Factsheet

Carers' Assessments in Wales for parent/carers of children with a learning disability

CEREBRA

Working wonders for children with brain conditions

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Families where a child has a brain condition face challenges every day. Just to learn, play, make friends and experience the world can feel difficult, even impossible. But we don't believe there's any challenge that can't be overcome.

So we listen to families, we learn from them. We carry out research, we design and innovate, we make and share. From new equipment to new learning resources, to new ways to play and support each other, everything we find out together makes life better. It opens doors to discovering the world.

It's an incredibly rewarding journey for everyone involved. Why not be a part of it? You never know what we'll discover together.

www.cerebra.org.uk

Our guides for parents help you find the answers you need. You can view and download the full series of our guides and factsheets completely free from our website www.cerebra.org.uk.

If you would like to make a donation to help cover the cost of producing our guides give us a call on 01267 244216 or donate at https://cerebra.org.uk/get-involved/donate/.

Thank you.

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Aims

This factsheet aims to provide an overview of carers' assessments for parents and carers of disabled children living in Wales. The law in this area is complicated and this factsheet has been written simply to give you an idea of your rights. If you'd like more detailed information, please see our guide Social Care in Wales: A Guide for Parents.

Key points

- Am I a carer?
- What is a carer's assessment?
- Can I have a carer's assessment?
- How do I ask for a carer's assessment?
- Will I be charged for any services I receive?

Am I a carer?

The law says that a **carer is anyone who provides or intends to provide care for an adult or a disabled child**. So, as long as you're caring for your disabled child or intending to care for her in the future you are a carer. And this is also true for anybody else in your immediate or extended family (for instance, sisters, aunts and grandparents), friends or anybody else for that matter as long as they aren't paid or a volunteer provided by a charity. The important thing is that they're either providing care now or planning to provide care sometime in the future: if they are – they're carers.

You'll still be considered a carer when your child turns 18 as long as you continue to care for her. But please be aware that professionals may have an increased say in decisions taken about her, under some circumstances, if she can't make a decision for herself. This is known as 'lacking capacity' and is discussed in detail in our guide Decision Making, Confidentiality and Sharing Information: A Guide for Parents.

What's a carer's assessment?

A carer's assessment is usually carried out by a social worker or social work assistant. Its aim is to see whether the carer has any support needs and if so whether the local authority needs to provide any support services to the carer. This could be, for instance, help with the housework to free up time to spend with their disabled child or respite care to allow the child's parents to have some time to themselves.

The assessment is a two stage process. Firstly, the assessor will talk with you to find out about you and your caring role. Amongst other things you should be asked about are the following:

- How much support you're giving your child and whether you feel that you're willing, or even able, to carry on giving the same level of support in the future. If not you should explain what kind of support, and how much support, you do feel that you can give. Just because you've being doing something it doesn't mean that you are able to continue to do it.
- The things you'd like to be able to do that you can't do now because of your caring duties. These could be, for instance, spending more time with your other children or having a leisure activity. (The assessor may call these your 'personal outcomes'). You should then be told about any existing services that could help you do these things maybe by giving you information, advice or support.
- Whether you're in work, education or training and, importantly, if not whether you'd like to be. If you're working part-time and would like to increase your hours let them know that as well.

This information will be included in a written report. The assessor must then decide whether or not the local authority needs to provide you with any services to help you meet some or all of your 'personal outcomes'. If the answer is "yes", they will be written into a support plan. You should be given a copy of the assessment report and, if you are provided with services, the support plan. The support plan will remain in place until a review or reassessment shows that you need different services or you don't need to receive services any more.

You can ask for a reassessment at any time and the local authority must carry one out[1] if there has been a change in your or your family's needs or circumstances.

Can I have a carer's assessment?

The law says that if a local authority thinks that a carer may have needs for support then it **must** carry out an assessment. This means that if you're caring for your child and his social worker thinks you might need some support to help cope with your situation they must ask you if you want to have a carer's assessment. You don't have to have an assessment if you don't want one in which case you can always ask for one in the future.

Unlike in the past you won't need to prove that you are providing a certain amount of care or that you're providing it regularly. As long as it seems that you may have a need that should trigger an assessment; and it doesn't matter what your financial situation is either.

How do I ask for a carer's assessment?

If your child's social worker hasn't offered you an assessment, or you don't have a social worker, contact your local authority's children's services department and ask for one. You'll find the contact details on your local authority's website and you may also find information on carers' assessments there as well.

1 Paragraphs 97-98 Social Services and Well-being (Wales) Act 2014: Part 3 Code of Practice (assessing the needs of individuals) - http://www.legislation.gov.uk/anaw/2014/4/part/3

What can I do if they refuse to give me an assessment or they do an assessment but say that they don't need to provide me with services?

You can make an official complaint. Again, you'll find details on how to do this on your local authority's website. You can find advice on how to complain in our Accessing Public Services Toolkit. We have also produced some template letters that you can adapt for your own use when making a complaint.

Will I be charged for any services I receive?

In most cases, local authorities don't charge for providing support to carers, in recognition of the valuable contribution carers make to their local community. But local authorities do have the right to charge if they want to. If your local authority does decide to charge you, it must carry out a financial assessment to decide whether or not you can afford to pay.

Useful organisations:

Carers Wales

http://www.carersuk.org/wales

Contact

https://contact.org.uk/help-for-families/local-contact-offices/contact-in-your-area/offices/cardiff/

Learning Disability Wales

https://www.ldw.org.uk

About the author

Derek Tilley is currently working as part of the Cerebra Research Team and is the father of a young lady who happens to have Down's syndrome. As a result of his dealings with public services he has had a long interest in supporting parents with disabled children access their legal entitlements. Firstly, in the area of special educational needs with IPSEA and SNAP Cymru Parent Partnership Services before moving into the area of direct payments with Diverse Cymru. During this period Derek served as a third sector representative on the Cardiff Disabled Children's Strategy Development Group and the Cardiff Autism Strategy Development Group. He recently successfully completed an MSc in Social Science Research Methods at Cardiff University and is carrying out a PhD under the supervision of Professor Sally Power, Director of WISERD Education, Cardiff University, and Doctor Julie Doughty, School of Law and Politics, Cardiff University exploring issues related to the reoccurring problems parents of disabled children have obtaining their rights from education, health and social services.

About the reviewer

Carys Hughes joined Cerebra in April 2014 as project co-ordinator for the Legal Entitlements and Problem-Solving (LEaP) Project. The Project team is led by Professor Luke Clements at the University of Leeds and aims to provide legal support to families who are experiencing difficulties in accessing health, social care and other services. Part of Carys' role is to assess requests and manage referrals made to the scheme. Having qualified as a solicitor in private practice in 2002, Carys spent 11 years in a complaints-handling role at a local authority before joining Cerebra. Carys' legal background and experience in the public sector have given her a useful perspective on how the Project can develop effective ways of helping families overcome problems in accessing services.

The findings of this report are those of the author, not necessarily those of Cerebra.

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