

CROSS-BORDER CARERS:

ADASS PROTOCOL FOR ASSESSMENT AND SUPPORT

ALL ENGLAND

DATE March 2022

- This protocol has been prepared by the ADASS National Carers Policy Network and approved by the ADASS Executive as good practice for the guidance of Directors in determining their local arrangements.
- It supersedes the version developed in October 2008.ⁱ
- All councils should take independent advice on matters covered by this protocol as they think necessary.
- All councils should review relevant local operational guidance, service specifications and communications materials, including in cases where carer assessments have been externally commissioned, to ensure that they are aligned with this protocol.

Background

- Many carers do not live in the same local authority area as the person they support. Around a quarter of non-resident carers are over half an hour away, with 6% travelling over 2 hours to care.ⁱⁱ In some cases the carer and the cared for person are therefore in different local authority areas. For the purposes of assessment and support, Local Authorities generally refer to carers in these circumstances as 'cross border' carers.
- It is important that local authorities recognise the circumstances, needs and roles of cross border carers in the lives of adults with care and support needs. Recognising and responding to their needs early and accessibly through early intervention and prevention services (the 'universal offer') is likely to improve outcomes and support the carers' overall wellbeing. In most cases, the appropriate interventions will be low cost. Nevertheless, a clear understanding between councils of their respective roles should be in place to support person and family-centred decision making and prevent carers experiencing unnecessary bureaucratic frustrations.
- Considering cross border carer support in the context of major care pathways such as hospital discharge, falls, dementia and stroke is essential with the development of regional specialisms in the NHS. Systematic identification of

carers and recording of relevant details, including cross border carers, would improve the evidence base and improve the investment of limited resources in both health and social care.

Why do we need a Protocol?

- To ensure that carers know what support is available for them irrespective of their place of residence
- To promote the accessibility of early intervention support for carers, irrespective of their place of residence
- To support identification and determine which local authority has responsibility for carrying out a carer's assessment
- To clarify responsibilities for assessment and reviews when the carer and cared for person live in different local authority areas
- To determine the level and extent of co-operation between local authorities when this situation occurs.

Who does this protocol relate to?

- This protocol relates to the provision of low-level support for adults (aged 18 and over) who provide unpaid care for anyone with health or social care needs, including adults who care for a child with additional needs.
- Carers in this context, does not mean people who are employed or paid to provide such care or who provide this care as a volunteer for an organisation, unless they provide unpaid care in addition to their employed role or as part of formal volunteering.

Statutory Responsibilities

- In operating this protocol, Councils should continue to have regard to the content of the 'Care Act' and Care Act Guidance' which should be followed to ensure consistency and application of statutory duty
- **Carers of adults:** Section 10 of the Care Act 2014 requires local authorities to carry out an appropriate and proportionate assessment where an individual provides or intends to provide care to another adult, and it appears that the carer may have any level of needs for support, at that time or in the future
- **Parent carers:** Section 97 of the Children and Families Act 2014 requires local Authorities to assess parent carers on the appearance of need or where an assessment is requested by the parent (a 'parent carers needs assessment').
- **Young carers:** Section 96 of the Children and Families Act 2014 requires Local Authorities to assess young carers within their area on the appearance of need or

where an assessment is requested by the young person, their parent or carer (a 'young carers needs assessment').

- **Ordinary residence** criteria determine *which* local authority is responsible for meeting needs following an assessment. It applies differently in relation to adults with needs for care and support and carers.
- For adults with care and support needs, the local authority in which the adult with needs is ordinarily resident will be responsible for meeting their eligible needs. For carers, the responsible local authority will be the one where the adult for whom they care is ordinarily resident. Where more than one local authority is involved, statutory guidance states that:

'those authorities should consider how best to cooperate on and share the provision of support. For example... [t]here might be an agreement to jointly fund the support for the carer, or the authorities concerned may agree that one takes overall responsibility for certain aspects. For example, one might lead on reviews because it is geographically closer to the carer's home.'

Care and Support Statutory Guidance, August 2021, 19.8ⁱⁱⁱ

In line with statute and guidance, this protocol sets out the respective roles and responsibilities of local authorities in situations where a carer and the cared for person live in different local authority areas:

Principles to be adhered to:

What works for carers - If the carer states a preference for their assessment, support and services to be arranged by the local authority where they (the carer) live, this preference should be respected, unless there are significant reasons for not doing so.

Where the assessment is to be carried out by the local authority where the carer lives, the carer must be advised that they will be subject to the eligibility criteria of the local authority conducting the assessment, unless alternative bilateral arrangements already exist between the two councils.

What other principles and practices would we want this protocol to support?

**Local Authority of adult with needs:
 responsible for -**

**Local Authority of carer:
 responsible for –**

Carers' assessment *	Provision of any information which is available, and which is reasonable to provide, to support the completion of the assessment
Carers reviews	Provision of any information which is available, and which it is reasonable to provide, to support reviews
Commissioning of services where eligibility is determined through the assessment	
<i>In most cases</i> the provision of services as determined through assessment, and their review	
Liaison with carers own/home local authority, to enable information about support services in their (the carer's) area to be provided	Liaison with the cared-for person's local authority, to share information about support services in the carer's area
Request the Local Authority of the carer to provide a service to the carer, if that is the most appropriate way of supporting them	<u>Either</u> request recompense for the service provided at the request of the cared for person's Local Authority <u>or if the request has no, or negligible, cost</u> , provide such services on a reciprocal basis ^{iv}
Take a whole family approach and identify if there are any children in the household who may be affected by the caring situation; if this is the case, ensure that the child is not undertaking an inappropriate caring role, and refer to children's services if required, offering information and support in line with the Care Act and the Children and Families Act 2014.	Take a whole family approach and identify if there are any children in the household who may be affected by the caring situation and put them in touch with information and support. Local authorities must offer an assessment where it appears that a child in their area is involved in providing care (s96 Children and Families Act 2014)

<p>Any issues of recompense between councils for the provision or 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^v</p>	<p>Any issues of recompense between councils for the provision or 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</p>
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ⁱ The current document benefits from the input of many network members. In particular, it incorporates elements of the SE ADASS ‘Cross-Border Protocol for Early Intervention and Prevention Carers Services’, regionally endorsed in July 2021.

ⁱⁱ [Carers UK \(2018\) State of Caring 2018](#)

ⁱⁱⁱ <https://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance#moving-between-areas-inter-local-authority-and-cross-border-issues>

^{iv} Examples of such services may be newsletters, helpline services and support groups. This protocol is based on the premise that the overwhelming number of responses involving a significant cost that are arranged to support carers are provided directly to the adult with eligible care and support needs.

^v Any disagreements between local authorities should be resolved promptly through the usual professional channels: firstly through discussions between the relevant operational managers; then (if necessary) between the carers leads; and finally, (if necessary) between the relevant DASSs.