) who is reaching 18 years to request a carers assessment where it is likely that they will need support in their caring role after they reach the age of 18 years.

Eligibility Criteria

When the assessment is complete, the local authority must decide whether the carer's needs are 'eligible' for support from the local authority. Eligibility depends on the carer's situation.

The carer will be entitled to support if:

- they are assessed as having needs that meet the eligibility criteria
- the person they care for has an established home in the local authority area

Support planning

The local authority and the carer will agree a **carer support plan**, which sets out *how* the carer's needs will be met. This might include help with housework, buying equipment e.g. a laptop to keep in touch with family and friends, or joining a gym so that the carer can look after their own health.

It may also be by providing replacement care to allow the carer to take a break.

Charging and financial assessment

Most local authorities do not charge for providing support to carers, in recognition of the valuable contribution that carers make to their local community. However, if the local authority does decide to charge a carer for providing them with support, it must carry out a financial assessment to decide whether the carer can afford to pay.

However, where the carer is providing care to an adult whom they are providing care to and have decided to charge that adult - the Authority cannot charge the carer.

Personal budgets

Carers will receive a personal budget statement setting out the cost of meeting their needs which will include the amount the local authority is going to pay. Carers have a right to request direct payments which will enable them to have control over how their support is provided.

Legal Disclaimer

Although great care has been taken in the compilation and preparation of this Factsheet to ensure accuracy, DLS cannot accept responsibility for any errors or omissions. All information provided is for education/informative purposes and is not a substitute for legal advice.

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[please refer to our website for further details.](#)**

Website: www.dls.org.uk

Legal Aid (you are eligible and require representation)

Tel: 0207 791 9820

Email: legalaid@dls.org.uk

Advice

Tel: 0207 791 9809

Email: helpline@dls.org.uk

Address:

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Please support the great work that the Disability Law Service does for disabled people and their carers by donating and making sure this service continues. You can donate in the confidence that 97.2% of all money raised is spent on our work.