

# Adult Social Care Carers policy

Document reference:	GCC-ASC-POL-026
Version:	1.0
Originator/author:	Policy Review Officer
Executive lead:	Head of Adult Social Care Operations
Policy approved by:	Director: Adult Social Care Operations
Policy approved date:	2 June 2021
Policy published:	June 2021
Next review by:	30 June 2024

## **This is a controlled document**

Please make sure that you are working to the most up to date version of this policy, i.e. the **controlled policy document** published on the GCC website.

You may print this document but **printed copies are not controlled**.

## Adult Social Care Carers policy

### Contents

1. Introduction - Adult Social Care for carers .....	3
2. Promoting wellbeing.....	3
3. Safeguarding.....	3
4. Providing information and supporting involvement.....	4
5. Prevention and early intervention.....	4
6. Carer's assessment .....	5
7. Eligibility decision.....	5
8. After the eligibility decision.....	6
9. Personal budgets and best value.....	7
Care and Support Statutory Guidance .....	7
10. Planning and reviewing carer support arrangements.....	7
Planning .....	8
Reviewing arrangements.....	8
11. Direct payments.....	9
12. Transition to adult social care (child's carer's / young carer's assessments).....	9
13. Social care records .....	11
14. Emergency Planning.....	11
15. Concerns and complaints .....	11
16. Implementing, monitoring and reviewing policy .....	11
Appendix 1 – definition of terms .....	13
Appendix 2 – legal context .....	14

## **1. Introduction - Adult Social Care for carers**

- 1.1 This policy is about the Adult Social Care services provided for carers under the Care Act 2014 (the Care Act) by Gloucestershire County Council (we/ the Council).
- 1.2 A carer is someone of any age who provides practical or emotional support to/looks after a family member, partner or friend who needs help because of frailty, physical or mental illness, or disability. This does not usually include people who are paid, employed or volunteer to act as carers.
- 1.3 The Care Act allows local authorities to delegate certain social care duties to other individuals and organisations.
- 1.4 In Gloucestershire, most Adult Social Care services for carers are provided on the Council's behalf by specialist partners (delegated organisations). Delegated organisations are required to operate in accordance with this policy.
- 1.5 This policy applies to:
  - adult carers who care for another adult including adults who self-fund their care and support
  - adult carers (of a child with care and support needs) who are eligible for a child's carer's assessment under section 60 of the Care Act (transition assessment see section 12)
  - young carers under 18 (who care for an adult) who are eligible for a young carer's assessment under section 63 of the Care Act (transition assessment - see section 12)
  - staff in Adult Social Care, brokerage and commissioning teams
  - any delegated organisation authorised by the Council to provide Adult Social Care services for carers. Delegated organisations must meet the requirements of this policy when acting on behalf of the Council

## **2. Promoting wellbeing**

- 2.1 The Council recognises the valuable contribution of unpaid carers and the impact that caring responsibilities can have on carers and their wellbeing.
- 2.2 The Council will promote the wellbeing of carers throughout Adult Social Care services.

Please see also the Adult Social Care policy for people with care and support needs.

## **3. Safeguarding**

- 3.1 Across all Adult Social Care services, the Council will follow:
  - Gloucestershire's Multi Agency Safeguarding Adults Policy and Procedure whenever an adult with care and support needs appears to be experiencing or is

at risk of abuse, neglect or exploitation and as a result of their needs is unable to protect themselves. We will continue to work with the adult while safeguarding enquiries are carried out so that there is no delay in identifying and / or meeting care and support needs

- Gloucestershire's Safeguarding Children's Procedures where it appears that a child or young person may be a child in need

#### **4. Providing information and supporting involvement**

4.1 The Council will provide universal information about care and support and support for carers. Information for carers is available on the following websites:

- [the Gloucestershire Carers Hub](#)
- [Gloucestershire Young Carers](#)
- [GloSFamilies](#)
- the Council's [Your Circle](#) directory

We will provide personalised information to carers involved with Adult Social Care.

4.2 We will actively support carers to be involved in assessing, planning and reviewing their support. We will make reasonable adjustments in line with our duties under the Equality Act 2010 and the Care Act to overcome barriers to involvement. Please see also our:

- Adult Social Care Accessible Information Policy
- Independent Advocacy in Adult Social Care Policy

4.3 We will assume that carers are able to make their own decisions about their support. Where this is not the case, we will follow the Gloucestershire Multi Agency Mental Capacity Act Policy and Guidance

#### **5. Prevention and early intervention**

5.1 The Council recognises the impact that caring responsibilities can have on carer wellbeing. When we are working with an adult with care and support needs, we will identify carers (including young carers) who support the adult.

5.2 When we come into contact with carers, we will consider:

- whether or not carers are willing and able to continue to provide care for the adult
- what may help a carer to maintain, regain or improve their independence and / or to reduce or delay the onset of needs for support in undertaking their caring role

- whether a young carer's caring responsibilities are appropriate or are excessive or affect their wellbeing, welfare, education or development. We will take into account the young carer's age, level of functioning and their views

## **6. Carer's assessment**

- 6.1 The Council will offer a carer's assessment to adult carers who are caring for another adult and who appear to need support. The Council may 'pause' the assessment process by providing or arranging support (including to the adult) that may prevent, reduce, or delay the development of needs for carer support.
- 6.2 We will respect the carer's wishes if they do not wish to have an assessment (or do not wish to complete a full Care Act assessment and proceed to an eligibility decision).
- 6.3 Carers who decline / withdraw from an assessment retain the right to request a new assessment if they would like to have one.
- 6.4 Assessment will be appropriate and proportionate to the carer's needs and circumstances.
- 6.5 If all parties agree, the Council may combine a carer's assessment with another related assessment or offer a joint assessment where another authority (for example the NHS) also wishes to assess needs.
- 6.6 Carers may invite any suitable adult to be involved in or support them during the assessment. We will involve anyone needed to support the carer to take an active part in their assessment, such as an independent advocate.
- 6.7 Carers with capacity to do so may complete a supported self assessment with the Council if they wish. The Council will provide materials, information and support as needed.
- 6.8 Regardless of how the assessment is carried out, when a full carers assessment has been completed the Council will:
- assure itself that assessment information is an accurate and complete reflection of needs, outcomes and the impact on the carer's wellbeing
  - provide a copy of the assessment to the carer and anyone that they wish to share it with
  - make the eligibility decision

## **7. Eligibility decision**

- 7.1 The Council will make the eligibility determination in accordance with the Care and Support (Eligibility Criteria) Regulations 2015 (the Eligibility Regulations). Needs will be determined to be eligible when:
- the carer's needs arise as a result of providing necessary care to the adult. Necessary care means that the adult is not capable of meeting their needs for themselves

**and**

- as a result of the carer's needs, the carer's physical or mental health is / is at risk of deteriorating **or** the carer is unable to achieve any of the outcomes specified in the Eligibility Regulations. Being unable to achieve an outcome means that the carer:
  - is unable to achieve the outcome without assistance, or
  - is able to achieve the outcome without assistance but doing so causes or is likely to cause significant pain, distress or anxiety, or
  - is able to achieve the outcome without assistance but doing so is likely to endanger the health or safety of the carer or any adults or children for whom the carer provides care

**and**

- as a consequence, there is or is likely to be a significant impact on the carer's wellbeing

7.2 The Council will advise the carer and / or their representative in writing of the eligibility decision. We will also provide advice about what help and support may be available to meet, prevent, reduce or delay needs which do not meet eligibility criteria.

7.3 Carers who disagree with their eligibility decision should:

- first try to resolve the matter through discussion with the Council
- then if the matter remains unresolved use the Complaints about adult social care Procedure

7.4 Carers should contact the Council to request a re-assessment if their needs and / or circumstances change.

## **8. After the eligibility decision**

8.1 The Council will:

- agree with the carer which of their eligible needs they would like the Council to meet
- confirm whether the adult they care for is ordinarily resident in Gloucestershire as specified in the Ordinary Residence policy

8.2 The Council may on a case-by-case basis meet needs in other circumstances where it considers it appropriate to do so and after taking into account all relevant circumstances. The Council may meet urgent needs for carer support regardless of whether we have carried out a carer's assessment or confirmed that the adult they care for is ordinarily resident in Gloucestershire.

8.3 The Council may not meet needs which are the responsibility of other authorities, for example the NHS or a housing authority.

## 9. Personal budgets and best value

### Care and Support Statutory Guidance

**10.27** In determining how to meet needs, the local authority may also take into reasonable consideration its own finances and budgetary position and must comply with its related public law duties. This includes the importance of ensuring that the funding available to the local authority is sufficient to meet the needs of the entire local population. The local authority may reasonably consider how to balance that requirement with the duty to meet the eligible needs of an individual in determining how an individual's needs should be met (but not whether those needs are met). However, the local authority should not set arbitrary upper limits on the costs it is willing to pay to meet needs through certain routes – doing so would not deliver an approach that is person-centred or compatible with public law principles. The authority may take decisions on a case-by-case basis which weigh up the total costs of different potential options for meeting needs and include the cost as a relevant factor in deciding between suitable alternative options for meeting needs. This does not mean choosing the cheapest option; but the one which delivers the outcomes desired for the best value.

- 9.1 The Council has a duty to achieve best value when meeting carer support needs and will take cost effectiveness into account including using low or no cost options when deciding between suitable options for meeting needs.
- 9.2 Where the Council has agreed to meet a carer's support needs, we will estimate the cost of meeting needs based on their assessment. This is known as an indicative budget.
- 9.3 The actual cost of meeting the carer's needs (their personal budget) will be agreed on a case by case basis. The personal budget will:
- be sufficient to meet the carer's needs
  - take into account their reasonable preferences about how they wish their needs to be met
  - be reviewed if their needs or circumstances change
- 9.4 Some carers may have options to exceed what the Council considers necessary to meet needs. For example, carers may use their own funds to top up their personal budget or family members may provide additional support for the carer or pay a financial top up.

## 10. Planning and reviewing carer support arrangements

- 10.1 When the Council has agreed to meet needs, we will support carers to be as actively involved as they can be in planning and reviewing their support arrangements. We will involve any suitable adult the carer wishes to involve and anyone necessary to support the carer's involvement, for example an independent advocate.

- 10.2 Planning and review will be appropriate and proportionate to the carer's needs and circumstances.

### Planning

- 10.3 We will on a case-by-case basis take all circumstances into account and make every effort to reach agreement with the carer about how they wish their needs to be met.
- 10.4 We will record arrangements agreed with the carer in the carer's support plan and provide a copy to the carer and / or their representative and others as appropriate.
- 10.5 Carers may prepare their own support plan if they wish but the Council must be satisfied that the plan will appropriately meet unmet eligible needs.
- 10.6 We will record any services that the adult consents to receive in order to meet / reduce their carer's needs in the adult's support plan. Charging and financial assessment will apply to any services provided directly to the adult.
- 10.7 If the Council cannot reach agreement with the carer about how needs will be met, we will:
- explain the reason why the Council will not agree to their preferred arrangements and what must happen before we can agree the support plan
  - make arrangements to meet needs while matters are resolved
  - provide information about how to use the Adult Social Care Complaints about adult social care procedure

### Reviewing arrangements

- 10.8 In most cases, the Council will review support arrangements within 6 to 8 weeks of signing off a support plan to check that arrangements are meeting needs.
- 10.9 The Council will then review arrangements at regular intervals. We may align a review with the annual review of direct payments (see section 11) if the carer chose this option for meeting needs.
- 10.10 The Council will also review support arrangements:
- on a reasonable request by or on behalf of a carer
  - when it believes that a support plan is no longer effective or appropriate
  - if needs and desired outcomes can be met and risks managed more cost effectively
  - if a top up is/is to be discontinued - see paragraph 9.4



- 10.11 Where a review indicates that arrangements are no longer effectively meeting needs, we will work with the carer to amend or revise their plan. In some instances, it may be necessary to re-assess needs and agree a new plan.

## 11. Direct payments

- 11.1 Direct payments are an option for meeting carer support needs when there is a cost to the Council. Carers may:
- apply for direct payments if they would like to arrange their own support
  - ask the Council to arrange their support for them
  - choose a combination of the two options
  - change their chosen options at any time by notifying the Council.
- 11.2 When a carer chooses to have direct payments, the Council sets up a direct payment account for the carer. The Council makes monthly payments into the account to cover the agreed cost of support, and the carer uses the funds to arrange their support.

Please see the Adult Social Care Direct Payments policies and procedures for conditions.

## 12. Transition to adult social care (child's carer's/young carer's assessments)

- 12.1 This section applies to:
- adult carers (of children with care and support needs) who are eligible for a child's carer's assessment under section 60 of the Care Act
  - young carers (carers aged under 18 who provide care for adults with care and support needs) who are eligible for a young carer's assessment under section 63 of the Care Act.
- 12.2 The purpose of a child's carer's / young carer's assessment is to provide advance information about whether or not the carer's needs are likely to meet Care Act eligibility criteria when the cared for child / the young carer turn 18.
- 12.3 The Council will assess the needs of a child's carer or young carer where:
- the carer appears likely to need support when the cared for child / the young carer turn 18
  - the assessment would be of significant benefit to the carer and
  - the carer consents to have an assessment. We will respect the carer's wishes if they would prefer not to have an assessment **except** where a young carer:
    - lacks capacity / is not competent to consent and we are satisfied that assessment is in their best interest, or
    - is experiencing or at risk of abuse or neglect

- 12.4 Young carers (or their parents) and child's carers may request the relevant carer's assessment. The request should be made in time for the Council to carry out the assessment and provide advice before the young carer / cared for child turns 18.
- 12.5 If the Council declines a request for an assessment, we will provide:
- our written reasons for the decision, and
  - information and advice about what might help to prevent, reduce or delay the development of needs for support as a carer
- 12.6 Carers retain the right to request a new assessment even if they / the Council have previously declined one.
- 12.7 Assessment will be appropriate and proportionate to the carer's needs and circumstances.
- 12.8 If all parties agree, the Council may combine the assessment with another related assessment / plan / review, such as for a cared for child's health or educational needs.
- 12.9 We will actively support carers to be involved in their assessment. We will involve:
- a young carer's parents
  - any suitable adult that the carer (or their parents in the case of a young carer) wishes to be involved in their assessment
  - anyone needed to support involvement, such as an independent advocate
- 12.10 Carers with capacity to do so may complete a supported self assessment with the Council provided in the case of a young carer that we agree that they are competent to do so and that given all the circumstances supported self assessment is appropriate. The Council will provide materials, information and support as needed.
- 12.11 Regardless of how the assessment is carried out, when the assessment process has been completed the Council will:
- assure itself that assessment information is an accurate and complete reflection of the carer's likely needs, how needs are likely to impact on their wellbeing and what they wish to achieve
  - write to the carer to give an indication of what their needs are likely to be when they / the cared for child turns 18 and which if any needs are likely to meet Care Act eligibility criteria. We will also provide information about what support may be available to them if needs are likely to be ineligible
- 12.12 When the young carer / cared for child turns 18, the Council may decide to use the information gathered during the young carer's / child's carer's assessment to inform a carer's assessment under the Care Act (see section 6 Carers Assessment) depending on:
- when the transition assessment occurred, and
  - whether or not the carer's needs and circumstances have changed.

### **13. Social care records**

- 13.1 The Council has a duty to keep accurate and up to date records of all social care processes for each person using its Adult Social Care services.
- 13.2 We will keep information secure and use it in accordance with the Adult Social Care Privacy Notice and the GDPR and Data Protection Act 2018.

### **14. Emergency Planning**

- 14.1 The Council will have contingency plans in place for emergencies. In exceptional circumstances and only where legal criteria are met, Adult Social Care services may not be delivered in accordance with this policy.

### **15. Concerns and complaints**

- 15.1 As a first step, the Council encourages anyone who is dissatisfied with Adult Social Care services or with an Adult Social Care decision to:
- discuss their concerns with the staff member they are dealing with or
  - ask to speak to the staff member's manager instead

The Council will try to resolve concerns quickly or explain why this is not possible.

- 15.2 If the concern is not resolved, or if preferred, people may use the Council's Adult Social Care complaint's procedure to make a complaint. We will provide information about how to use the complaints procedure.

### **16. Implementing, monitoring and reviewing policy**

- 16.1. This policy will be published on the Council's website.
- 16.2 The Council will advise staff and any delegated organisations that policy has been revised.
- 16.3 The Council will monitor compliance with this policy through routine quality assurance processes such as:
- manager / supervisor oversight of casework
  - periodic independent reviews undertaken by the Council's internal auditors
  - contract management and monitoring and other processes agreed with organisations authorised or commissioned by the Council to act on its behalf or provide services for the Council

16.4 The Council will review this policy by 30 June 2024.

## Appendix 1 – definition of terms

<b>Significant benefit</b>	<p>In this context, ‘significant benefit’ means that the assessment should occur at a time when:</p> <ul style="list-style-type: none"> <li>• it is possible to predict with reasonable confidence the carer’s support needs when they / the cared for child turn 18</li> <li>• the assessment won’t unnecessarily disrupt family life (for example when a young carer is in the middle of exams would not be the best time)</li> <li>• information will help the carer to consider options for meeting needs when they / the cared for child turn 18</li> </ul>
<b>Supported self assessment</b>	<p>Supported self-assessment is carried out jointly between the carer and a social worker from the Council. It gives carers the opportunity to complete some of the paperwork themselves in their own words.</p> <p>The Council’s role in a supported self-assessment is to assure the information provided to us. This means ensuring we have a full picture of the carer’s situation before making an eligibility decision or providing advice based on the information supplied.</p> <p>This may involve talking to someone involved in the day-to-day care of the adult / child, or a health professional or another person who understands the impact of caring on the carer’s day to day life.</p>
<b>Wellbeing</b>	<p>Wellbeing under the Care Act relates to:</p> <ul style="list-style-type: none"> <li>• personal dignity and the right to be treated with respect</li> <li>• physical and mental health and emotional wellbeing</li> <li>• protection from abuse and neglect</li> <li>• the person’s control over day-to-day life, including over any care and support provided and the way it is provided</li> <li>• participation in work, education, training or recreation</li> <li>• social and economic wellbeing</li> <li>• domestic, family and personal relationships</li> <li>• suitability of living accommodation</li> <li>• the person’s contribution to society</li> </ul>

## Appendix 2 – legal context

Adult Social Care processes are governed in part by:

- The [Care Act 2014](#) and regulations under the Care Act including the [Care and Support \(Eligibility Criteria\) Regulations 2015](#).
- The [Care and Support Statutory Guidance](#) issued under the Care Act by the Department of Health in 2014 (as amended)

Local authority duties to achieve best value derive from:

- The [Local Government Act 1999](#) - section 3

Other legislation relevant to this policy includes but is not limited to:

- The [Data Protection Act 2018](#)
- The [Equality Act 2010](#)
- The [Human Rights Act 1998](#)
- The [Mental Capacity Act 2005](#) (MCA)
- The [Mental Capacity \(Amendment\) Act 2019](#)
- The [Mental Health Act 1983](#) (MHA)