

CARERS (EQUAL OPPORTUNITIES) ACT 2004

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 1: Duty to inform carers of right to assessment

12. This section introduces new provisions into the 1995 and 2000 Acts which require a local authority, in certain circumstances, to inform carers that they may be entitled to an assessment under those Acts. This will ensure that carers get information about their rights at the appropriate time.
13. **Section 1(1)** inserts a new subsection (2B) into section 1 of the 1995 Act. This means that when a local authority are carrying out an assessment of a person's community care needs or the needs of a disabled child, and it appears to the authority that an individual may be entitled to ask for (but has not requested) an assessment of his ability to care, the local authority must inform the carer of this right before they go on to make any decision about services.
14. **Section 1(2)** amends the 2000 Act by inserting a new section 6A. The effect of this amendment is that where it appears to a local authority that it would be required to carry out a carer's assessment if asked to do so by the carer or a person with parental responsibility for a disabled child, then the authority must inform that person that he may be entitled to an assessment.
15. Subsection **(6A)(3)** and **(4)** sets out the circumstances where the local authority does not need to provide this information. This is where, in relation to the cared for person or the disabled child (as the case may be), the local authority has already carried out a carer's assessment on that person's behalf or has informed him that he may be entitled to such an assessment. A carer does not need to be given this information where the local authority has, in relation to the person cared for, previously carried out an assessment of him under section 4(3) of the Community Care (Delayed Discharges etc.) Act 2003 (c. 5).
16. A carer's assessment is defined in section 6A(5) and means an assessment under section 1 or section 6 of the 2000 Act.