



2002 CHAPTER 6

Carers of disabled children: assessments and vouchers

Assessments: carers of disabled children

5. After Article 18 of the Children Order there shall be inserted—

“Assessments: carers of disabled children

18A.—(1) Where—

- (a) the carer of a disabled child who has parental responsibility for the child requests an authority to carry out an assessment of the carer’s ability to provide and to continue to provide care for the child; and
- (b) the authority is satisfied that the child and his family are persons for whom it may provide services under Article 18,

the authority—

- (i) shall carry out such an assessment; and
- (ii) shall take the results of that assessment into account when deciding what, if any, services to provide under Article 18.

(2) Where—

- (a) an authority carries out an assessment of the needs of a disabled child for the purposes of this Part or section 2 of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978 (c. 53); and
- (b) the carer of that child requests the authority, before it makes a decision as to whether the needs of that child call for the provision of any services, to carry out an assessment of the carer’s ability to provide and to continue to provide care for that child,

the authority—

- (i) shall carry out such an assessment; and
- (ii) shall take the results of that assessment into account in deciding what, if any, services to provide.

(3) Paragraph (2) does not apply if the carer provides or will provide the care in question—

- (a) by virtue of a contract of employment or other contract with any person; or
- (b) as a volunteer for a voluntary organisation.

(4) Subject to any directions given by the Department to the authority under—

- (a) Article 17 of the [Health and Personal Social Services \(Northern Ireland\) Order 1972 \(NI 14\)](#) (in the case of a Board); or
- (b) paragraph 6 of Schedule 3 to the [Health and Personal Social Services \(Northern Ireland\) Order 1991](#) (in the case of an HSS trust),

an assessment under this Article is to be carried out in such manner, and is to take such form, as the authority considers appropriate.

(5) For the purposes of an assessment under this Article, the authority may take into account, so far as it considers it to be material, any other assessment made under this Article.

(6) Section 8 of the [Disabled Persons \(Northern Ireland\) Act 1989](#) (c. 10) (duty of authority to take into account ability of carer of disabled person) does not apply in any case where an assessment is made under subsection (2).

(7) In this Article “carer”, in relation to a disabled child, means an individual who provides or intends to provide a substantial amount of care on a regular basis for that child.”.