

CARERS AND DISABLED CHILDREN ACT 2000

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 4: Assessments and services for both carer and person cared for

24. Subsection (1) amends section 1 of the 1995 Act and enables the local authority, insofar as it considers it to be material, to take into account for the purposes of an assessment under section 1(1) or (2) of that Act a carer's assessment carried out under section 1(1) of the Carers and Disabled Children Act or an assessment of a person with parental responsibility for a disabled child carried out under section 6(1) of the Carers and Disabled Children Act. This would be helpful where a person cared for changed their mind and agreed to have an assessment of their needs and the carer no longer wished to have services in their own right.
25. Subsections (2) and (3) set out various situations where the local authority has identified a need for services that could either be provided to the carer as carers' services under the Act or to the person cared for as community care services. Subsection (2) covers the situation where the local authority is either providing carers' services to the carer or is providing community care services to the person cared for and proposes to provide another service to the person who is not receiving a service, and the existing or the new service are ones which could be provided as carers' services under the Act or by way of community care services.
26. Subsection (3) covers two further situations. In the first of these neither the carer nor the person cared for has previously been receiving services, but the local authority proposes to provide services to each of them, any of which could be provided as carers' services under the Act or as community care services. The other situation arises where the local authority is providing services to the carer and community care services to the person cared for and proposes to provide to either of them a new service, and the new service is one which could be provided under the Act or by way of community care services.
27. In each of these situations the local authority must decide whether the services are to be provided as carers' services under the Act or by way of community care services (subsection (4)). Under subsection (5) the local authority's decision is to be made without regard to the means of the carer or of the person cared for. This will ensure that the decision is based on assessed need. The recipient of the service is the person who will be liable for any charges and who may complain in relation to the service in question.