

Protocol for seeking co-operation in support of carers and use of standard letters

1. Purpose of Protocol

This protocol is designed to provide the simplest possible way of ensuring that carers get the maximum possible benefits from s3 of the Carers (Equal Opportunities) which comes into force on 1 April 2005.

The Act says that HCC (as a local authority with social services responsibilities) can ask a range of NHS bodies and other local authorities to help in two ways:

- in meeting carers' needs generally through planning and provision of services
- through providing support to individual carers

Under the legislation the body from which this support is requested must give 'due consideration' which means it may not:

- fail to consider it
- dismiss it arbitrarily
- have a blanket ban against considering certain types of request

The legislation does not, of course:

- authorise or request them to act beyond their powers
- compel them to provide the support requested

Where a carer's needs for support do not appear to have been given due consideration, it is not the intention of HCC to use its powers to seek judicial review, but to pursue the interests of a carer through these protocols. This will be done through appropriate management structures, and where necessary through approaches to relevant elected members or boards.

These protocols have been agreed by all signatories of the multi-agency carers' strategy, namely:

[LIST SIGNATORIES]

2. Strategic Input

Standard Letter 1 (above) will be used where agencies have not yet engaged with planning and other strategic processes for the benefit of carers.

It will only be used where agencies have not already shown willingness to engage with multi-agency work to support carers.

Due consideration will be deemed to be met where:

- A written response is received within 28 calendar days and
- It sets out the nature of the contribution to the process to be made or satisfactory reasons why this is not felt to be appropriate

3. Support to specific carers

Standard Letter 2 (above) will be used in one of two ways:

- To formalise a request to another agency for support in meeting a carers' needs (to ensure the carer's rights are not compromised through any delays)
- To escalate the process, where HCC workers are finding it difficult to get the appropriate support

Where the relevance of the type of support is, in the professional view of the HCC worker, critical to the sustainability of the caring relationship, a response will be requested urgently, that is within 7 calendar days.

Where the situation is not signalled by the worker as urgent, 28 calendar days will be adequate.

4. Role of providers and agencies outside the scope of the Act

General Practitioners and other service -providers not listed under section 3 of the Act will be asked, through their professional networks or other mechanisms to sign up to these protocols.

Where a GP fails to show 'due consideration' within these protocols, the appropriate standard letter will be sent to the relevant PCT.

5. Annual Report on the use of this power

All formal use of this power by HCC will be registered by HCC staff or staff carrying out delegated functions of HCC, with the Policy Manager (Users and Carers). This will allow an annual report to be provided to Carers Topic Group and the Multi-Agency Carers Strategy Group to ensure that the relevant partnerships are working as effectively as possible.

Standard Letter 1:

Dear Chief Executive/other relevant officer

SUPPORT TO CARERS

I am writing to you under the powers set out in section 3 of the Carers (Equal Opportunities) Act 2004. This is a formal request for the participation of [your PCT/District Council/etc] in [x piece of work relating to the planning and provision of services that support carers] under the Hertfordshire multi-agency carers' strategy.

I look forward to hearing from you within the terms of the Carers Strategy Protocol (attached), namely within 28 days.

Yours etc

Manager

Standard Letter 2:

Dear Community Nurse/Housing Officer/Chief Exec PCT etc

SUPPORT TO CARER

Following an assessment of the needs of [x carers] of [y address], it is clear to us that the following support from yourselves would help us significantly in preventing the caring situation from breaking down: [delete replace as appropriate]

- [*Specific Services*
- *Changes to visiting/appointments etc*
- *Housing related support*
- *Information and advice*
- *Etc]*

We are making this request under section 3 of the Carers (Equal Opportunities) Act 2004 and ask that this help be considered as a matter of some urgency.

We would appreciate a response within x working days in line with the Hertfordshire Carers' Strategy protocol (attached).

Thank you in advance for your help

Yrs etc
Social worker/occupational therapist, etc

Tim Anfilogoff, Hertfordshire County Council, 8 February 2005