

CARERS AND DISABLED CHILDREN ACT 2000

EXPLANATORY NOTES

SUMMARY AND BACKGROUND

4. Carers look after those who are in need of additional care, assistance or support perhaps because of long-term illness or problems associated with disability. Great Britain has an estimated 5.7 million carers and one in six households – 17 per cent – contains a carer. Of the estimated 5.7 million carers, 1.7 million devote at least 20 hours a week to caring. Of those, 855,000 care for 50 hours or more. Most caring is based on close personal relationships.
5. This Act enables local authorities to offer carers support. On 10 June 1998 the Prime Minister announced a review of measures to help carers as part of a National Strategy for Carers. The objective of the Strategy was to bring together a range of initiatives designed to address carers' concerns and give them support.
6. The Carers National Strategy document "Caring about Carers", published on 8 February 1999 highlighted the need for legislation to enable local authorities to provide services direct to carers.
7. Since 1996 when the Carers (Recognition and Services) Act 1995 came into force, carers who provide or intend to provide a substantial amount of care on a regular basis have been entitled on request (at the time the person they care for is assessed for community care services) to an assessment of their ability to care and to continue caring. The results of this assessment are taken into account when decisions are made about the type and level of community care services to be provided to the person cared for. The assessment under the 1995 Act is of the carer's ability to provide care and of his or her ability to sustain the care that he or she has been providing. However, that assessment does not give local authorities the power to offer carers' services to support them in their caring role.
8. The Act makes four principal changes to the law with the objective of enabling local authorities to offer new support to carers to help them to maintain their own health and well being.
9. First, the Act gives local authorities the power to supply certain services - services which help the carer care for the person cared for - direct to carers following assessment. This change will involve a new right to a carer's assessment which, in particular, will enable a local authority to carry out an assessment in circumstances where the person cared for has refused an assessment for, or the provision of, community care services.
10. Secondly, the Act empowers local authorities to make direct payments to carers (including 16 and 17 year old carers) for the services that meet their own assessed needs, to persons with parental responsibility for disabled children for services for the family and to 16 and 17 year old disabled children for services that meet their own assessed needs.
11. The Carers National Strategy was aimed at empowering carers to make more choices for themselves and to have more control over their lives. To that end, the Act extends the direct payment legislation to carers to meet their own assessed needs. The extension

*These notes refer to the Carers and Disabled Children Act
2000 (c.16) which received Royal Assent on 20th July 2000*

of direct payments to 16 and 17 year old carers is designed to offer them additional flexibility in meeting their developmental needs. The responsibilities of persons with parental responsibility for disabled children are sometimes made more arduous by the difficulty of accessing mainstream services, for example child care, including after school clubs and leisure activities. Where these carers do not think services are sufficiently tailored to the needs of their family direct payments offer more choice in the way services are delivered.

12. The extension of direct payments to 16 and 17 year old disabled children may be particularly helpful where those children are intending to leave home or residential care to go into further or higher education.
13. Thirdly, the Act provides for local authority social services departments to run short term break voucher schemes. Voucher schemes are designed to offer flexibility in the timing of carers' breaks and choice in the way services are delivered to persons cared for while their usual carer is taking a break.
14. The Carers National Strategy report identified voucher schemes as a way of giving persons cared for and carers more flexibility in the timing and nature of short term breaks. The short term break voucher scheme is designed to offer persons cared for and their carers more flexibility and choice than may be achieved by the direct local authority provision of services, and will introduce a simpler way of achieving some level of flexibility and choice in the delivery of respite care than is currently available via direct payments. For example, a person cared for may not wish to enter residential care while their usual carer is taking a break. They may prefer to seek out a provider of support that will enable them to continue living at home.
15. Finally, the Act gives local authorities a power to charge carers for the services they receive.