

Social Care (Local Sufficiency) and Identification of Carers Bill

CONTENTS

- 1 Duty to ensure sufficient social care support
- 2 Duty to ensure sufficient social care to promote and support work for disabled adults and carers
- 3 Duty to assess social care provision
- 4 Health promotion of carers
- 5 Local authorities: duties with respect to young carers
- 6 Further and higher Education: duties with respect to student carers
- 7 Financial provision
- 8 Interpretation
- 9 Amendments to the Local Authority Social Services Act 1970
- 10 Short title, commencement and extent

A
B I L L

TO

Make provision about the duties of local authorities in relation to the sufficiency of provision of social care and related support; to make provision about the duties of health bodies in England in relation to the identification and support of carers; to make provision in relation to the responsibilities of local authorities, schools and higher and further education organisations for the needs of young carers and their families; and for connected purposes.

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Duty to ensure sufficient social care support

- (1) It shall be the general duty of every local authority to take steps to ensure that, so far as reasonably practicable, a range and level of social care services are provided sufficient to meet the reasonable requirements of disabled people and carers who are ordinarily resident in their area. 5
- (2) In discharging its duty under subsection (1), a local authority must have regard to any guidance given from time to time by the Secretary of State.

2 Duty to ensure sufficient social care to promote and support work for disabled adults and carers

For the purpose principally of facilitating the discharge of their general duty under section 1 every local authority shall be under a specific duty to secure, so far as reasonably practicable, the provision of social care services sufficient to meet the reasonable requirements of all people aged 18 or over with a disability and carers who require such support to enable them to— 10

- (a) take up, or remain in, work, or 15
- (b) undertake education or training which could reasonably be expected to assist them to obtain work.

3 Duty to assess social care provision

- (1) In determining for the purposes of sections 1 and 2 whether the provision of social care support is sufficient, a local authority must—
- (a) undertake an assessment of social care needs of disabled people and carers in their area; 5
 - (b) undertake an assessment of the sufficiency of the supply of social care services for disabled people and carers in their area;
 - (c) publish a strategy setting out the steps to ensuring sufficiency of supply of social care services for disabled people and carers in their area;
 - (d) have regard to any guidance given from time to time by the Secretary of State. 10
- (2) In relation to subsections (1)(a) and (b), the Secretary of State may by regulations define the assessments of social care needs and sufficiency of supply of social care services.

4 Health promotion of carers 15

- (1) In exercising their functions health bodies shall—
- (a) promote and safeguard the health and well-being of carers;
 - (b) ensure that effective procedures exist to identify patients who are or are about to become carers;
 - (c) ensure that appropriate systems exist to ensure that carers receive appropriate information and advice; and 20
 - (d) ensure that systems are in place to ensure that the relevant general medical services are rendered to their patients who are carers.
- (2) In relation to subsections (1)(b) and (c), the Secretary of State may by regulations further provide for the strategies to be developed. 25

5 Local authorities: duties with respect to young carers

- (1) A local authority must ensure that, within 12 months of the passing of this Act, it takes all reasonable steps to ensure that in relation to—
- (a) any school within its area and under its control, and
 - (b) any functions it discharges in pursuance of its responsibilities as a children's services authority, 30
- there is in place a policy that both identifies young carers and makes arrangements for the provision of support for pupils who are young carers.
- (2) In discharging its duty under subsection (1), a local authority must have regard to any guidance given from time to time by the Secretary of State. 35

6 Further and higher Education: duties with respect to student carers

- (1) The responsible body of an institution to which this section applies must identify or make arrangements to identify student carers and have a policy in place on providing support for student carers.
- (2) This section applies to— 40
- (a) a university;
 - (b) any other institution within the higher education sector;
 - (c) an institution within the further education sector.

- (3) A responsible body is –
- (a) in the case of an institution in subsection (2)(a) or (b), the governing body;
 - (b) in the case of a college of further education under the management of a board of management, the board of management; 5
 - (c) in the case of any other college of further education, any board of governors of the college or any person responsible for the management of the college, whether or not formally constituted as a governing body or board of governors.

7 Financial provision 10

There shall be paid out of money provided by Parliament any increase attributable to this Act in the sums payable out of money so provided by virtue of any other Act.

8 Interpretation

- (1) In this Act –
- “carer” has the same meaning as in section 1 of the Carers (Recognition and Services) Act 1995; 15
 - “young carer” means a person under 18 years of age who carries out caring tasks and assumes a level of responsibility for another person which would normally be carried out by an adult;
 - “children’s services” means services that could be provided under section 17(1) of the Children Act 1989; 20
 - “community care services” has the same meaning as in section 46(3) of the National Health Service and Community Care Act 1990;
 - “disability” has the same meaning as in section 6 of the Equality Act 2010;
 - “general medical services” has the same meaning as in the National Health Service Act 2006; 25
 - “health bodies” includes –
 - (a) “Clinical Commissioning Groups”, which have the same meaning as in section 1I of the National Health Service Act 2006;
 - (b) “Foundation Trusts”, which have the same meaning as in section 30 of the National Health Service Act 2006; 30
 - (c) “NHS Trusts”, which have the same meaning as in section 25 of the National Health Service Act 2006; and
 - (d) “the NHS Commissioning Board”, which has the same meaning as in section 1H of the National Health Service Act 2006; 35
 - “higher education” and “further education” have the same meanings as in section 94 of the Equality Act 2010;
 - “local authority” means a county council, district council, London borough council, the Greater London Authority or the Common Council of the City of London; 40
 - “regulations” means regulations made by statutory instrument by the Secretary of State;
 - “social care services” means any support that could be provided by a local authority in discharge of its functions under the Local Authority Social Services Act 1970 or pursuant to its powers under section 2 of the Local Government Act 2000. 45

- (2) Regulations made under this Act by statutory instrument may make different provision for different cases and may include such supplementary, incidental, consequential and transitional provisions and savings as the Secretary of State thinks fit.
- (3) Regulations made under subsection (2) are subject to annulment in pursuance of a resolution of either House of Parliament. 5

9 Amendments to the Local Authority Social Services Act 1970

In Schedule 1 to the Local Authority Social Services Act 1970 (social services functions) at the end there shall be inserted –

“Social Care (Local Sufficiency) and Identification of Carers Act 2012”	Provision about the duties of local authorities in relation to the sufficiency of provision of social care and related support; provision about the duties of health bodies in England in relation to the identification and support of carers; provision in relation to the responsibilities of local authorities, schools and higher and further education organisations for the needs of young carers and their families.	10 15 20
---	--	------------------------

10 Short title, commencement and extent

- (1) This Act may be cited as the Social Care (Local Sufficiency) and Identification of Carers Act 2012. 25
- (2) This Act comes into force at the end of the period of 2 months beginning with the day on which it is passed.
- (3) This Act extends to England only.

Social Care (Local Sufficiency) and Identification of Carers Bill

A

B I L L

To make provision about the duties of local authorities in relation to the sufficiency of provision of social care and related support; to make provision about the duties of health bodies in England in relation to the identification and support of carers; to make provision in relation to the responsibilities of local authorities, schools and higher and further education organisations for the needs of young carers and their families; and for connected purposes.

*Presented by Barbara Keeley,
supported by
Heidi Alexander, Sir Tony Baldry,
Annette Brooke, Alex Cunningham,
Dr Hywel Francis, Mrs Sharon Hodgson,
Diana Johnson, Stephen Lloyd,
Caroline Lucas, Sarah Newton
and Laura Sandys.*

*Ordered, by The House of Commons,
to be Printed, 20 June 2012.*

© Parliamentary copyright House of Commons 2012

*This publication may be reproduced under the terms of the Parliamentary Click-Use Licence, available online through The National Archives website at www.nationalarchives.gov.uk/information-management/our-services/parliamentary-licence-information.htm
Enquiries to The National Archives, Kew, Richmond, Surrey, TW9 4DU;
email: psi@nationalarchives.gsi.gov.uk*

PUBLISHED BY AUTHORITY OF THE HOUSE OF COMMONS
LONDON – THE STATIONERY OFFICE LIMITED
Printed in the United Kingdom by The Stationery Office Limited
£x.xx