2002 CHAPTER 6

Carers: assessments and services

Right of carers to assessment

1.—(1) Where—

(a) the carer of an adult requests an authority to carry out an assessment of the carer's ability to provide and to continue to provide care for the person cared for; and

(b) the authority is satisfied that the person cared for is someone for whom it may provide personal social services,

the authority shall carry out such an assessment.

(2) Where—

(a) an authority carries out an assessment under the 1972 Order of the needs of a person for personal social services; and

(b) a carer of that person requests the authority, before it makes a decision as to whether the needs of that person call for the provision of any personal social services, to carry out an assessment of the carer's ability to provide and to continue to provide care for that person,

the authority—

(i) shall carry out such an assessment; and

(ii) shall take the results of that assessment into account in deciding what, if any, personal social services to provide to that person.

(3) Subsections (1) and (2) do not apply if the carer provides or will provide the care in question—

(a) by virtue of a contract of employment or other contract with any person; or

(b) as a volunteer for a voluntary organisation.

(4) Subject to any directions given by the Department to the authority under—

(a) Article 17 of the 1972 Order (in the case of a Board); or

(b) paragraph 6 of Schedule 3 to the Health and Personal Social Services (Northern Ireland) Order 1991 (NI 1)(in the case of an HSS trust),

an assessment under this section is to be carried out in such manner, and is to take such form, as the authority considers appropriate.

(5) For the purposes of an assessment under this section, the authority may take into account, so far as it considers it to be material, any other assessment made under this section or Article 18A of the Children Order.

(6) Section 8 of the Disabled Persons (Northern Ireland) Act 1989 (c. 10) (duty of authority to take into account ability of carer of disabled person) does not apply in any case where an assessment is made under subsection (2) in respect of the carer in question.