

## Carers Policy Statement

### Legislation

This policy statement details how we intend to deliver our duties under and/or exercise powers we have under legislation.

1. The Care Act 2014 is a landmark piece of legislation that gives new rights to carers, placing them on an equal footing with those that they care for. The Care Act 2014 applies to adult carers of adults, to young carers approaching adulthood and to parent carers when their child with additional needs is approaching adulthood.
2. The Care Act 2014 makes it clear that the duties towards a carer are with the local authority in which the person with the care needs is ordinarily resident. Through this arrangement, carers living in Devon and carers outside Devon who are caring for someone living in Devon will be supported in their caring roles and in their lives outside caring (see section below on ordinary residence).
3. In relation to carers, we have delegated the following functions to Devon Carers and to some participating GP practices in the County:
  - needs assessment
  - support planning
  - reviews.
4. The Children and Families Act 2014 gives new rights to young carers and to parent carers of children with additional needs to have an assessment of their needs. It also identifies that young carers may be Children in Need.
5. We have delegated and contracted some of these responsibilities to the Integrated Children's Service, Devon Carers and Devon Partnership Trust. More detail on this is set out below in paragraph 16.

### Devon's Carers Strategy

6. We are working in partnership with NEW Devon Clinical Commissioning Group and South Devon & Torbay Clinical Commissioning Group to improve outcomes for carers of all ages. The *Carers in Devon Joint Strategy 2014-2019*, which covers all carers, sets out a joint commitment to carers, underpinned by the shared vision that:

*Carers will be universally recognised and valued as being fundamental to strong families and stable communities, and respected as expert partners in care. We will support carers to maintain their own health and wellbeing so they can achieve a balance between their caring responsibilities and a life outside caring, while enabling the person they*

*support to be a full and equal citizen. In everything we do we will take carers into account.*

7. Key to delivering this vision are the responsibilities of all agencies to identify carers and work with them positively as expert partners in care, while ensuring that they are properly supported. It is critical that all agencies engage with carers to ensure that, as far as possible, they are involved in planning the care of the person(s) for whom they care and all agencies ensure that carers have any specialist input needed to be able to care safely, confidently and knowledgeably.
8. The strategy aims to integrate the health and social care offer for carers with:
  - Primary Care, as carers have told us this is where they find it easiest to access support;
  - Voluntary sector agencies, as carers often find them easier to approach than formal Social Services.
9. We have developed a form of carer assessment called the Carer Health and Wellbeing Check. This check is an integrated health and care provision, which is available through Devon Carers and through Primary Care. It is our main form of carer assessment and is focussed on protecting and maintaining carers' own health and wellbeing, and preventing needs from developing or deteriorating. Assessments may be either combined assessments or separate assessment (Carer Health & Wellbeing Checks are separate assessment by design in coproduction with carers).
10. Carers have the choice to have their assessment either combined with the person that they care for, or separate. This acknowledges that carers are at the centre of their assessment and gives them control over who can undertake this. If a carer elects one form of assessment, nothing will prevent them from choosing a different format later.
11. We intend that the services we commission specifically to support carers shall be provided through a carer-led organisation to be as close and responsive to carers as possible.

### **Identifying Carers**

12. Our policy is to identify as many carers as possible as early as possible in their caring journey. This includes all young carers.

### **Identifying adult carers of adults**

13. We have developed a Carers Recognition Tool to help health, social care, housing and education professionals recognise if someone they come into contact with is a carer. The Carers Recognition Tool will also provide the

professional with the most appropriate referral route. The importance of effective information and advice (as distinct from an assessment) is emphasised, helping carers to meet their needs wherever possible without the need for a Carer Assessment.

14. Devon Carers is the primary source of that information or advice service to carers.

### **Identifying young carers**

15. All young carers should be in education or training, and providers of these services will receive support to identify and refer young carers.

16. All services have a responsibility to work through a “whole family” approach so that, in families with one or more members who need support, young carers are quickly identified, protected from inappropriate caring and enabled to have the same opportunities as other young people.

### **Identifying parent carers**

17. It is the particular responsibility of Integrated Children’s Services and other services working with children with additional needs to recognise parent carers and make sure that they are linked in to appropriate information, advice, support, and carer assessment. It is the responsibility of services working with the family to provide this specialist carer assessment.

### **Information and universal services**

18. Devon Carers will be the primary route for carers to access information and advice on universal services available in the community, regardless of need and without any requirement for an assessment.

19. The information available will include but not be limited to:

- All community services including “targeted” preventative services and carer-specific services;
- Availability and types of carer assessment;
- What is available to those with eligible needs;
- Signposting to services to support people with care needs;
- Advocacy services;
- NHS Patient Advice and Liaison Services;
- Care services which carers and their families can purchase for themselves.

20. Information will be available online and from the Devon Carers Helpline (08456434435). Information, advice and signposting will also be provided to carers during initial contact with us, Devon Carers or the NHS.

21. Our policy is to continue to develop online opportunities for carers, and help them to understand their own situations and needs better, so they can identify and access solutions for themselves, receiving telephone support when necessary. Information and advice on access to preventive services in the community will continue to be offered throughout the assessment and support planning processes.

### **Carer assessments**

22. We have delegated some of our functions for carer assessment under the Care Act 2014 to Devon Carers and to some GP practices. This means that:

- We at Devon County Council as well as Devon Carers undertake carers' assessments, support planning and reviews. Devon Carers usually undertake these as Carer Health and Wellbeing Checks;
- Some GP practices undertake carers' assessments as Carer Health and Wellbeing Checks (as do some pharmacies).

23. The delegation reflects the specialised skills and knowledge of Devon Carers and its longstanding engagement with carers.

24. Assessments of young carers under the Children and Families Act 2014 will be undertaken by the most appropriate agency in touch with the young carer/their family. We have contracted with Devon Carers to provide some young carers assessments and support. This means that we at Devon County Council/Integrated Children's Services as well as Devon Carers undertake young carers assessments. Through these arrangements it is intended that young carers will benefit from tailored services and have easier transitions to support as adult carers.

25. Assessments of parent carers of children under the Children and Families Act 2014 will be undertaken by the most appropriate agency in touch with the family of the child with additional needs. This will usually be the Integrated Children's Service. Parent carers can benefit from the wider services on offer from Devon Carers available to all carers - for example, information and advice. This will assist their transition to support from services for adult carers of adults as their child approaches adulthood.

26. Where Devon County Council has delegated functions, it retains ultimate responsibility for how the particular function is carried out. Devon County Council ensures that the functions it has delegated are delivered successfully and in line with legislation through contract monitoring and robust quality assurance of practice. This is determined by the Principal Social Worker for Devon County Council and will be supported by Devon County Council's internal management information reporting with coordination of the Carers Strategy and Delivery Board.

27. We will ensure that an assessment of any consenting adult who appears to need support is undertaken when requested, and the adult is as fully involved as possible.
28. We will also ensure that, when it is requested that the cared-for person (or their representative / advocate) is involved in the assessment, that they have consented to this and are fully involved.
29. We will always seek to identify need and establish the most appropriate and suitable assessment to promote the carer's wellbeing, as well as their eligibility for support and the sustainability of their caring role.
30. An assessment could be an individual assessment of a carer or a combined assessment with the person for whom they care. Where relevant, it could be undertaken jointly with other bodies, including the NHS.
31. Where an assessment is carried out as a Carer Health and Wellbeing Check, carers will be invited to undertake the first part of it themselves in advance of an appointment, supported by a booklet and, if necessary, telephone advice from Devon Carers, so that it has the strongest self-assessment component possible.
32. We will ensure that if a carer is identified as having only non-eligible needs, an action plan (similar to a support plan to meet eligible needs) will be produced. This plan will provide carers with information, advice and will signpost to services to delay the development of eligible needs.
33. We will continue to develop resources so that carers who wish to do so can undertake self assessments online, before deciding whether to approach us or Devon Carers formally for an assessment.

### **Young carers moving in to adult services**

34. The Care Act requires a local authority to undertake a transition assessment of a young carer if it considers that they are likely to have needs for support after becoming 18.
35. We will ensure that transition assessments take place at a time when there is significant benefit to a young carer. It might be that a young carer's move into adult services needs to be planned well in advance if there are any complex circumstances. In every case we will ensure that there is not a gap in necessary support for young carers when moving from children's to adult services.
36. Transition assessments will also consider the sustainability of a young carer's role and how their caring role could be impacting on their life aspirations, such as employment or education.

### **Eligibility**

37. For the first time, the Care Act regulations have detailed national carers eligibility criteria. This is set out in annex A of this document.
38. We will ensure that the carers national eligibility criteria are applied during all types of assessments and reviews involving carers. We will ensure that the total extent of needs is considered, and the carer's own priorities are established before consideration is given to which needs are eligible for care and support and which needs could be addressed through the carer's own resources, or could be prevented, reduced or delayed by preventative services.

### **Support planning and personalisation**

39. We will ensure that if eligible needs have been identified during a carer's assessment, a support plan will be written with the carer. Where applicable, an amount of money will be identified, sufficient to meet all of the carer's eligible needs agreed through the assessment. This is called a Personal Budget.
40. We at Devon County Council or Devon Carers can manage a carer's Personal Budget and arrange services on behalf of carers to meet their eligible needs. However, the preferred method is for a carer to receive their Personal Budget as a Direct Payment so they can arrange their care for themselves and exercise further choice and control in how their eligible needs are met and how their outcomes are achieved.
41. The preferred method for offering a Direct Payment in Devon is through the Devon Card. The Devon Card is pre-loaded by us with an individual's Personal Budget and offers maximum choice and control to the carer.
42. We encourage the use of the Devon Card as a way of an individual receiving their Direct Payment and will support individuals to use it. Should an individual choose not to receive their Direct Payment through the Devon Card, it will be paid into their bank account, or a bank account managed by a nominated person. We will need to be satisfied that the nominated person meets the criteria set out in Section 31 of the Care Act 2014.

### **Reviews**

43. The Care Act 2014 requires us to undertake an initial review 6-8 weeks following provision of services. Where the initial assessment has been undertaken as a delegated function, reviews will usually also be undertaken in the same way (by Devon Carers).
44. We will ensure that reviews are conducted according to the needs of the individual/ For carers this will usually be at six months following the initial review, and then at annual intervals. The carers' six month review will allow Devon County Council to ensure that the needs and outcomes of the carer are being met, whilst recognising the impact to wellbeing that the

caring role has. The six month review also acknowledges the role that carers have in preventing the needs of a person for whom they care from increasing.

45. All requests for an unplanned review by a carer will be considered and a judgement made about the value of doing so. In making this judgement, we will consider whether:
- The carer's needs have changed;
  - The carer's circumstances have changed - this could include their living arrangements or support network;
  - The current care and support plan is not working;
  - The Personal Budget is inadequate.

### **Ordinary residence**

46. We are responsible for meeting the eligible needs of a carer if the person they care for is ordinarily resident in Devon. Ordinary residence is the place which the person concerned has voluntarily adopted as their home.

47. This could mean meeting the eligible needs of a carer in another local authority area if they are caring for a person in Devon. Likewise, if a person in Devon is caring for a person in another local authority area, that local authority will be responsible for meeting the eligible needs of the carer in Devon.

48. We will work within the cross-border protocol as agreed by the Association of Directors of Adult Social Services which gives guidance on working with other local authorities in these circumstances. In Devon and Torbay, Carer Health & Wellbeing Checks are commissioned from the GP Practice with which the carer is registered. It has been agreed to accept each others Carer Health and Wellbeing Check outcomes but it will be the Local Authority of the ordinary residence of the cared-for person who will be responsible for determination of eligibility and provision of service (if any).

49. We will work with other local authorities to ensure that this duty is carried out and that an appropriate assessment takes place when the carer does not live in Devon.

50. In some circumstances, an individual might be providing care and support to more than one person in different areas of the country. If so, we will work with the carer and the local authorities concerned to develop the most appropriate care and support plan.

### **Continuing Health Care (CHC)**

51. The Continuing Health Care Framework details the role of the Clinical Commissioning Groups (CCG) in relation to carers when someone is in receipt of NHS continuing healthcare. We will work with CCGs to ensure

that any additional support provided to care for a CHC cared-for person, while their carer has a break from their caring responsibilities, is incorporated into the CHC care plan.

52. When undertaking a Carers Assessment for a carer with responsibilities for looking after a CHC cared-for person, we will ask the relevant CCG for details of the current arrangement already in place, in order to comply with the CHC Framework, and we will make sure that any CCG information is included in this assessment.
  
53. When undertaking a Carers Assessment, we will take into account any arrangements already in place and factor these into any required outcomes. If we consider that the carer requires additional breaks from caring, we will refer these recommendations back to the CCG and ask the CCG to revise the cared-for person's CHC plan to incorporate the additional support required to care for the individual while the carer has the necessary breaks. At the same time, we will inform the carer of the outcome of the Carers Assessment and will invite the carer to request assurance from the CCG about the availability of the recommended support.

## **Appendix A: The Care and Support (Eligibility Criteria) Regulations 2014**

Needs which meet the eligibility criteria:

(1) A carer's needs meet the eligibility criteria if—

- a) the needs arise as a consequence of providing necessary care for an adult;
- b) the effect of the carer's needs is that any of the circumstances specified in paragraph (2) apply to the carer; and
- c) as a consequence of that fact there is, or is likely to be, a significant impact on the carer's well-being.

(2) The circumstances specified in this paragraph are as follows—

- a) the carer's physical or mental health is, or is at risk of, deteriorating;
- b) the carer is unable to achieve any of the following outcomes
  - i. carrying out any caring responsibilities the carer has for a child;
  - ii. providing care to other persons for whom the carer provides care;
  - iii. maintaining a habitable home environment in the carer's home (whether or not this is also the home of the adult needing care);
  - iv. managing and maintaining nutrition;
  - v. developing and maintaining family or other personal relationships;
  - vi. engaging in work, training, education or volunteering;
  - vii. making use of necessary facilities or services in the local community, including recreational facilities or services; and
  - viii. engaging in recreational activities.

(3) For the purposes of paragraph (2) a carer is to be regarded as being unable to achieve an outcome if the carer—

- a) is unable to achieve it without assistance;
- b) is able to achieve it without assistance but doing so causes the carer significant pain, distress or anxiety; or
- c) is able to achieve it without assistance but doing so endangers or is likely to endanger the health or safety of the carer, or of others.

(4) Where the level of a carer's needs fluctuates, in determining whether the carer's needs meet the eligibility criteria, the local authority must take into account the carer's circumstances over such period as it considers necessary to establish accurately the carer's level of need.

## **Appendix B: Protocol on Cross Boundary Assessments of Carers**

### Adult Social Care - Carers

#### Protocol on Cross Boundary Assessments of Carers

When an adult with care and support needs and a carer live in different local authority areas:

- The Local Authority where the adult with care and support needs lives will take responsibility for the Carer's assessment and the subsequent preparation of any support plan and the meeting of eligible needs for support.
- The Local Authority where the carer lives will provide any information, which is available and which it is appropriate to provide, to enable the completion of the assessment and subsequent provision of support
- The Local Authority where the adult with care and support needs lives will take responsibility for reviews of the carer's support plan.
- The Local Authority where the adult with care and support needs lives will cooperate with the Local Authority where the carer lives in order to supply or arrange the supply of information to the carer about carer support available to them in their local area
- The Local Authority where the adult with eligible care and support needs lives may ask the Local Authority where the carer lives to provide a service to that carer if that is the most appropriate way of supporting them
- If the Local Authority where the adult with eligible care and support needs lives asks the Local Authority where the carer lives to provide support, the carer's Local Authority they should confirm any arrangements for reimbursement.
- If the support requested has no, or negligible, cost, however, the carer's local authority may provide such services without recompense on a "knock for Knock" basis
- Any issues of recompense between councils for the provision of assessments or services, should they arise, are a matter for local determination and must not be allowed to become a source of delay or difficulty for carers with eligible needs.
- If the carer states a preference for their assessment and support to be arranged through the local authority where they (the carer) live, this preference should be respected unless there are significant reasons for not doing so.

- If the carer states such a preference any implications arising from local circumstances for support must be made clear.