

Social Services and Wellbeing (Wales) Act 2014

("SSWA 2014")

Carers undertake a voluntarily role and now have the same legal rights and privileges as those they care for.

The definition of a '**carer**': *'a person who provides or intends to provide care for an adult or disabled child.'*

New duties have also been introduced by the SSWA 2014. The act applies to adults, children and to **carers**.

The Local Authority are required to offer **assessments and services to meet the needs of carers**, if the person 'may' have a need for care and/or support.

The assessment for carers must include:

- How able and willing the carer is to provide care.
- What personal and wellbeing outcomes a carer wants to achieve.
- Whether providing support could contribute to those outcomes.
- Whether the carer wishes to work and whether they would like to participate in education, training, or leisure activities – it is up to the authority how it considers these factors. The authority need to decide what is 'proportionate'.

Also:

- A carer's assessment maybe combined with the assessment of the person they care for if the carer consents to it.
- Carers must be involved in their assessments and feel they are an equal in their relationship with the professionals carrying out the assessment.
- There must be a written record of the assessment which is shared with the carer.

Meeting needs – eligibility criteria for carers:

Having completed the assessment for the cared for person, if the authority is satisfied that the person has needs for care and/or support, then it must decide if any of these needs meet the eligibility criteria.

The carer support needs arise from caring for someone with eligible needs. These are needs as follows:

1. Arising from physical or mental ill health, age, disability, drugs/alcohol or similar
2. The need relates to undertaking key activities -. ability to carry out self-care or domestic routines; ability to communicate; protection from abuse/neglect; involvement in work, education, or leisure; maintaining family/other significant relationships; developing or maintaining social relationships and community presence
3. The person cannot meet the need with existing available support (carers beware – if too willing to care, no support will be "needed" to be provided by the local authority for the cared-for person)
4. The need cannot be met unless the LA arranges support.

Carers are eligible if they care for someone meeting criteria 1 and 2, and if the carer him or her self also meets criteria 2-4, e.g. they struggle to maintain social etc. relationships, or a community presence or cannot work because of their caring, and also takes into account

what other forms of support are available to the carer and whether they are likely to achieve their desired outcomes without support from the local authority.

When a carer meets eligibility criteria, the LA has a legal duty to arrange support for the carer if required through a support plan. There is a discretionary power to impose a charge for carer support services.

For more information and for advice generally, please contact Julie Burton Law – 01248364750.

Legal Aid **is** available for those who meet the strict means tests requirements (means tested benefits or similar level of income and low or no savings).