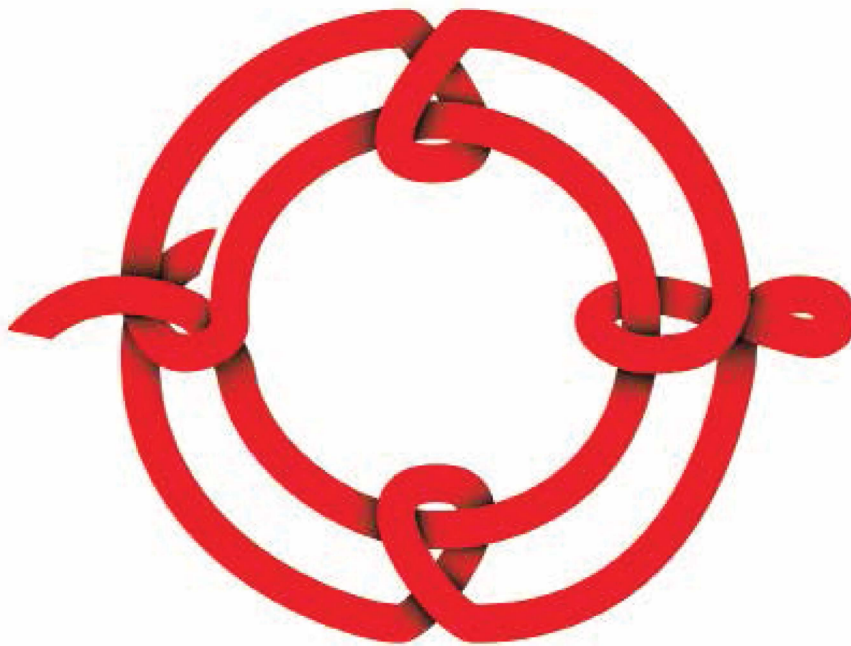


Assessments

A guide to getting an assessment in Wales from April 2016



This factsheet applies to Wales only.

carerswales.org

This booklet has been written and produced by Carers Wales. This edition has been reprinted by the West Wales Care Partnership for carers across the Hywel Dda region with the addition of the logos on the front cover and the information on this page.

If you would like to ask for a carer's needs assessment, contact the appropriate county council as detailed below.

Carmarthenshire

Carers who look after someone who lives in Carmarthenshire should contact Carmarthenshire County Council for a carer's needs assessment:

Email: cat@carmarthenshire.gov.uk
Telephone: 0300 333 2222
Website: www.carmarthenshire.gov.wales/socialcare

Ceredigion

Carers who look after someone who lives in Ceredigion should contact Ceredigion County Council for a carer's needs assessment:

Email: contactsocservs@ceredigion.gov.uk
Telephone: 01545 574000
Website: www.ceredigion.gov.uk/carers

Pembrokeshire

Carers who look after someone who lives in Pembrokeshire should contact the Pembrokeshire Carers Information & Support Service for a carer's needs assessment:

Email: pciss@hafal.org
Telephone: 01437 611002
Website: www.hafal.org/crossroads

This factsheet contains information about the new system of care and support that came into place in Wales on 6th April 2016.

The Social Services and Well-being (Wales) Act 2014 came into force on the 6th April 2016. The Act repeals the majority of previous community care legislation and intends to transform the way that social services are delivered in Wales.

This factsheet applies to people living in Wales.

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Background

The Social Services and Well-being (Wales) Act 2014 came into force on the 6th April 2016. The Act repeals the majority of previous community care legislation and intends to transform the way that social services are delivered in Wales.

The Act in Wales applies to people in need, of any age and introduces equivalent rights for carers to those they care for. A carer's needs assessment is triggered if it appears that you may have a need for support or are likely to do so in the future.

You are now legally entitled to a carer's needs assessment regardless of the amount or type of care you provide, your financial means or the level of support you may need. Previously you had to ask but now as soon as it appears to a local council that you may have needs for support they must offer you an assessment. You are entitled to an assessment whether or not you live with the person who you care for. If you are sharing caring responsibilities with any other person or persons including a child under 18, each of you are entitled to an assessment in your own right.

You can have a needs assessment regardless of whether the person you care for has had their own assessment or whether the person you care for has had an assessment but the local council has decided that they are not eligible for support.

If the person you care for receives an assessment in their own right and for their own needs the local council can combine the assessment of the person you care for with your own assessment so that they are linked and complementary but this should only be done with your permission. They must not assume that you can and are able and willing to meet any needs without having that conversation with you. The assessment for the person you care for is covered later in this factsheet.

For carers who need support

What is a carer's needs assessment?

A carer's needs assessment is a legal entitlement and is for all carers who, regardless of their age, care for someone who is disabled, ill or elderly. If you want to, you can ask for a carer's needs assessment before taking on a caring role.

Where it appears to the local council that you may have needs for support, the local council must assess whether you do have needs for support (or are likely to do so in the future), and if you do what those needs are.

The assessment is an opportunity to discuss with your local council what support or services you may need to help you with your caring role. There is a clear legal duty on the local council to consider the following:

- they must assess whether you have needs for support or are likely to do so in the future
- the extent that you are able and willing to provide care and will continue to be able and willing to do so
- what matters to you and the personal outcomes that you wish to achieve
- the extent to which support, preventative services, provision of information, advice and assistance can assist you with achieving those outcomes
- the assessment must also have regard to whether you work, wish to work and whether you are participating or wish to participate in education, training or leisure activities

When should you receive a carer's needs assessment?

As a carer you are legally entitled to an assessment. An assessment should be offered as soon as it appears to a local council that you may have a need for support. Each local council from April should have an Information, Advice and Assistance service.

If you have not been offered an assessment then you should contact them and ask for one.

How do you prepare for a carer's needs assessment?

The assessment should start from the presumption that you are best placed to judge your own well-being and the outcomes that you want to achieve.

To prepare for the assessment, it will be useful to give yourself some time to think about how caring affects you. Think about the outcomes you want to achieve in your day to day life and what could make a difference to help you achieve those outcomes or any support or assistance that could assist you with caring.

▶▶ **Note:** Please see Appendix 1 on page 26 for questions to help you prepare.

How is the carer's needs assessment carried out?

The local council must ensure that there is a named individual whose function is to co-ordinate and carry out the assessment. The local council must make a written record of the assessment and offer to give you a copy. If the assessment involves a meeting, it should be carried out in a convenient and private place. It is your choice whether the person you care for is present or not. Assessments can be done over the phone or online but this should only happen if you agree. Your local council may carry out a supported self-assessment. This could involve you filling in a self-assessment questionnaire, and then being contacted by the local council to discuss what you have written.

In some areas, local organisations may be asked to carry out the assessments but arrangements should still be made through your local council and they should explain who will carry out the assessment. The assessment should be carried out by a social worker or another trained professional.

The assessment will consider whether or not your caring role impacts on your health or prevents you from achieving your well-being outcomes. As an example this could be staying in work, having a social life, being able to attend medical appointments or doing some leisure activities. The assessment should cover:

- ▶ your caring role and how it affects your life and well-being
- ▶ your health – physical, mental and emotional issues
- ▶ your feelings and choices about caring

- work, study, training, leisure
- relationships, social activities and your goals
- housing
- planning for emergencies

You should be asked about these issues, if not you can raise them yourself. The aim of the assessment is to help you get the support you need, whether this support is provided directly by the local council or through providing you with information about local services in the area to help you arrange this yourself.

If your level of need varies the local council must take this into consideration so that a full picture of your level of need is developed. The pattern of needs that you may be able to meet yourself or needs that you may require additional help or support with will vary over time depending on your circumstances. The reason for the variation is not important, it can be because the condition of the person you care for fluctuates from day to day or week to week, or because you have other responsibilities that can affect you from time to time.

How will the local council decide if my needs as a carer are eligible for their support?

The Social Services and Well-being (Wales) Act introduces national rules for deciding who is eligible for care and support. It will be the local council who decides whether your needs are eligible under the eligibility rules and whether they have a legal obligation to meet them. The Act however does contain discretionary powers to enable local councils to meet care and support needs without having to decide on eligibility.

When carrying out the assessment the local council must:

- seek to identify how caring affects your life and what outcomes you wish to achieve to look after your own well-being
- assess whether the provision of support, preventative services, information, advice or assistance could contribute to help you achieve those well-being outcomes.
- consider what well-being outcomes you wish to achieve and work with you to produce solutions

To meet the eligibility criteria for a local council to provide, or arrange to provide support, the well-being outcomes to which a need must relate are set out in the regulations as:

- ability to carry out self-care or domestic routines
- protection from abuse or neglect
- involvement in work, education, learning or in leisure activities
- maintenance or development of family or other significant personal relationships
- development and maintenance of social relationships and involvement in the community
- fulfilment of caring responsibilities for a child

▶▶ **Note:** The definition of well-being as defined in the Act can be found at Appendix 2 on page 28 of this factsheet.

When considering your well-being and personal outcomes you wish to achieve the local council will consider:

- you are best-placed to judge your wellbeing
- your views, wishes, feelings and beliefs should be taken into account
- the importance of reducing existing needs, and preventing or delaying the development of needs
- decisions should be based on your circumstances, not assumptions about you
- you should be able to participate as fully as possible in decision making
- the needs of the carer and cared for person need to be balanced
- the need to protect people from abuse and neglect
- any restrictions on rights or freedoms should be kept to the minimum possible

The regulations state that you will meet the eligibility criteria if you cannot meet your need:

- alone
- with the support of others who are willing to provide that support, or
- with the assistance of services in the community to which the adult has access; and
- the adult is unlikely to achieve their personal outcomes unless the local council provides or arranges care and support to meet the need

This would suggest, for example, that if your needs could be met by community resources then they are not eligible needs. To ensure you get the help you need explain when this is not the case – for example if a gym membership would help you but you cannot afford it without financial support from the council, then make sure it is recorded and written into the support plan so it is clearly an eligible need.

What help you might get

Information and advice

The local council must secure the provision of an information, advice and assistance service. Everyone, including those whose needs are considered not to be eligible for support should receive information and advice from the local council on the following:

- advice on how to access care and support
- care providers and services that are available in your local area
- how to get financial advice
- how to access services that could delay or prevent your needs from increasing
- how to raise concerns about the well-being of an adult who has needs for care and support or a carer who needs support
- the outcome of the contact, and what, if any, action will be taken and by whom

If at this stage it is deemed that you are not eligible for support it may be that it will only be advice and information that you will receive from the local council. The advice and information should be local to where you live and could for example be information about a local carers support service.

The assessment at this first point of contact will vary from individual to individual in terms of what is required. It will only be the provision of information that will not require some form of assessment. If advice or assistance is given then a simple assessment of your needs will have taken place. If at this stage the local council is satisfied that you have further support needs then the local council must take the assessment to the next stage and complete a comprehensive assessment of your needs. They will then decide what needs are eligible for support and whether they meet the national eligibility criteria.

Support Plan

If your local council decide that your needs are eligible, then providing that you want them to, they have a legal obligation to meet these needs. The local council can provide the services themselves or arrange services through other organisations. Alternatively you can request to receive direct payments to buy in your own package of support to meet your eligible needs. A support plan must be drawn up detailing how these needs will be met and a copy must be offered to you.

Your local council may or may not charge you for services. If they do, they must carry out a financial assessment to decide whether you have to make a financial contribution and if so, how much you will be expected to contribute. If the help you are offered is free, then the local council do not have to do a financial assessment.

Your support plan must contain a description of

- your eligible needs
- the personal outcomes you wish to achieve
- the actions to be taken by the local council or other organisations or people to help you achieve your personal outcomes or meet your eligible needs
- arrangements for monitoring the extent to which the personal outcomes have been achieved
- arrangements to review the support plan. This must be agreed at the start of the plan and at each subsequent review.

Some examples of the kind of help that could be available for you as a carer if you are eligible for support:

- help getting around, taxi fares, driving lessons, repairs and insurance
- costs for a car where transport is crucial
- technology to support you. For example: a mobile phone or a computer where it is not possible to access computer services from a local library
- help with housework or gardening
- help to relieve stress, improve health and promote well-being such as gym membership

Some examples of the kind of help that could be available to the person you care for in order to help you as a carer:

- changes to the disabled person's home to make it more suitable
- equipment such as a hoist or grab rail
- a care worker to help provide personal care at home
- a temporary stay in residential care/respice care
- meals delivered to the disabled person's home
- a place at a day centre
- assistance with travel, for example to get to a day centre
- laundry services
- replacement care so you can have a break

The Whole Approach

If the adult or child you care for has their own needs for care and support then the local council is under a duty to carry out an assessment where it appears that they may have a need.

If the person you care for receives an assessment then local councils can combine the assessment of the person you care for with your own assessment so they are linked and complementary. This should only be done with your permission. The only exception to this relates to children under the age of 16 where an assessment can be combined if the council is satisfied that combining the needs assessment would be consistent with the child's well-being and the council considers that it would be beneficial.

For adults who need care and support

What is a needs assessment?

A needs assessment is for adults (18 years and over) who may need help because of a disability, ill health or old age. It must look at a person's physical, mental and emotional needs, with a clear duty on the local council to consider the following:

- the person's needs and how that impacts on their care
- the things that matter to the person, for instance, a need for help with getting dressed or support to get to work
- the person's choices and goals, for example if they wish to take up a new activity or maintain relationships, and preferences for their day-to-day care
- the types of services, information, advice, facilities and resources which will prevent or delay further needs from developing, helping the person stay well for longer (for example, the local council may offer the person a period of reablement to reduce needs and regain skills, before completing the assessment)
- the needs of the family of the person being assessed

When should an adult receive a needs assessment?

The duty for local councils to assess an adult with care and support needs is triggered by the appearance of need, and must be carried out regardless of the 'level' of those needs or the person's financial resources. This is called a needs assessment. Even if you as the carer are providing all the care the person needs, they are still entitled to an assessment. As a carer you are entitled to be involved in the assessment if the person you care for wishes you to be.

Where it appears to a local council that an adult may have needs for care and support the council is under a duty to make an assessment regardless of the local council's view of the level of need for care and support or the level of financial resources that may be available to the adult.

How do you prepare for a needs assessment?

In preparation for the assessment, it is useful for you and the person you care for to take some time to think about their physical, mental and emotional needs, including their goals, wishes and preferences. The local council must also consider the person's well-being needs which are defined in Appendix 2 of this factsheet.

How is a needs assessment carried out?

If the person you care for has not been offered an assessment, you should contact your local council by phone, in writing or on-line, and ask for one.

The assessment meeting will normally be carried out face to face, usually by a social worker or another trained professional. The meeting should be carried out in a convenient and private place, usually at the cared for person's home. If it helps, they can have a family member, a friend or a support worker from a local advice agency with them.

Assessments can be done over the phone or online, but this should only happen if they agree. If they can easily express their needs over the phone or online then this method may be the right one for them. Online or telephone assessments are unlikely to ever be appropriate for people who lack capacity or have difficulties with communication.

In some areas, social services ask local organisations to carry out the assessment, but arrangements should still be made through social services. The local council should explain who will carry out the assessment, and the assessor should be trained. Where particularly complex needs are involved, an assessor with specialist expertise or knowledge should be involved.

If the adult agrees and has capacity, they may also carry out a self-assessment. The local council will still be involved to help support the process, and to be satisfied that the person has identified all of their needs.

The law says that local councils should apply an appropriate approach to enable the person being assessed to have their needs and wishes heard, such as to allow as much contact with the local council as they need.

Independent advocate

The council must provide the person you care for with an independent advocate to assist them in the assessment process (and after) if:

- without support they would have ‘substantial difficulty’ in communicating their wishes, or understanding, retaining and assessing information during the assessment and
- there is no other appropriate person who is able and willing to help them

How will the local council decide if the adult I am caring for is eligible for their support?

The Social Services and Well-being (Wales) Act 2014 introduces national rules for deciding who is eligible for care and support. It will still be for local councils to make the decision about whether or not the adult’s needs meet the rules and so can be considered as having what the law calls eligible needs.

In carrying out a needs assessment, the local council must:

- seek to identify the outcomes that the adult wishes to achieve in day to day life
- assess whether, and if so, to what extent the provision of i) care and support; ii) preventative services or (iii) information, advice or assistance could contribute to the achievement of those outcomes or otherwise meet needs identified by the assessment, and
- assess whether, and if so, to what extent, other matters could contribute to the achievement of those outcomes or otherwise meet those needs

The assessment must involve the adult, and where feasible, the adult’s carer if the person consents.

The care and support needs of the person you care for have to be as a result of a physical or mental condition. This can include physical, mental, sensory, learning or cognitive disabilities or illnesses, substance misuse or brain injury. There is no need for a formal diagnosis.

To meet the eligibility criteria for a local council to provide, or arrange to provide care and support, the well-being outcomes to which a need must relate are set out in the regulations as:

- ability to carry out self-care or domestic routines
- protection from abuse or neglect
- involvement in work, education, learning or in leisure activities
- maintenance or development of family or other significant personal relationships
- development and maintenance of social relationships and involvement in the community; or
- fulfilment of caring responsibilities for a child

In considering whether or not they can achieve the above outcomes, the law states that the council must take into account any difficulties they have. They will be considered unable to achieve the outcome if they are not able to meet the need, either:

- alone
- with the support of others who are willing to provide that support, or
- with the assistance of services in the community to which the adult has access; and
- the adult is unlikely to achieve their personal outcomes unless the local council provides or arranges care and support to meet the need

This would suggest that any need met by a carer is not an eligible need. It is therefore important that you make it very clear what specific needs you are willing and able to meet so that these can be written into the care plan.

However the Code of Practice that accompanies the Act states that everyone is entitled to have a needs assessment where there appears to be a need for care and support - even if that care and support is being met by a carer. The needs of the person you care for should be recorded so that the local council is able to respond appropriately and quickly where the carer becomes unable or unwilling to meet some or all of the identified care and support needs.

What help they might get after a decision about their needs

Information and advice

Everyone, including adults whose needs are considered not to be eligible for support must receive information and advice from the local council on all of the following:

- details of the needs that have been identified
- how to access care and support
- the care providers and services they can choose from their locality
- how to obtain financial advice
- how to raise concerns about safeguarding, ie what to do if there are concerns that a vulnerable person is at risk of harm or neglect
- how to access preventative services that could delay or prevent their needs from increasing

Care and support plan

If your local council decides that the adult you care for has eligible needs, then providing they want them to, the local council must draw up a care plan detailing how these needs will be met and must offer them a copy.

If the eligible needs of the adult you care for are already being met in some way (eg by you as a carer), then the local council do not have to meet them but the guidance is clear that they should still be recorded in the care plan. This is so that the local council is able to respond appropriately and quickly where you may be unable or unwilling to meet some of the needs identified. At the point that you are unwilling or unable to carry on meeting a care need, this will constitute a significant change in circumstances for the adult you care for and will result in the local council having to undertake a re-assessment of the adult's needs for care and support. As a carer you are entitled to be involved in this process if the person you care for agrees. The council cannot lawfully assume that you are able or willing to meet the adult's needs. Therefore it is important for you to be clear about the level of care you are willing and able to provide.

If the eligible needs of the adult you care for are not already being met in some way then providing they want them to, the local council

have a legal obligation to meet these needs. The local council can provide services themselves, or arrange services through another organisation. Alternatively, the person you care for can request direct payments, which are payments which enable them to buy services to meet their eligible needs.

Unless it is a service that the local council provides free of charge, they must carry out a financial assessment to work out whether the adult you care for has to make a contribution and if so, how much. The maximum charge that you can be expected to pay for non-residential social services in Wales has been capped. The amount is subject to change by Welsh Government - contact the Carers UK Adviceline for up to date information.

The care plan must include a description of:

- the person's eligible needs
- the personal outcomes
- the actions to be taken by the local council and the actions to be taken by other persons to help the person achieve the personal outcomes or to otherwise meet their eligible needs
- the arrangements for monitoring the extent to which the personal outcomes have been achieved and
- the arrangements for the review of the plan. This date must be agreed at the start of the care and support plan and each subsequent review

Some examples of the kind of help that could be available to the person you care for:

- changes to the disabled person's home to make it more suitable
- equipment such as a hoist or grab rail
- a care worker to help provide personal care at home
- a temporary stay in residential care/respice care
- meals delivered to the disabled person's home
- a place at a day centre
- assistance with travel, for example to get to a day centre
- laundry services
- replacement care so you can have a break

The Whole Approach

Councils are encouraged to consider combining the assessments of people within the same family, for example those of the carer and cared for, so that the assessments are linked and complementary.

Similarly, assessments can sometimes be carried out jointly with another agency, such as the NHS, to ensure that all the professionals involved in a person's care are talking to each other when decisions about care are being made.

There is a specific responsibility that where a disabled adult is being cared for, and it appears a child is involved in that care, then the local council has a duty to:

- consider the impact on the child of the disabled adult's needs – in particular, the impact on the child's wellbeing, welfare, education and development
- identify whether the child is having to perform tasks which are inappropriate, given all the circumstances

For Young Carers

Young carers are children under 18 with caring responsibilities. They will now be assessed under the Social Services and Well-being Wales Act.

Assessment is the first stage in helping a child and their family. There are particular considerations that apply to the needs of children. The assessment must take into account the developmental needs of the child, and any other circumstances that will affect a child's well-being. This could include circumstances where the child's parents have been assessed as having needs for care and support. In addition to focussing on the outcomes the child wishes to achieve in their daily life, the assessment must seek to identify the outcomes that those with the parental responsibility wish to achieve. There must be an assessment of the extent to which the provision of care and support, preventative services and/or the provision of information, advice and assistance could contribute to those outcomes.

The assessment process for children will continue the requirement that the practitioners gather evidence by the three domains from the Framework for Assessment of Children in Need and their Families to inform where necessary the care and support plan.

Refusal of assessment must be overridden where such a refusal would be inconsistent with a child's well-being.

▶▶ **Note:** The definition of well-being as defined in the Act can be found at Appendix 2 on page 28 of this factsheet.

For parent carers of disabled children

A parent carer is someone over 18 who provides care for a disabled child (under 18) for whom they have parental responsibility.

The Social Services and Well-being (Wales) Act requires local councils to assess parent carers on the appearance of need or where an assessment is requested by the parent. This assessment can be combined with one for the disabled child, and could be carried out by the same person at the same time.

The local council must also be satisfied that the child and their family come within the scope of the Social Services and Well-being (Wales) Act.

The local council must then assess:

- whether a parent carer has needs for support and what those needs are
- whether it is appropriate for the parent to provide, or continue to provide, care for the disabled child, in the light of the parent's needs for support, other needs and wishes

Parent carers' needs assessment must also consider:

- the wellbeing of the parent carer
- the need to safeguard and promote the welfare of the child cared for, and any other child for whom the parent carer has parental responsibility

▶▶ **Note:** The definition of well-being as defined in the Act can be found at Appendix 2 on page 28 of this factsheet.

For children who need care and support

What is a needs assessment for a child?

The Social Services and Well-being (Wales) Act repealed Part III of the Children Act 1989. The duties on local councils and others towards children who are in need of care and support is now contained within the Act. The 1989 Act used 'welfare of the child' the 2014 Act uses 'well-being' which is defined Appendix 2 at the end of this factsheet.

In relation to a child, this includes:

- physical, intellectual, emotional, social and behavioural development
- 'welfare' as that word is interpreted for the purposes of the Children Act 1989

When should a child receive a needs assessment?

Where it appears to a local council that a child needs care and support in addition to, or instead of the care and support provided by the child's family, the council is under a duty to assess

- whether the child does need care and support of that kind, and
- if the child does, what those needs are

The duty applies regardless of the amount or type of support needed, or the financial means of the child or any person with parental responsibility for the child.

The assessment is the first stage in helping a child and his or her family and carers. The assessment must take into account the developmental needs of the child, and any other circumstances affecting the child's well-being. In addition to focusing on the outcomes the child wishes to achieve, the assessment must also seek to identify the outcomes that those with parental responsibility wish to achieve.

A local council may combine an adult's or a children's assessment and a carer's needs assessment if it considers it would be beneficial to do so and if the carer and the cared for person (or person with parental responsibility, in the case of a child) agree.

The local council must make a written record of the assessment and offer to give a copy of the assessment to the child or any person with parental responsibility or any person authorised to act on behalf of the

child unless doing so would be inconsistent with the child's well-being.

The assessment considers all the help that the child may need, the needs of any other children in the family and the help that may be needed to care for the disabled child. This assessment can be combined with the parent carer's needs assessment, or an assessment of the child's educational needs.

How do you arrange a needs assessment?

You can request an assessment by contacting or writing to your local council. Explain that your child is disabled or a child in need and you want an assessment of the needs of your child and your family to be carried out.

You should describe your child's impairment, and (if you have one), you could provide a copy of any diagnosis of your child's disability. Describe what difficulties you are having and the type of help you would like. The assessment will normally be carried out by a social worker at a visit to the home of your child but other agencies may also be involved, such as health and education.

What will the assessment involve?

The assessment will involve gathering information (which will include talking to you, your child and other key people in your child's life); assessing this information and deciding whether any of your child's or family's needs are eligible for support services from the local council and ensuring that this support is then put in place.

How should I prepare for the assessment?

These suggestions may be useful to help you prepare for the assessment:

- Get together a file with all the relevant information about your child, such as letters, medical reports, notes etc. from GPs and professionals involved. Evidence can also come from letters / statements from family members, friends, other professionals or anyone who knows your situation.
- If you think that it would help, you could arrange for someone to support you at the assessment, such as an advocate or a professional.
- Take time to think about what you want to say, for example,

about your child's needs, the impact the caring role has on you and your family and the outcome you are hoping for from the assessment.

- Think about any risks you, your disabled child and any other family member may experience if help is not provided.
- Keep notes of the assessment meeting that you think will be helpful such as any decisions agreed.

What support might my child be entitled to?

Examples of the types of services include:

- practical assistance in and around your home such as home help, personal care, equipment or a sitting service
- services based outside the home such as an after-school club or holiday play scheme
- travel and other social care assistance to enable your child to take part in recreational activities or education
- home adaptations and facilities
- holidays
- temporary short break or respite care or the provision of accommodation on a longer term basis

The local council can also provide services that can help the family, and help you as a carer.

Charging for care and support services to a child

A local council cannot charge for care and support to a child.

For people in transition to adulthood

The transition from child to adult constitutes a significant change in circumstances and so creates a right to re-assessment of needs.

Moving areas

When the person you care for moves to another local council area within Wales

If the person you care for is receiving services or support through a care and support plan and has informed the local council that they will be moving to another area in Wales, then that council (the sending council) must notify the second council (the receiving council).

The information contained in the assessment and the care and support plan of the sending council must be made immediately available to the receiving council and be used as the basis for delivery of support until they have completed a new assessment.

These portability arrangements do not apply to care and support plans for people that have been provided under the local council's discretionary powers. In these cases there will not be a duty on the receiving council to put in place transitional arrangements.

If the receiving council does not make a decision about care and support before the move takes place, they must meet the needs that the sending council had previously identified as far as reasonably practicable.

If you are moving to another area outside of Wales there is an expectation that good practice will apply across national boundaries to minimise disruption. You should seek advice. You can contact Carers Wales – see final page for contact details.

Charging for care and support services

A local council has discretion whether or not to charge for services and whilst the Act itself allows councils to charge a parent or guardian, the Regulations and the Code of Practice stop this. A local council therefore cannot charge for care and support to a child.

The Act also introduces the ability to charge low, flat rate charges for a wide range of preventative services and assistance it provides or arranges. Flat rate charges will typically be for the care and support that replaces ordinary living for example things like meals, laundry services etc. Where a local council makes flat rate charges, or sets a flat rate contribution or reimbursement, a local council is not under a duty to undertake a financial assessment. However local councils must take account of flat rate charges to avoid a situation where the accumulative financial effect of these makes it unaffordable. Where concerns arise local councils must offer the person an opportunity to have a financial assessment.

If services are provided then the local council must carry out a financial assessment to decide whether there needs to be a financial contribution and if so, how much that contribution should be. If the help is offered for free, then the local council does not have to do a financial assessment. The maximum that can be charged for services provided to you or to the person that you care for is currently set at £90 per week (2019).

If the person you care for has received an assessment it may be that you would benefit from the services provided to them, for example, a sitting service. The local council cannot charge you for any help provided to the person that you care for even if this help was provided as a result of your carer's needs assessment.

If you receive support or services in your own right as a carer the Code of Practice that accompanies the Act states that a local council must consider carefully the likely impact of any charges particularly in terms of your willingness and ability to continue your caring responsibilities. If they do decide to make a charge the local council must carry out a financial assessment and decide whether you will have to make a financial contribution for any of the services or support you receive and tell you how much you will be expected to contribute. Again the maximum that you can be charged for services provided to you by the local council is currently £90 per week (2019).

Complaints

Assessments

If you are not happy with the way you have been treated, or with the outcome of any of the assessments, you can complain to social services. All social services departments should have a complaints procedure that you can follow – ask the social services department for a copy.

If you are not happy with the outcome of your complaint, you may be able to take a complaint to the Local Government Ombudsman. Your social services department should be able to give you more information about this.

If social services have acted unlawfully (eg have refused to carry out an assessment without good reason), you may be able to take legal action against them. This is called a judicial review. You will need to seek legal advice if you are thinking about taking the local council to court. An application for judicial review must be made without delay and within a maximum period of three months so it is important to get legal advice as quickly as possible.

Services

If you are not happy with the services provided after an assessment, you can complain to social services. If services are provided by an agency or care home, you may also be able to complain directly to them through their own complaints procedure. If you are concerned about the quality of the service, you can contact the Care and Social Services Inspectorate Wales.

For more information about complaints, or for advice on how to make a complaint, contact Carers Wales.

Appendix 1 – Questions to help prepare you for your carer’s needs assessment

By answering the following questions, you should get a much clearer idea of your needs. You can then discuss with your assessor, (who must be suitably skilled, trained and qualified) the services that might be most helpful to you to meet these needs.

Help and time

Do you help the person you are looking after with:

- housework?
- shopping?
- bathing?
- going to the toilet?
- cooking?
- other personal care?
- keeping an eye on them?
- dealing with money?
- laundry?

How many hours a week do you provide care? Include all the time you spend with the person you care for, the things you do for them and how long they take you.

- Do you have to help during the day or night, or both?
- Does anyone else help? If so, for how long?
- Would you like some help (or extra help) with these jobs? List the tasks you would like help with (putting the most important first).
- Are you able to spend enough time on other family responsibilities, eg being with your children, your partner, parents or siblings?

Health

- Does the person you care for have any health problems you find hard to deal with? Describe them as fully as you can.
- Do you have the information you need about the condition of the person you care for to enable you to care for them fully?
- Is caring having a negative impact on your health? Do you have any health problems? If so, are they made worse by your caring role? Describe them as fully as you can.
- Do any health problems you may have make it harder for you to care?
- Are you getting enough sleep? Is your sleep disturbed?
- Do you feel you are suffering from stress or depression?
- Is caring preventing you from looking after your own health, ie your diet, nutrition, getting exercise etc?

Feelings and choices about your caring role

- Do you feel that you do not have a choice about providing care?
- If you feel that you cannot carry on at all, or can only carry on if you reduce the amount of caring you do, tell the assessor. It is not unusual to feel this way and it is important they know how you really feel.
- What would you most like to change about your situation?
- Is there a plan in place to look after the person you care for if you were suddenly unable to care for any reason?

Work/study/leisure

- Do you work? If so, for how many hours a week?
- Does your employer know that you are a carer – do they know about your rights, eg to time off in an emergency?
- Do you feel you can manage to work and provide care? If you cannot manage or are at risk of not managing - do explain this.
- What would make working/caring easier for you?
- Would you like to start or return to work/study?
- Do you have the skills you would need to return to work or education were your caring role to end?
- Are there things you find enjoyable and relaxing that you cannot do anymore because of your caring responsibilities? (eg a hobby, visiting friends, going to the cinema).
- When was the last time you had a whole day to yourself to do as you pleased?
- Are you able to keep in contact with friends and family?

Housing

- Do you live with the person you care for? Is the arrangement satisfactory? If not, why not?
- Does the person you care for have any difficulties moving around their home? (eg can they climb the stairs, or have a bath on their own?)
- Do you have to help them? If so, are you able to do this safely and without causing yourself any pain or injury? Special equipment could make life easier for the person you care for and caring easier for you
- Are you able to look after your own home, do you have enough time to attend to housework and keep your house as you would like it?

Appendix 2

Well-being is defined in the Act as any of the following:

- physical and mental health and emotional well-being
- protection from abuse and neglect
- education, training and recreation
- domestic, family and personal relationships
- contribution made to society
- securing rights and entitlements
- social and economic well-being
- suitability of living accommodation

In relation to an adult, 'well-being' also includes

- control over day to day life
- participation in work

In relation to a child, 'well-being' also includes

- physical, intellectual, emotional, social and behavioural development
- 'welfare' as that word is interpreted for the purposes of the Children Act 1989

Further help

For information and advice contact the Carers UK Adviceline on **0808 808 7777** (open Monday and Tuesday, 10am to 4pm) or email advice@carersuk.org

Information is also available on our website – visit www.carersuk.org

Other organisations

Board of Community Health Councils in Wales

Your local Community Health Council provides help and advice if you have problems or complaints about NHS Services in Wales. Ring the Board of CHCs or visit their website to find your local office.

w: www.wales.nhs.uk/sitesplus/899/home | **t:** 029 2023 5558

e: enquiries@waleschc.org.uk

Carers Wales

w: www.carerswales.org | **t:** 029 2081 1370 | **e:** info@carerswales.org

Equality Advisory Support Service

The helpline advises and assists individuals on issues relating to equality and Human Rights across Wales, England and Scotland.

w: www.equalityadvisoryservice.com | **t:** 0808 800 0082

Public Service Ombudsman for Wales

Can offer advice and investigate complaints about public services in Wales.

w: www.ombudsman-wales.org.uk | **t:** 01656 641150 / 0300 790 0203

e: ask@ombudsman-wales.org.uk

Older people

Age Cymru

Are able to offer free help and advice for older people on a range of topics.

w: www.ageuk.org.uk/cymru | **t:** 08000 223444 / 029 2043 1555

Older People's Commissioner for Wales

Can provide help and support for older people and put them in touch with organisations who can help.

w: www.olderpeoplewales.com | **t:** 08442 640670 / 029 20445030

e: ask@olderpeoplewales.com

Children

Children's Commissioner for Wales

Can offer support to children and young people and help them find out about their rights.

w: www.childcomwales.org.uk | **t:** 01792 765600 / 01492 523333 / 0808 801 1000 (number for children & young people)

e: post@childcomwales.org.uk

Children in Wales

Charitable organisation that promotes the interests of and takes action to identify and meet the needs of children, young people and their families in Wales.

w: www.childreninwales.org.uk | **t:** 029 2034 2434

e: info@childreninwales.org.uk

Contact a Family

A national charity that supports the families of disabled children.

w: www.cafamily.org.uk | **t:** 0808 808 3555 / 029 2039 6624

e: cymru@cafamily.org.uk

Legal help

Citizens Advice Cymru

Provides free, independent, confidential and impartial advice.

w: www.citizensadvice.org.uk/wales/ | **t:** 03444 772020

Mental Health

Mind Cymru

Provide advice and support to anyone experiencing a mental health problem.

w: www.mind.org.uk | **t:** 0300 123 3393 / 029 2039 5123

e: info@mind.org.uk

Hafal

Work with individuals recovering from serious mental health illness and their families.

w: www.hafal.org | **t:** 01792 832400 | **e:** Hafal@hafal.org

As well as these listed above, there may also be disease specific charities who may be able to help such as Parkinson's UK, Stroke Association, Alheimers Society, National Autistic Society, etc.

There are also many support groups and organisations ready to help locally. Visit www.carersuk.org/local support to see what is available where you live.

Benefit Helplines

Attendance Allowance

t: 0800 731 0122 (textphone: 0800 731 0317)

Carer's Allowance

t: 0800 731 0297 (textphone: 0800 731 0317)

Disability Living Allowance

- *If you were born on or before 8 April 1948:* t:

t: 0800 731 0122 (textphone: 0800 731 0317)

- *If you were born after 8 April 1948:*

t: 0800 121 4600 (textphone: 0800 121 4523)

For Jobseekers Allowance, Income Support and Employment and Support Allowance:

Jobcentre Plus

New claims t: 0800 055 6688 (textphone: 0800 731 7339)

Existing claims t: 0800 169 0310 (textphone: 800 169 0314)

Pension Credit

t: 0800 731 7898 (textphone: 0800 169 0133)

Personal Independence Payment

New claims t: 0800 917 2222 (textphone: 0800 917 7777)

Enquiry line t: 0800 121 4433 (textphone: 0800 121 4493)

Tax Credits

t: 0345 300 3900 (textphone: 0345 300 3909)

This factsheet is designed to provide helpful information and advice. It is not an authoritative statement of the law. We work to ensure that our factsheets are accurate and up to date, but information about benefits and community care is subject to change over time. We would recommend contacting the Carers UK Adviceline or visiting our website for the latest information.

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Carers UK Adviceline

For expert information and advice about caring.



0808 808 7777

(open Monday and Tuesday
10am-4pm)



advice@carersuk.org

Carers Wales

Unit 5, Ynys Bridge Court
Cardiff CF15 9SS

029 2081 1370

info@carerswales.org

Carers UK

20 Great Dover Street
London SE1 4LX

020 7378 4999

info@carersuk.org

Carers Wales is part of Carers UK, working together to make life better for carers.

Caring will affect us all at some point in our lives.

With your help, we can be there for the 6,000 people who start looking after someone each day.

We're the UK's only national membership charity for carers. We're both a support network and a movement for change.

Visit us at our website to join us, help us or access more resources:

carersuk.org