

Carers (Identification and Support) Bill

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TO

Require health bodies and general medical practitioners, and certain other organisations, to identify patients who are carers or who have a carer; to require identified carers to be referred to sources of help and support and to make further provision in relation to such arrangements; to make provision in relation to the responsibilities of local authorities and schools for the needs of young carers and their families; and for connected purposes.

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Health promotion of carers

- (1) In exercising their functions general medical practitioners, Primary Care Trusts and Local Health Boards shall—
- (a) promote and safeguard the health and welfare of carers in England and Wales; 5
 - (b) ensure that effective procedures exist to identify patients who are carers;
 - (c) ensure that the general medical services rendered to their patients who are carers include all necessary and appropriate support and services including— 10
 - (i) ensuring that carers' needs are taken into account in relation to the allocation of appointments, procedures for issuing prescriptions, and waiting room arrangements;
 - (ii) giving advice, where appropriate, to a patient who is a carer, in particular about the significance for the carer's health of the provision of care to a disabled or chronically ill person; 15
 - (iii) offering to patients who are carers, consultations and, where appropriate, physical examinations for the purpose of identifying, or reducing the risk of disease or injury;
 - (iv) offering routine consultations and, where appropriate, physical examinations, in accordance with sub-paragraph (ii) to patients who are carers and whose health is judged to be at risk because of their caring responsibilities; 20

- (v) arranging for the referral of patients, as appropriate, for the provision of any other services under the National Health Service Act 2006 or the National Health Service (Wales) Act 2006; and
- (vi) giving advice, as appropriate, to enable patients who are carers, to avail themselves of services by a local social services authority and other local support, including advocacy. 5
- (2) In relation to subsections (1)(b) and (1)(c), the Secretary of State may by regulations made by statutory instrument further provide for the strategies to be developed by general medical practitioners, Primary Care Trusts and Local Health Boards to identify and support patients who are carers. 10
- (3) Regulations made under subsection (2) are subject to annulment in pursuance of a resolution of either House of Parliament.
- 2 Children’s services: duties with respect to young carers**
- (1) A local authority must ensure that, within 12 months of the passing of this Act, – 15
- (a) any school within its area and under its control, and
- (b) any children’s services authority under its control
- has in place a policy on the provision of support for pupils who are young carers. 20
- (2) In discharging its duty under subsection (1), a local authority must have regard to any guidance given from time to time by the Secretary of State.
- 3 Social services: duties with respect to parents**
- (1) In any case where a local authority carries out an assessment under section 47(1)(a) of the National Health Service and Community Care Act 1990 (a “community care assessment”) of the needs of a person for community care services it must – 25
- (a) ascertain whether that person has parenting responsibilities, and, if so,
- (b) consider what support services are required to sustain that person in their parenting role. 30
- (2) Where a community care assessment has established that an adult relies for support on the caring role of a child, such that the child’s health, well-being or development could be impaired, it shall be the duty of the local authority to offer that adult support services to ensure that the adult has an alternative source of support to that provided by their child. 35
- 4 Social services: duties with respect to sibling carers**
- In any case where a local authority assesses the needs of a disabled child for the purposes of Part III of the Children Act 1989 or section 2 of the Chronically Sick and Disabled Persons Act 1970 it must –
- (a) ascertain whether any person with parental responsibility for the child relies for support on the caring role of another child and, if so, 40
- (b) offer that person support services to ensure that that person has an alternative source of support to that provided by the child.

5 General duties to young carers and their families

- (1) It shall be a duty of a local authority to ensure that, within 6 months of the coming into force of this Act, a protocol is published which specifies how the authority's children's and adults' services will work collaboratively in the assessment of need and the provision of services for any member of a family ordinarily resident within that authority's area where both an adult member or members of that family and a child or children within that family appear to that authority to be in need of community care services or children's services. 5
- (2) In discharging its duty under subsection (1), the local authority must ensure that the protocol is agreed between its director of children's services and its director of adults' services. 10

6 Financial provision

There shall be paid out of money provided by Parliament any increase attributable to this Act in the sums payable out of money so provided by virtue of any other Act.

7 Interpretation

- (1) In this Act –
- “carer” has the same meaning as in section 1 of the Carers (Recognition and Services) Act 1995 and section 1 of the Carers and Disabled Children Act 2000;
 - “children's services” means services that could be provided under section 17(1) of the Children Act 1989; 20
 - “community care services” has the same meaning as in section 46(3) of the National Health Service and Community Care Act 1990;
 - “general medical practitioner” means a person registered in the General Practitioner Register kept by the General Medical Council; 25
 - “general medical services” has the same meaning as in the National Health Service Act 2006 and the National Health Service (Wales) Act 2006;
 - “local authority” means, in relation to England, a county council, district council, London borough council, the Greater London Authority or the Common Council of the City of London and, in relation to Wales, a county council or county borough council; 30
 - “regulations” means regulations made by statutory instrument by the Secretary of State (in relation to England) or by the Welsh Ministers (in relation to Wales); 35
 - “young carer” means a person under 18 years of age who carries out caring tasks and assumes a level of responsibility for another person which would normally be carried out by an adult.
- (2) Regulations made by statutory instrument may make different provision for different cases and may include such supplementary, incidental, consequential and transitional provisions and savings as the Secretary of State (or the Welsh Ministers for Wales) thinks fit. 40
- (3) Regulations made under subsection (2) are subject to annulment in pursuance of a resolution of either House of Parliament.

8 Amendment to Local Authority Social Services Act 1970

In Schedule 1 to the Local Authority Social Services Act 1970 (social services functions) at the end there shall be inserted—

“Carers (Identification and Support) Act 2011

5

Sections 3, 4 and 5

Duties to disabled parents and young carers.”

9 Short title, commencement and extent

- (1) This Act may be cited as the Carers (Identification and Support) Act 2011.
- (2) Apart from this section, this Act comes into force on such days as may be appointed by order made by statutory instrument. 10
- (3) An order under subsection (2) is to be made—
 - (a) in relation to England, by the Secretary of State; and
 - (b) in relation to Wales, by the Welsh Ministers.
- (4) Different days may be appointed for different provisions or for different purposes. 15
- (5) The Secretary of State may by order made by statutory instrument provide that this Act shall have effect in its application to the Isles of Scilly with such modifications as are specified in the order.
- (6) A statutory instrument containing an order under subsection (5) shall be subject to annulment in pursuance of a resolution of either House of Parliament. 20
- (7) This Act extends to England and Wales only.

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To require health bodies and general medical practitioners, and certain other organisations, to identify patients who are carers or who have a carer; to require identified carers to be referred to sources of help and support and to make further provision in relation to such arrangements; to make provision in relation to the responsibilities of local authorities and schools for the needs of young carers and their families; and for connected purposes.

*Ordered to be brought in by Barbara Keeley,
Diana R. Johnson, Andrew Gwynne, Ann Coffey,
Kate Green, Nia Griffith, Luciana Berger,
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*Ordered, by The House of Commons,
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