

CARERS (EQUAL OPPORTUNITIES) ACT 2004

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 3: Co-operation between authorities

20. **Section 3** facilitates joint working by providing a formal basis for co-operation between local and other authorities in relation to carers and cared for persons. It sets out two situations where an authority must give due consideration to a request by a local authority for assistance in relation to the planning or the provision of services.
21. The authorities that must give due consideration to a request are specified in subsection (5) and are any other local authority, any local education authority, any local housing authority, and certain National Health Service bodies, including any Primary Care Trust, any National Health Service Trust or NHS foundation trust, and any Local Health Board.
22. Firstly, subsection (1) covers a situation where a local authority asks such an authority for assistance in planning the provision of services to persons who are entitled to an assessment under section 1 of the 1995 Act, sections 1 or 6 of the 2000 Act, or for whom those individuals provide, or intend to provide, regular and substantial care.
23. For example, this will ensure that a local authority is better placed to seek information from, or the participation of, the NHS when deciding how to deliver carers' services that are linked local NHS services.
24. Secondly, subsection (3) deals with a situation where a local authority is assessing or has assessed a person's ability to care under the 1995 or 2000 Acts, and considers that his ability to provide and to continue to provide care would be enhanced by the provision of services by another authority. The type of services are not specified in the Act, but can include services for either the carer or the person cared for.
25. So, where a local authority makes a request under subsection (1) or (3), the other authority must make a decision about whether to provide the assistance or the services, as the case may be, that have been requested.
26. Subsection (6) provides that subsections (1) and (3) do not apply to acts that could be the subject of a request by the local authority under section 27 of the 1989 Act (co-operation between authorities). This is to make it clear that nothing in this Act affects the operation of that legislation.