

CARERS look after family, partners or friends in need of help because they are ill, frail or have a disability. The care they provide is unpaid.

POLICY BRIEFING

Carers Assessments and Employment England

Purpose of the briefing

This briefing is designed to set out the policy framework around carers' assessments and how they relate to employment issues. New guidance, called Fair Access to Care Services (FACS) on eligibility criteria for services, comes into force on 7 April 2003 and could positively affect the way that local authorities treat carers who wish to return to work or are currently in employment. This adds a new impetus to ensure that carers and employment issues are on the local agenda.

Existing policy guidance on carers and employment

Both the Carers (Recognition and Services) Act 1995 (C (R&S) Act) and the Carers and Disabled Children Act 2000 (C&DC Act) refer to carers in employment even though the principles of both Acts should ensure that employment is covered in a carer's assessment.

Carers (Recognition and Services) Act 1995

Paragraph 9.7 in the practice guidance of the C(R&S) Act states, "By including carers who are intending to provide regular or substantial care, the Act provides an opportunity to consider fully the circumstances of carers in employment who are taking on this type of caring commitment."

Carers and Disabled Children Act 2000

In paragraph 35 of the practice guidance of the C&DC Act it states that carers should be supported to stay in work, or return to work, where this is what they want to do. The guidance states that it covers **all** carers under this Act, including parent carers.

"The local council should:

- * identify links with partner agencies to ensure carers assessed have access to good quality information on training and other support to build confidence prior to returning to work

- * make sure that the Welfare to Work Joint Investment Plan cross-refers to

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the multi-agency carers' strategy and state where the local council's policy on carers and employment is addressed

- * audit services to identify how well they support carers through providing flexible and reliable packages of care which allow carers to continue to work
- * remember that if involvement in employment is or will be at risk, this constitutes a critical risk to the sustainability of the caring role."

Paragraphs 69 and 70 of the practice guidance then discuss important issues related to critical risk. It lists critical risk as a number of things including major health problems and:

"* involvement in employment is, or will be, at risk.

Substantial risk to sustainability of the caring role is when:

- * involvement in some significant aspects of employment or other responsibilities is, or will be, at risk."

What should be included in a carer's assessment?

Under the C&DC Act, the practitioner's guide on page 19, section 8, has a useful list of what the carer's assessment should contain. This states:

- * there should be no assumption that carers will give up work to care – how can they be supported?
- * does the carer want to stay in work or return to work – what are the options?
- * is advice available on these issues, including advice for returners on benefits, charging etc. so that the carer can make informed decisions on what is best for them in all circumstances.

This follows with a helpful section on education and skills (page 20, section 9)

- * does the carer want to develop their skills either work-related or otherwise?
- * are they at risk of having to give up education or training because of their caring role?

Parent carers

Paragraph 36 of the practice guidance of the C&DC Act also has an important

reference to people with parental responsibility for a disabled child or children. It states that parent carers “[would] also benefit from joining or re-joining the workforce. Such carers often face difficulty re-entering the workforce because of lack of suitable childcare services. Many parents of disabled people would like to return to work and, if they were able to do so, would benefit socially and emotionally as well as financially.

Fair Access to Care Services

This new policy guidance is published under Section 7(1) of the Local Authority Social Services Act 1970 and so is considered to have the “force of law”. It sets out an eligibility framework that it expects councils to use to draw up eligibility criteria for assessments and support.

The framework is graded into four bands which describe the seriousness of the risk to independence or other consequences if needs are not addressed. The four bands are; critical, substantial, moderate and low (paragraph 16).

Critical risk states that vital involvement in work, education or learning cannot be sustained. Substantial risk states that involvement in many aspects of work, education or learning cannot or will not be sustained. Both moderate and low also have references to work.

What will the impact of these eligibility criteria be?

Local authorities are more likely to respond to higher risk, particularly if budgets are tight. It is vital, therefore, that all local authorities critical and substantial risk categories refer to employment and carers’ assessments.

How does Fair Access to Care correspond with the Carers and Disabled Children Act guidance?

FACS suggests that carers needs should be assessed under the framework set out in the Carers and Disabled Children Act 2000: A practitioners guide to carers’ assessments. This means that the paragraphs set out above should be followed in local policies.

What effect do the these three policies have on carers’ assessments?

Since an assessment under the Carers (Recognition and Services) Act 1995 should inform service provision to the disabled or older person, it could mean an enhanced package for the disabled person in terms of services.

An assessment under the Carers and Disabled Children Act 2000 would identify services that the carer needed themselves.

In past guidance Carers UK has recommended that carers are assessed under both pieces of legislation to ensure a holistic response.

What should you expect to find?

Carers UK would expect to find the references to carers and work in the following documents:

- * work and training issues raised as part of any carers' strategy
- * an explicit reference to carers who work or wish to return to work in hospital discharge policies held by NHS Trusts – including an assumption that carers should not be expected to give up work to care.
- * explicit references in the eligibility criteria for services for employment – in critical and substantial risk at the very least
- * an explicit reference to work issues on the carers' assessment form
- * local authority policy accompanying carers' assessments to explicitly refer to work

FACS goes on under paragraph 33 to state –

“where individuals of working age are subject to an assessment, councils should ensure that practices and protocols are developed that reflect the local “Welfare to Work” Joint Investment Plan for disabled people”. Carers UK would also suggest that this plan includes a reference to carers.

How would FACS affect service delivery

FACS directs local authorities to ensure that services are in place to meet eligible needs. This means that a carer, identified and assessed as having eligible needs under critical risk, should be provided with the services to meet those needs.

Timescale and local information

Local authorities are expected to review their eligibility criteria, if they have them agreed by 1 October 2002, but by 7 April 2003 at the latest. From 7 April 2003, councils are directed to review the circumstances of all individuals in receipt of social care services, provided or commissioned by the council or purchased with direct payments. The review should be complete by April 2004. Councils are expected to consult on their eligibility criteria which means that they should be published.

Suggestions for action:

- * Contact the local authority to secure a copy of their eligibility criteria, check that employment is mentioned. Call the Policy Officer at the main council office to find out who is responsible for this area of work.
- * Ensure that employment is mentioned in all risk levels, but particularly critical and substantial.

- * Contact the local authority's lead for carers' issues and check that the carers' assessment form covers work and that the policy guidance to staff accompanying the form also raises these issues.
- * Update your advice materials to carers to ensure that carers are aware of their rights if their own case or the case of the person they care for comes up for review following 7 April 2003. Some councils may already have started reviewing cases.
- * Contact the local NHS Trust to check whether their hospital discharge assessment procedures cover the issue of carers and work and have similar risk categories required by this guidance.

Further information and resources

There are a number of pieces of information which could aid implementation. The Department of Health conducted a small scale study into carers and employment, and assessments is an important part of this work, called *Carers in Employment Report – "Study visits to five councils with social services responsibilities."* It gives good practice examples and explores how local authorities implemented carers' legislation around carers and work. This can be found at: www.carers.gov.uk/zone2.htm This has only been published on the internet.

Carers and Disabled Children Act 2000, policy guidance, practice guidance and practitioners guide to carers' assessments can be found at: www.carers.gov.uk/zone9.htm or ordered free through: Department of Health publications, PO box 777, London SE1 6XH. Fax: 01623 724524 or e-mail doh@prolog.ukcom

Fair Access to Care Services, Guidance on Eligibility Criteria for Adult Social Care can be found at: www.doh.gov.uk/scg/facs/facsguidance.doc or ordered free from the Department of Health publications details above.

Carers (Recognition and Services) Act 1995: Policy and Practice Guide can be ordered through the Department of Health publications address above.

Research and policy published by Carers UK

The following related policy briefings are available in England by e-mailing: info@ukcarers.org or telephoning: 020 7566 7617.

Carers and Disabled Children Act 2000, policy and practice guidance – a briefing for local groups

Facts About Carers – including an update on statistics about carers in employment.

The following pieces of research can be ordered from Carers UK publications on: 020 7566 7626 or by emailing: linda@ukcarers.org or andreas@ukcarers.org

Redressing the balance: inclusion, competitiveness and choice is a report which looks at the barriers and bridges for carers into employment. Written by Marilyn Howard, single copies are free of charge. Published 2002

Carers, Poverty and Social Exclusion, written by Marilyn Howard. Published by CPAG in association with Carers UK. It draws together existing research and provides options. Priced £9.95. Published 2001

Caring on the Breadline: the financial implications of caring. Published by Carers UK in 2000. Full report priced £10.

True Cost of Caring – a report about carers and employment. Written by Caring Costs and published by Carers UK in 1996. Full report priced £5.00

Training

Carers UK runs a number of training courses about carers and the law including: Advanced Community Care Law and Recent Community Care Law Developments. We have recently added to our programme a new in-house course called, *Back to Work: overcoming the barriers*. It would be suitable for policy makers and providers in the statutory sector, carers workers, Learning and Skills Councils and workers in the Employment and Careers Services. In-house training can be provided for a group of up to 20 or more staff allowing you to organise your course at a time and place which suits your needs. Please contact the Carers Training Unit on tel: 020 7566 7632, training@ukcarers.org, or Fax: 020 7490 8824.

Action for Carers and Employment (ACE National)

ACE National is a three year project funded by the European Social Fund under the EQUAL programme. The project brings together, for the first time in a single partnership, key players with an interest in employment, service provision, business, the care sector, policy development and trades unions.

The objective of the partnership is to promote carers' participation in the labour market by working with the partners nationally and locally in six sites including Kirkless, London, Sunderland, Surrey, Anglesey in North Wales and Carmarthenshire in South Wales.

The four main areas being developed and tested by ACE nationally and locally include pre-vocational training for carers developed with City and Guilds, targeted work-related guidance for carers, flexible substitute care services and flexible working practices for carers in employment.

For further information about ACE National and local partnerships contact:
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This briefing has been produced as part of the ACE National Partnership.



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