

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Carers and Disabled Children Act 2000 imposes a duty on local authorities to assess the needs of carers in certain circumstances, and gives local authorities the power to then offer services to carers to support them in their caring role. It further enables local authorities to make direct payments to carers in lieu of the carers services they have been assessed as needing.

Under section 2 of the Act, a service provided to a carer may be delivered to the person cared for with the agreement of the carer and the person cared for. A service so delivered may not include anything of an intimate nature, except in prescribed circumstances. These regulations provide for what is of an intimate nature (regulation 2(1)). They further prescribe the circumstances in which a service of an intimate nature may be delivered to the person cared for (regulation 2(3)). They also specify who may not be the recipient of a direct payment in lieu of carers services (regulation 3).

Lastly, the regulations make a minor and consequential amendment to the Community Care (Direct Payments) Regulations 1997 (regulation 4).