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TO

Make provision about life-long learning for, and the employment of, carers; to place duties on local authorities and health bodies in respect of carers; 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 Equal opportunities for carers

- (1) A local authority shall in carrying out its social services functions have due regard to the need to promote equality of opportunity between carers and persons without caring responsibilities with regard to carers' health and well-being. 5
- (2) In pursuance of subsection (1) it shall be the duty of every local authority, when providing or securing the provision of services, to have due regard to providing and securing services which they consider likely to encourage, enable or assist (directly or indirectly) effective participation by carers in education, training, employment and leisure opportunities. 10
- (3) Regulations may be made in relation to subsections (1) and (2) which provide for—
- (a) any programmes that need to be developed to secure the effective promotion of equality of opportunity, and
 - (b) the services which may encourage or promote the health and well-being of carers. 15

2 Planning for provision of information for carers

- (1) It shall be the duty of local authorities, in co-operation with National Health Service (NHS) bodies, to ensure that the community strategies that they prepare for the purposes of section 4 of the Local Government Act 2000 (c. 22) make specific provision for informing relevant carers of the services that the local authority provides which are likely to promote the carers' health and well-being. 20

- (2) For the purposes of this section, a relevant carer is a carer who appears to the local authority to be a person who may have rights under section 1 or section 6 of the Carers and Disabled Children Act 2000 (c. 16) (the 2000 Act).
- (3) In this section “NHS body” means a Health Authority, Special Health Authority, Local Health Board, Primary Care Trust, or National Health Service Trust. 5

3 Duty to inform

- (1) Where it appears to a local authority both that—
- (a) a person aged 18 or over (“the adult cared for”) is a person for whom it may provide or arrange for the provision of community care services, or 10
 - (b) a disabled child (“the child cared for”) and his family are persons for whom it may provide or arrange for the provision of services under section 17 of the Children Act 1989 (c. 41) or section 2 of the Chronically Sick and Disabled Persons Act 1970 (c. 44); and 15
 - (c) another person (“the carer”) provides, or intends to provide, a substantial amount of care on a regular basis for the person cared for, the local authority shall notify the carer that he may be entitled under section 1 or section 6 of the 2000 Act and section 1 of the Carers (Recognition and Services) Act 1995 (c. 12) to request an assessment of his ability to provide, or continue to provide, care for the adult or child cared for. 20

4 Co-operation between authorities

- (1) Where it appears to a local authority that any authority mentioned in subsection (3) could, by taking any specified action, help in the exercise of any of their functions under this Act, they may request the help of that other authority, specifying the action in question. 25
- (2) An authority whose help is so requested shall comply with the request if it is compatible with their own statutory or other duties and obligations and does not unduly prejudice the discharge of any of their functions.
- (3) The authorities are— 30
- (a) any local authority;
 - (b) any local education authority;
 - (c) any local housing authority;
 - (d) any Health Authority, Special Health Authority, Local Health Board, Primary Care Trust or National Health Service Trust; and 35
 - (e) any person authorised by the Secretary of State (as regards England) or the National Assembly for Wales (as regards Wales) for the purposes of this section.
- (4) For the purposes of subsection (3)(a) above “local authority” means a county council, a county borough council, a district council, a London borough council, or the Common Council of the City of London. 40

5 Co-operation between health bodies and local authorities

- (1) In exercising their respective functions National Health Service bodies (on the one hand) and local authorities (on the other) shall co-operate with one another in order to—
- (a) to ensure the effective discharge by local authorities of their duties under sections 1 to 3 of this Act; and 5
 - (b) to promote and safeguard the health and welfare of carers in England and Wales.
- (2) In this section "NHS body" means a Health Authority, Special Health Authority, Local Health Board, Primary Care Trust or National Health Service Trust. 10

6 Minor and consequential amendments

- (1) In Schedule 1 to the Local Authority Social Services Act 1970 (c. 42) (which sets out enactments conferring functions referred to each local authority's social services committee) at the end, there is inserted— 15

“Carers (Equal Opportunities) Act 2004 (c.)

The whole Act, in so far as it confers functions on a local authority within the meaning of that Act.

Equal opportunities for carers.
Carer information strategies.
Duty to inform.
Co-operation between health bodies and local authorities.”

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7 Financial provision

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. 25

8 Interpretation and construction

- (1) Except as provided in section 3(4), in this Act—
- “carer” has the meaning given by section 1 or section 6 of the Carers and Disabled Children Act 2000 (c. 16);
 - “community care services” has the meaning given by section 46(3) of the National Health Service and Community Care Act 1990 (c. 19); 30
 - “disabled child” means a child who is disabled within the meaning of Part III of the Children Act 1989 (c. 41);
 - “education” has the meaning given by section 3 of the Learning and Skills Act 2000 (c. 21); 35
 - “local authority” means a local authority having responsibilities under the Carers (Recognition and Services) Act 1995 (c. 12) and/ or the Carers and Disabled Children Act 2000;
 - “social services function” means any of the functions listed in Schedule 1 to the Local Authority Social Services Act 1970; 40
 - “training” has the meaning given by section 3 of the Learning and Skills Act 2000;

“regulations” means regulations made by statutory instrument by the Secretary of State (in relation to England) or by the National Assembly for Wales (in relation to Wales);

“well-being” includes factors which contribute to a person’s well-being including social, educational and training opportunities, and opportunities to participate in employment.

(2) Regulations may make different provision for different cases and may include such supplementary, incidental, consequential and transitional provisions and savings as the Secretary of State (or the National Assembly for Wales) thinks fit.

(3) A statutory instrument containing regulations made by the Secretary of State under this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.

9 Short title, commencement and extent

(1) This Act may be cited as the Carers (Equal Opportunities) Act 2004.

(2) Apart from this section, this Act comes into force on such day as may be appointed by order made by statutory instrument.

(3) An order under subsection (2) is to be made—
 (a) in relation to England, by the Secretary of State; and
 (b) in relation to Wales, by the National Assembly for Wales.

(4) Different days may be appointed for different provisions or for different purposes.

(5) The Secretary of State may by order made by statutory instrument provide that this Act shall have effect in its application to the Isles of Scilly with such modifications as are specified in the order.

(6) A statutory instrument containing an order under subsection (5) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(7) This Act extends to England and Wales only.

Carers (Equal Opportunities) Bill

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