

Heath and Social Services Committee

HSS(2)-03-05(p.2)

Date: Wednesday 2 February 2005

Venue: Committee Room, National Assembly for Wales

**Title: Carers (Equal Opportunities) Act 2004 (Commencement)(Wales)
Order 2005**

Purpose

1. This paper is in response to the Committee's decision to scrutinise the draft Commencement Order that will bring the Carers (Equal Opportunities) Act 2004 into force in Wales on 18 April 2005. This legislation was introduced into Parliament as a Private Member's Bill by Dr Hywel Francis MP.

2. The Committee is invited to note this paper and provide their views and comments on the draft Commencement Order. A consultation on the draft guidance that will accompany the Commencement Order is underway. The draft Commencement Order is scheduled to be considered by the Assembly's Business Committee on 1 March 2005 and the Legislation Committee on 15 March 2005.

Background

3. The Carers (Equal Opportunities) Act 2004 (Commencement) (Order) Wales 2005 will bring into force sections 1 to 5 of the Carers (Equal Opportunities) Act 2004. These sections are:

- Section 1. A duty to inform carers of a right to an assessment. This section introduces new provisions into the Carers (Recognition of Services) Act 1995 and the Carers and Disabled Children Act 2000 which require a local authority, in certain circumstances, to inform carers that they may be entitled to an assessment under those Acts.
- Section 2. Assessment of carers. This section amends the Carers (Recognition of Services) Act 1995 and the Carers and Disabled Children Act 2000 to provide that when an assessment of a person's ability to care is being undertaken the local authority must consider whether the carer works or wishes to work, or is undertaking or wishes to undertake any education, training or leisure activities.
- Section 3. Co-operation between authorities. Facilitates joint working by providing a formal basis for co-operation between local and other authorities in relation to carers and cared for persons. It sets out two situations where an authority must give due consideration to a request by a local authority for assistance in relation to the planning or the provision of services.

- Section 4. Minor amendment. This section amends the Local Authority Social Services Act 1970 by providing that local authority functions under Section 3 of the Carers (Equal Opportunities) Act 2004 are social services functions.
- Section 5. Financial provisions.

4. Section 6 of the 2004 Act came into force on Royal Assent and is therefore not covered by the draft Commencement Order. A copy of the Carers (Equal Opportunities) Act 2004 and its accompanying Explanatory Notes are attached to this paper.

Financial Implications

5. The published Regulatory Appraisal accompanying the Carers (Equal Opportunities) Act 2004 suggests that the total costs for implementing the Act in Wales are likely to be less than £100,000 (on average around £4,000 per local authority). I have increased our 2005-06 Carers Grant to local authorities by £100,000 to £5.9 million to accommodate these additional costs.

Cross Cutting Themes

6. The Assembly's external Carers Strategy Review Panel has welcomed the 2004 Act as providing further statutory underpinning for the approach outlined in our Carers Strategy and contributing to the achievement of our "Wales a Better Country" agenda.

Action for Health and Social Services Committee

7. The Health and Social Services Committee is invited to give its views and comments on the draft Commencement Order.

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NATIONAL ASSEMBLY FOR WALES

S T A T U T O R Y I N S T R U M E N T S

2005 No. (W.) (C.)

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EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings the Carers (Equal Opportunities) Act 2004 into force in relation to Wales on 18 April 2005.

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Made

The National Assembly for Wales, in exercise of the powers conferred upon it by section 6(3) of the Carers (Equal Opportunities) Act 2004^(a) hereby makes the following Order:

Citation

1. This Order may be cited as the Carers (Equal Opportunities) Act 2004 (Commencement) (Wales) Order 2005.

Appointed day

2. 18 April 2005 is the day appointed for sections 1 to 5 of the Carers (Equal Opportunities) Act 2004 to come into force in relation to Wales.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998^(b)

Date
Name
Title

^(a) 2004 c. 15.
^(b) 1998 c. 38.