

CARERS (EQUAL OPPORTUNITIES) ACT 2004

EXPLANATORY NOTES

SUMMARY AND BACKGROUND

4. 5.2 million people in England and Wales identified themselves in the 2001 Census as providing unpaid care to support family members, friends, neighbours or others because of long-term physical or mental ill-health, disability or old age. That represented nearly 10 per cent of the population and of those, 21 per cent (1.09 million) provided care for 50 or more hours per week. The population of carers is not static but changes as people move in and out of caring with the majority of people providing care at some point in their lives.
5. Section 1 of the Carers (Recognition and Services) Act 1995 (c. 12) (“the 1995 Act”) provides that at the time a local authority assess a person’s needs for community care services or assess the needs of a disabled child, an individual who provides or intends to provide a substantial amount of care on a regular basis for that person has the right to request an assessment of his ability to provide and continue to provide care. The authority must take that assessment into account when making any decision about services for the cared for person or to meet the needs of the child, as the case may be.
6. In 1999 the Government published the National Carers’ Strategy which was developed in association with carers and the organisations that represent them. The Strategy identified key factors in supporting sustainable caring, one of which was the need for legislation to enable local authorities to provide services to carers.
7. Section 1 of the Carers and Disabled Children Act 2000 (c. 16) (“the 2000 Act”) built on the 1995 Act by giving carers the right to request an assessment that was not dependent on the local authority carrying out an assessment of the needs of the cared for person. It also gave local authorities power to provide certain services to meet the carer’s needs and help the carer to care.
8. Section 6 of the 2000 Act made provision for carers with parental responsibility for a disabled child to request an assessment of their ability to provide and to continue to provide care for the child. The local authority must take the assessment into account when deciding what services, if any, to provide to the child or the child’s family under section 17 of the Children Act 1989 (c. 41) (“the 1989 Act”).
9. The legislation referred to above and this Act are concerned with the many people who provide care, for example, to support a member of their family, a neighbour or friend. This excludes people who provide care through a contract or as a volunteer for a voluntary organisation.
10. This Act makes three main changes to the law with the objective of providing further support for carers and helping to ensure that they are not placed at a disadvantage because of the care they provide. First, the Act requires local authorities to inform carers, in certain circumstances, that they may be entitled to an assessment under the 1995 and 2000 Acts. Second, when undertaking a carer’s assessment, the local authority must consider whether the carer works, undertakes any form of education, training or leisure activity, or wishes to do any of those things. Third, the Act provides for co-

*These notes refer to the Carers (Equal Opportunities) Act
2004 (c.15) which received Royal Assent on 22nd July 2004*

operation between local authorities and other bodies in relation to the planning and provision of services that are relevant to carers.