



Community Care and Health (Scotland) Act 2002

2002 asp 5

PART 1

COMMUNITY CARE

Carers

11 Amendment of 1995 Act: assessment of ability to provide care for disabled child etc.

(1) For subsection (1) of section 24 of the 1995 Act (right of person who cares for disabled child to request, where an assessment of the needs of the child is being carried out, an assessment of the person's ability to provide care), there is substituted—

“(1) Subject to subsection (2) below, a person (“the carer”) who provides, or intends to provide, a substantial amount of care on a regular basis for a disabled child may, whether or not the carer is a child, request a local authority to make an assessment (“the carer's assessment”) of the carer's ability to provide or to continue to provide such care for the child.

(1A) The local authority to whom the request is made shall—

- (a) comply with the request where it appears to them that the child, or another person in the child's family, is a person for whom they must or may provide services under section 22(1) of this Act; and
- (b) if they then or subsequently make an assessment under section 23(3) of this Act to determine the needs of the child, have regard to the results of the carer's assessment—
 - (i) in the assessment of the child; and
 - (ii) in making a decision as to the discharge by them of any duty they may have as respects the child under section 2(1) of the Chronically Sick and Disabled Persons Act 1970 (c. 44) or under section 22(1) of this Act.”.

(2) After that section, there is inserted—

Status: This is the original version (as it was originally enacted).

“24A Duty of local authority to provide information to carer of disabled child

Where it appears to a local authority both that—

- (a) a child is a disabled child for whom they must or may provide services under section 22(1) of this Act; and
- (b) a person (“the carer”) provides, or intends to provide, a substantial amount of care on a regular basis for the child,

the local authority shall notify the carer that he may be entitled under section 24(1) of this Act to request an assessment of his ability to provide, or to continue to provide, care for the child.”.