

Policy Circular

Document No 14/03

Owner: Strategy & Communications Directorate

Subject: Carers' Legislation

Version: 5 of 5

Last Amended: 15 December 2010

Date Reviewed: 15 December 2010

Next Review: 12 October 2012

Please note: From 17 June 2010 the ILF is closed to new applications.

1.0 Background

In recent years a number of different forms of legislation have been introduced throughout the UK to ensure the needs of those who care for disabled people are catered for.

The legislation varies slightly in Scotland. Northern Ireland has different legislation but the wording mirrors the English/ Welsh legislation. Despite the slight differences the overriding principle is that the legislation ensures that all carers are entitled to an assessment of their needs.

For simplicity the ILF will refer to this under the umbrella term "Carers' Legislation" as this should be understood in SSD offices throughout the UK.

Independent Living Fund

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The Independent Living Fund is an Executive Non-Departmental Public Body of the Department for Work and Pensions

1.1 Legislation

Where a carer, who is not paid and is not a volunteer through a voluntary organisation, provides or intends to provide a substantial amount of care on a regular basis, the Local Authority has a duty to inform them of their right to request a carer's assessment. The Local Authority then has a power (not a duty) to provide services to meet the carer's identified needs.

Carers and Disabled Children Act 2000:

“A service, although provided to the carer may take the form of a service delivered to the person cared for if it is one which, if provided to him instead of to the carer, could fall within community care services and they both agree it is to be so delivered; but if a service is delivered to the person cared for it may not, except in prescribed circumstances, include anything of an intimate nature”

“ “Voucher” means a document whereby, if the local authority agrees with the carer that it would help him care for the person cared for if the carer had a break from caring, the person cared for may secure that services in lieu of the care which would otherwise have been provided to him by the carer are delivered temporarily to him by another person by way of community care services”

2.0 Policy

Services or monies that are provided under carers legislation may not be included as part of the Local Authority minimum threshold sum amount (as outlined in the separate 'LA Threshold Sum' policy).

This is because any such services are intended to meet the needs of the carer. Even though the support will be provided to the disabled person it is the relief needs of the carer that are the primary reason behind the provision of that support. This means the service does not relate directly to the needs of the ILF user.

Any services that are provided under carers' legislation are not considered when calculating the Local Authority threshold.

3.0 Procedure

If monies or services provided under carers legislation are identified, these should not be included as part of the Local Authority threshold.

4.0 Source

SMT meeting 18 December 2003

Policy strategy meeting 14/10/03

Department of Health Website

ILF 2006 Deed

[Carers and Disabled Children Act 2000](#)

[Carers \(Equal Opportunities\) Act 2004](#)

[Carers and Direct Payments Act \(Northern Ireland\) 2002](#)

[Community Care and Health \(Scotland\) Act 2002](#)

5.0 Cross References

LA Threshold Sum policy

6.0 History Date Reviewed

1 April 2008

19 June 2008

10 June 2010

September 2010

December 2010

Equality Impact Assessment

Screening Template

This preliminary impact assessment form is to help you screen your policy, project, function or new service. It should help you consider whether a full Equality Impact Assessment is required by looking at whether there is a potential negative or positive impact on any of the equality groups, if there is an opportunity to promote equality, and whether further data is needed.

Title of policy, project, function or service:

Carer's legislation policy

Short description of aims and objectives

Sets out the ILF approach to services provided by local authorities under carer's legislation.

Thinking about each group below, does (or could) the policy, project, service or function have an impact on members of each equality group? If so, how?

Equality Group	Yes – negatively	Yes – positively	Unclear	No impact
Age	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Race	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Gender	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Transgender	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sexual orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Religion or belief	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Socio-economic groups	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

What information or research has been considered in judging these impacts?

See below.

You should consider a full Equality Impact Assessment (EIA) if:

- (a) you feel one or more equality groups will be negatively impacted by the policy, project or service, or
- (b) there is an opportunity to promote equality and eradicate discrimination.

You may also consider further research if it is unclear, at this stage, what the impact may be.

Based on your findings, is a full EIA required?

Yes

No

Please provide a short summary of your decision-making below:

The ILF will not count any money spent by the Local Authority on services provided under carer's legislation towards the threshold sum. This is because these services are provided for the benefit of the carer rather than the user and as such reflect the needs of the carer. It is not felt that this policy has the potential to have a detrimental impact on users belonging to any of the equality groups.

Notes:

- The completed EIA Screening Template should be sent to Jon Duckworth, User Liaison Manager for approval by the Equality Impact Assessment Board (EIAB).
- We will contact you with any comments or queries about the completed form.

**This form was
completed by:**

Helen Janes