Care Act 2014

2014 CHAPTER 23

PART 1

CARE AND SUPPORT

Assessing needs

10 Assessment of a carer's needs for support

(1) Where it appears to a local authority that a carer may have needs for support (whether currently or in the future), the authority must assess—

(a) whether the carer does have needs for support (or is likely to do so in the future), and

(b) if the carer does, what those needs are (or are likely to be in the future).

(2) An assessment under subsection (1) is referred to in this Part as a "carer's assessment".

(3) "Carer" means an adult who provides or intends to provide care for another adult (an "adult needing care"); but see subsections (9) and (10).

(4) The duty to carry out a carer's assessment applies regardless of the authority's view of—

(a) the level of the carer's needs for support, or

(b) the level of the carer's financial resources or of those of the adult needing care.

(5) A carer's assessment must include an assessment of—

(a) whether the carer is able, and is likely to continue to be able, to provide care for the adult needing care,

(b) whether the carer is willing, and is likely to continue to be willing, to do so,

(c) the impact of the carer's needs for support on the matters specified in section 1(2),

(d) the outcomes that the carer wishes to achieve in day-to-day life, and

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(e) whether, and if so to what extent, the provision of support could contribute to the achievement of those outcomes.

(6) A local authority, in carrying out a carer's assessment, must have regard to—

(a) whether the carer works or wishes to do so, and

(b) whether the carer is participating in or wishes to participate in education, training or recreation.

(7) A local authority, in carrying out a carer's assessment, must involve—

(a) the carer, and

(b) any person whom the carer asks the authority to involve.

(8) When carrying out a carer's assessment, a local authority must also consider—

(a) whether, and if so to what extent, matters other than the provision of support could contribute to the achievement of the outcomes that the carer wishes to achieve in day-to-day life, and

(b) whether the carer would benefit from the provision of anything under section 2 or 4 or of anything which might be available in the community.

(9) An adult is not to be regarded as a carer if the adult provides or intends to provide care—

(a) under or by virtue of a contract, or

(b) as voluntary work.

(10) But in a case where the local authority considers that the relationship between the adult needing care and the adult providing or intending to provide care is such that it would be appropriate for the latter to be regarded as a carer, that adult is to be regarded as such (and subsection (9) is therefore to be ignored in that case).

(11) The references in this section to providing care include a reference to providing practical or emotional support.

(12) This section is subject to section 11(5) to (7) (refusal by carer of assessment).

Modifications etc. (not altering text)

C1 Pt. 1 modified (1.4.2015) by The Care and Support (Isles of Scilly) Order 2015 (S.I. 2015/642), arts. 1, **2(2)(a)**; S.I. 2015/993, **art. 2(a)**

C2 Pt. 1 applied in part (with modifications) (1.4.2015 coming into force in accordance with reg. 1(1)) by The Care and Support (Children's Carers) Regulations 2015 (S.I. 2015/305), regs. 1(1), **2(1)(a)(2)**, 4-12; S.I. 2015/993, **art. 2(q)**

Commencement Information

I1 S. 10 in force at 1.4.2015 by S.I. 2015/993, **art. 2(a)** (with transitional provisions in S.I. 2015/995)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 15(2)-(3B) substituted for s. 15(2)(3) by 2022 c. 31 s. 166(2)
- s. 26(1)-(2A) substituted for s. 26(1)(2) by 2022 c. 31 s. 166(4)