

Everyday version of The Carers Strategies (Wales) Regulations 2011

The Everyday Version is NOT a legal document.

The Everyday Version is simply a guide to the Regulations. These Regulations are a set of the legal rules that apply to Wales. The guide has been prepared for the Welsh Government by Social Interface.

This guide uses the same paragraph numbers as the Regulations so you can easily check the legal wording.

Explanation

A Measure is a Welsh law. These Regulations go with the Carers Strategies (Wales) Measure 2010.

All the Regulations apply to Local Health Boards and local authorities. Some of the Regulations apply to the Velindre NHS Trust (the all-Wales cancer service) and the Welsh Ambulance Services NHS Trust.

Regulation 3 says each Local Health Board takes the lead in preparing and publishing a joint strategy with the local authorities in its area. The NHS Trusts must prepare and publish a strategy; they can obey the regulations by helping prepare the Local Health Boards' strategies. The strategies must be put into practice.

Regulation 4 says the people preparing a strategy must consult with voluntary organisations.

Regulation 5 says what must be put into a strategy.

Regulation 6 says what "appropriate information and advice" for carers should include.

Regulation 7 is about consulting carers and the people they care for.

Regulation 8 is about getting the Welsh Ministers' approval for a strategy.

Regulation 9 is about reviewing, checking and reporting on how the strategy is being put into practice.

Regulation 10 says which duties only belong to the Local Health Board.

The Welsh Ministers have checked the costs and benefits of doing what it says in these Regulations. You can get a copy of this from:

The Department for Health and Social Services

Welsh Government

Cathays Park

Cardiff

CF10 3NQ

The Carers Strategies (Wales) Regulations 2011

1 About this document

These Regulations apply in Wales from 1st January 2012.

2 Interpretation

Some of the words in the Regulations have special meanings:

- **The Measure** means The Carers Strategies (Wales) Measure 2010.
- **Local authority** means a County Council or County Borough Council in Wales.
- **NHS Trusts** means the Wales-wide NHS Trusts, Velindre NHS Trust (the all-Wales cancer service) and the Welsh Ambulance Services NHS Trust.
- **Partner authority** means the local authorities and/or NHS Trusts that help a Local Health Board to prepare a strategy.
- **Designated authority** means the local authorities, NHS Trusts and Local Health Boards that legally must prepare or help to prepare a strategy.
- **Strategy** means the information and consultation strategy for carers, which must be prepared and published under section 2(1) of the Measure.

3 Producing a strategy

- (1) Each Local Health Board, local authority and NHS Trust must prepare and publish a strategy.
- (2) Local authorities do this by helping their Local Health Board to prepare a single, joint strategy. The Schedule on page 13 says which local authorities must work with which Local Health Board to produce a Strategy.
- (3) The Local Health Board must take the lead in sending a draft strategy to the Welsh Minister.
- (4) The strategy must say how they will work together to put the strategy into practice.
- (5) The NHS Trusts may fulfil this duty by helping the Local Health Boards to prepare their strategies.

4 Consulting when preparing a strategy

- (1) Local Health Boards and local authorities must consult, as appropriate, voluntary organisations in their area.
- (2) The NHS Trusts must consult voluntary organisations in their areas, as appropriate.

5 Content of strategies

- (1) The Local Health Board and its partner local authorities must put these in their strategy:
 - how they will get GPs to be part of putting the strategy into practice;
 - training for staff;
 - how, and in which languages, information for carers will be made available.
- (2) This regulation does not apply to the Welsh Ambulance Services NHS Trust.
- (3) “GP” means any NHS general medical doctor who is paid by the Local Health Board.

6 Appropriate information and advice

- (1) The Welsh Ambulance Services NHS Trust has to prepare information for sections (a), (b), (c), (k) and (h) **only** (below) for its Strategy.
- (2) Here is a list of what “appropriate information and advice” means.
 - (a) Information about carers rights, including the rights of carers of people with mental health needs;
 - (b) Information about medication and its possible side effects;
 - (c) Information about the medical condition and treatment of the person for whom they care;

- (d) Information to help young carers (that is, children and young people who have a caring role);
- (e) Information about available local and national support, who is entitled to support and who provides the support, including:
 - (i) short breaks and respite care,
 - (ii) carers' needs assessment,
 - (iii) the Court of Protection,
 - (iv) direct payments,
 - (v) housing support,
 - (vi) independent advocacy,
 - (vii) counselling, including bereavement support,
 - (viii) guardianship,
 - (ix) age-appropriate support groups,
 - (x) culturally-appropriate support groups,
 - (xi) financial advice and support, including on welfare benefits,
 - (xii) managing the finances and paperwork of the person receiving care;
- (f) Information and advice on getting or keeping a job, including rights to flexible working;
- (g) Information on your right to an assessment of what help you or the person you care for may need, and information about services you may be entitled to;
- (h) Information about whether there are cheap or free transport schemes and help with transport to get to NHS appointments with the person for whom you care;
- (i) Information and advice on physical aids and housing adaptations;

- (j) Information on the regulation and inspection of health and care services by the Healthcare Inspectorate Wales and the Care and Social Services Inspectorate Wales;
- (k) Information on local carer support agencies and appropriate national organisations supporting patients, users and carers;
- (l) Information on how to avoid hospital admission;
- (m) Information on what crisis support is available, and how to get it;
- (n) Information on help for people coming out of hospital or needing extra help to stay at home or move back home;
- (o) Information about healthy living (including information and training on stress management techniques, healthy diet and physical exercise);
- (p) Information on how to make a complaint to the Local Health Board and the local authorities;
- (q) Information on training and support to help carers to care safely, including:
 - (i) safe lifting, moving and handling,
 - (ii) safety with medicines,
 - (iii) relevant nursing skills,
 - (iv) use of aids and adaptations,
 - (v) continence care,
 - (vi) stress management,
 - (vii) eating and drinking,
 - (viii) dealing with behavioural issues of the person receiving care for,
 - (ix) helping carers to look after themselves, as appropriate.

- (3) Providing “information” includes information that the designated authorities have prepared which staff give to carers. It also includes helping carers to get hold of information that someone else has prepared.

7 Consultation with carers and people for whom they care

A Strategy must say how the **designated authorities** will make sure that carers and the people for whom they care are consulted. In particular, Strategies must say how they will make sure that:

- (a) As far as possible, carers will be consulted about arrangements for the person they care for *before* decisions are made;
- (b) Staff respect the carer’s knowledge of the person they care for, and use that knowledge appropriately;
- (c) Carers are told they may have a rights to an assessment of their own needs by their local authority and what services they may be able to get;
- (d) Someone helps carers to understand the decisions that are being made about the person they care for, and encourages the carer to be part of the decision making process;
- (e) If the carer is not there when a decision is made, the decision is explained to the carer;
- (f) Carers are consulted regularly, including taking about when a carer may need support at short notice;

- (g) Staff think how to consult with a carer, bearing in mind the carer's age, culture and language, and any disability the carer may have;
- (h) Carers and the people they care for are told about help and support that may be available from voluntary organisations;
- (i) Staff are trained in how to consult well.

8 Sending a draft strategy to the Welsh Ministers

- (1) Regulation 10 explains the role of Local Health Boards.
- (2) A **designated authority** must send its first draft Strategy to the Welsh Ministers by 31st October 2012.
- (3) The strategy must be sent both electronically and in hard copy.
- (4) If the Welsh Ministers do not approve a draft strategy the designated authority must:
 - make any changes the Welsh Ministers ask for
 - re-submit the new strategy
 - meet any deadline given by the Welsh Ministers.

9 Extra rules

- (1) The Strategy is for three years.
- (2) Each **designated authority** must review their Strategy after 18 months and again before they prepare their next Strategy.
- (3) Each **designated authority** must submit a new Strategy to the Welsh Ministers for approval at least once every three years.
- (4) All Strategies must be published.
- (5) Every year, the **designated authorities** must send a report to the Welsh Ministers saying how they are putting their strategy into practice, and how they are checking that they are doing what the strategy says.
- (6) If a **designated authority** wants to make a big change to its strategy, the strategy must be sent back to the Welsh Minister for approval.
- (7) The strategy must be published in English and in Welsh unless that is not practicable.

10 Duties of Local Health Boards in relation to joint strategies

For each single, joint local strategy, the Local Health Board is responsible for:

- (a) Sending the draft strategy to the Welsh Ministers;
- (b) Publishing the strategy;
- (c) Consulting partner authorities before sending the annual report to the Welsh Ministers;
- (d) Sending a draft of any changes to the strategy to the Welsh Ministers.

Gwenda Thomas

Deputy Minister for Children and Social Services
under authority of the Minister for Health and Social Services, one of
the Welsh Ministers

Date

SCHEDULE

Local Authorities with which each Local Health Board must prepare strategy

<i>Local Health Board</i>	<i>Local Authorities</i>
Abertawe Bro Morgannwg University Health Board	Bridgend, Neath Port Talbot and Swansea
Aneurin Bevan Health Board	Blaenau Gwent, Caerphilly, Monmouthshire, Newport and Torfaen
Betsi Cadwaladr University Health Board	Anglesey, Conwy, Denbighshire, Flintshire, Gwynedd and Wrexham
Cardiff and Vale University Health Board	Cardiff and the Vale of Glamorgan
Cwm Taf Health Board	Merthyr Tydfil and Rhondda Cynon Taf
Hywel Dda Health Board	Carmarthenshire, Ceredigion and Pembrokeshire
Powys Teaching Health Board	Powys