



## **CROSS BORDER ASSESSMENTS OF CARERS**

**A Protocol for assessment of carers who live in a different local authority area to that of the person they care for**

### **2008 PROTOCOL – ALL ENGLAND**

*This national protocol has been developed from a draft prepared by the East & West Midlands Network of Local Authority Carer Lead Officers which in turn was based on an earlier regional protocol approved by all councils in the north west. The draft was reviewed and amended by the ADASS Carers Reference Group. It was then presented to the ADASS Executive and endorsed as good practice for the guidance of Directors in determining their local arrangements.*

## **Cross Border Carers' Assessments**

### **Why do we need a Protocol?**

- To determine who has the responsibility for carrying out a carer's assessment and reviews when the carer and cared for person (service user) live in different local authority areas
- To determine the level and extent of co-operation between authorities when this situation occurs
- To ensure that appropriate support is provided for carers

### **Who does this protocol relate to?**

- Carers (aged 16 or over) who provide or intend to provide a substantial amount of care on a regular basis for person aged 18 or over
- Persons with parental responsibility for a disabled child

Carers are people who support or look after a person with a long-term illness, sensory impairment, physical or learning disability or age related frailty. Carers in this context, does not mean people who are employed to provide such care or who provide this care as a volunteer for an organisation. The Carer's (Recognition and Services) Act 1995 and subsequent legislation in 2000 set out the carer's rights to assessment.

### **Statutory Responsibilities**

The Carers and Disabled Children Act 2000 states that a carer has a right to assessment if they provide/intend to provide substantial amount of care on a regular basis and

“ the local authority must carry out such an assessment if it is satisfied that the person cared for is someone for whom it may provide or arrange the provision of community care services”

The Carers (Equal Opportunities ) Act 2004 placed a duty on Local Authorities to inform carers of their rights to assessment. It also puts a duty on other agencies such as health to consider requests for services made as a result of assessments

### **Government Guidance**

1. The Practice Guidance to the above Act, issued in 2001, is advisory and includes advice on the difficulties faced by those 'caring at a distance'. It states that local councils will need to work in partnership with neighbouring and other councils to ensure that carers needs are appropriately assessed and appropriate support provided.

2. Paragraph 26 of the Practice Guidance states that:

“ the service user’s home authority has responsibility for the carer’s assessment and provision of services even if carers’ services ( such as buying a washing machine) might need to be provided in a different council area.”

3. The guidance goes on to describe more complicated situations but in all cases places the responsibility for assessment with the authority supporting the eligible user. It recommends the development of **protocols** covering the need for co-operation and co-ordination in such circumstances. This document is a response to that suggestion.

### **The Protocol**

When a service user and a carer live in different local authority areas:

- The Local Authority where the service user lives will take responsibility for the Carer’s assessment and the subsequent commissioning of services
- The Local Authority where the service user lives will take responsibility for carer reviews
- The Local Authority where the service user lives will, in most cases provide subsequent services and be responsible for reviewing such services
- The Local Authority where the service user lives will liaise with the Local Authority where the carer lives in order to provide information to the carer about carers services that are available to them in their local area
- The Local Authority where the carer lives will provide any information, which is available and which it is reasonable to provide, to enable the completion of the assessment and subsequent provision of services or support
- The Local Authority where the service user 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 service user lives asks the Local Authority where the carer lives to provide a service, the carer’s Local Authority may ask for financial recompense from the user’s authority.

- If the service requested has no, or negligible, cost, however, the carer's local authority may provide such services without recompense on a *quid pro quo* basis<sup>1</sup>
- 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.
- If the carer states a preference for their assessment and services to be arranged by the local authority where they (the carer) live, this preference should be respected.
- If the carer states such a preference they must be advised that, in that case, they would be subject to the eligibility criteria of that Authority in respect of assessment and services unless an alternative bilateral arrangement exists between the two councils.
- All carers should be informed of the statutory responsibilities of Local Authorities and given appropriate advice and assistance to make decisions and have information about local services as a resident within the area.
- Councils should obtain independent advice on matters covered by this protocol as they think necessary.
- In operating this protocol, Councils should continue to have regard to the content of the Practice Guidance, which is advisory and should be followed, and ensure consistency with the combined policy guidance [18 August 2005], issued under Section 7 [LASSA 1970] which is statutory guidance and must be followed.

Note: incorporates comments from ADASS carers reference group

ENDS

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<sup>1</sup> Examples of such services may be newsletters, help line services and support groups. This protocol is based on the premise that the overwhelming number of services with a significant cost that are provided to support carers are in fact provided directly to the service user