**Adult service users and carers: Identifying carers and legal rights**

Carers may have legal rights to their own assessment and their own services.

Definition of ‘carer’ → “somebody who provides support or who looks after family member, partner or friends who needs help because of their age, physical or mental illness, or disability. This would not usually include someone paid or employed or carried out that role, or someone who is a volunteer”

(Glossary, Care Act guidance 2014)

**The Care Act 2014:**
- Replaces a very large amount of previous legislation
- Received Royal Assent in May 2014 but most provisions came in force in April 2015 (and some not until 2016).

Care Act replaces: assessment of service users and carers, their eligibility for services, the type of services that can be provided and how they are paid for.

Care Act- general responsibilities of local authorities:
* Promoting well-being
* Preventing, reducing or delaying needs
* Information and advice

**Promoting well-being** → Care Act (Section 1 (1)) “the general duty of a local authority, in exercising a function under this Part in the case of an adult, is to promote that adult’s well-being.”

This can include:
* personal dignity
* physical, mental health and emotional well-being
* protection from abuse and neglect
* control over the individual over day to day life
* participation in work, education, training or recreation
* social and economic well-being
* domestic, family and personal relationships
* suitability of living accommodation

**Further important details on well-being:**
- starting point that the individual is best placed to judge their own well-being
- their wishes, feelings and beliefs are ‘critical to a person-centred system’
- decisions must be made with regard to all the individual’s circumstances and not based only on their age, appearance or any condition.
- it’s a guiding principle of the Care Act that people should be supported to live as independently as possible.

**Preventing needs for care and support** → Care Act (Section 2) “the local authority must provide or arrange for services, facilities or resources which it considers will: