



Supporting carers and delivering new duties in the Social Services and Well-being (Wales) Act 2014

1. Carers in Wales

- According to the last census there were more than 370,000 carers in Wales. This figure is likely much higher. The census also found Wales to have the highest proportion of older carers and the highest proportion of young carers in the UK ¹
- Carers contribute 96% of care in the community in Wales, a contribution worth £8.1 billion every year²³
- The Social Services and Well-being (Wales) Act 2014 comes into force on 6 April 2016 and is intended to transform the way social services are delivered. It includes significant changes for carers including new rights and new duties

2. New Rights

- The Act gives carers the same rights as those they care for. The Act includes a new definition of a carer. The Act removes the existing requirement that a carer must provide 'a substantial amount of care on a regular basis'. The new definition of a carer is:

'A person who provides or intends to provide care for an adult or disabled child'

- There is a new duty to support carers, if a local authority determines that a carer's needs meet the eligibility criteria then the authority must consider what could be done to meet those needs.

¹ www.ons.gov.uk/ons/rel/census/2011-census-analysis/provision-of-unpaid-care-in-england-and-wales--2011/art-provision-of-unpaid-care.html#tab-Key-Points

² www.carersuk.org/wales/news/vale-of-unpaid-care-in-wales

³ www.ccwales.org.uk/edrms/87472/



3. Part 2 of the Act – Well-being, population assessments and preventative services

- The Act means that staff must promote the well-being of people who need care and support and carers who need support.
- Staff must also seek out the person's wishes and feelings and respect their dignity.
- The Act defines well-being as:
 - Physical, mental, emotional well-being
 - Protection from abuse and neglect
 - Education, training, recreation
 - Domestic, family and personal relationships
 - Contribution made to society
 - Securing rights and entitlements
 - Social and economic well-being and suitability of living accommodation
 - For adults, it also **includes** control over day to day life and participation in work
 - For a child, it includes physical, intellectual, emotional, social and behavioural development and welfare
- Local authorities and local health boards must assess the need for care and support in their area including carers. Local authorities and local health boards must then produce population assessments, these must include an evidence base outlining carers' needs and the range and level of services required to meet need.
- Local health boards and local authorities must submit how they plan to meet the needs of carers to Welsh Government Ministers.



4. Part 3 of the Act – Carer’s Assessments

- A local authority must offer an assessment to **any carer** where it appears to the authority that the carer may have need for support.
- The duty to assess applies regardless of the authority’s view of the level of support the carer needs or the financial resources he or she has.
- An assessment of a carer must include:
 - The extent to which the carer is able and willing to provide the care and to continue to provide the care
 - The outcomes the carer wishes to achieve
 - The local authority must involve the carer
- An assessment of a carer must also have regard to whether the carer wishes to work and whether they are participating or wish to participate in education, training, or leisure activities.
- **An individual must feel that they are an equal partner in their relationship with professionals.**
- A local authority may combine a person’s needs assessment with the needs assessment of his or her carer if it considers it would be beneficial to do so. However, the local authority may only do so if valid consent is given.



5. Part 4 of the Act – Eligibility, Care and Support Planning, Direct Payments

- A local authority must carry out an assessment if it appears that a carer has a need for support.
- The carer's eligibility for support then flows from the assessment process.

A carer's needs meet eligibility criteria for support if:

- a) the need arises as a result of providing care for either an adult or child
- b) the carer cannot meet the need whether
 - i) alone
 - ii) with the support of others who are willing to provide that support, or
 - iii) with the assistance of services in the community to which the carer has access. and
- c) the carer is unlikely to achieve one or more of their personal outcomes which relate to the specified outcomes in Part 3 of the Act

- The local authority has a duty to prepare and keep under review a support plan for a carer who has been assessed as having eligible needs.
- Direct payments embrace the whole ethos of the Act: providing a mechanism to increase independence, choice and control.
- They must be seen as an integral part of the care planning process and no longer viewed as a secondary consideration to meet the carer's needs for support.
- A local authority must provide appropriate information and support to enable a carer to decide whether they wish to receive a direct payment for any support.
- Direct payments give the carer eligible for support the autonomy to determine exactly the services that are right for them. A local authority must make direct payments available where a carer expresses a wish to receive them and where they enable a carer to achieve their personal outcomes.