WELSH STATUTORY INSTRUMENTS

2011 No. 2939 (W.315)

NATIONAL HEALTH SERVICE, WALES
SOCIAL CARE, WALES

The Carers Strategies (Wales) Regulations 2011

Made - - - - 6 December 2011

Coming into force - - 1 January 2012

The Welsh Ministers, in exercise of the powers conferred upon them by sections 2(1), 3(2), 4, 5(1) and (2), 6(4) and 10(2) of the Carers Strategies (Wales) Measure 2010(**1**) make the following regulations.

Title, commencement and application

1.—(1) The title of these Regulations is The Carers Strategies (Wales) Regulations 2011.

(2) These Regulations come into force on 1 January 2012.

(3) These Regulations apply in relation to Wales.

Interpretation

2.—(1) In these Regulations—

"the Measure" ("*y Mesur*") means the Carers Strategies (Wales) Measure 2010;

"local authority" ("*awdurdod lleol*") means a county council or a county borough council in Wales;

"the NHS Trusts" ("*Ymddiriedolaethau'r GIG*") means Velindre National Health Service Trust and the Welsh Ambulance Services National Health Service Trust;

"partner authorities" ("*awdurdodau partner*") means each of the local authorities which participate, and any NHS Trust which participates, in the preparation of a strategy with a Local Health Board;

"designated authority" ("*awdurdod dynodedig*") means a public body which is designated under regulation 3(1) as one which is under duty to prepare and publish a strategy;

"strategy" ("*strategaeth*") means a carers strategy required to be prepared and published under section 2(1) of the Measure.

(**1**) 2010 nawm 5.

Production of Strategy

3.—(1) Each Local Health Board, each local authority and the NHS Trusts must, prepare and publish a strategy.

(2) A local authority must discharge its duty to prepare a strategy by participating in the preparation of a single joint strategy with the Local Health Board in whose area its local authority area lies, as shown in the Schedule.

(3) For the purposes of section 6(1) of the Measure (submission of draft strategy to Welsh Ministers), the Local Health Board is the lead authority for the strategy which it prepares with a local authority.

(4) A strategy prepared by a Local Health Board, and in whose preparation one or more local authorities participate, must set out how each of those bodies will work together to achieve the aims set out in section 2(1)(a), (b) and (c) of the Measure.

(5) Each of the NHS Trusts may discharge its duty to prepare and publish a strategy by participating in the preparation of the strategies of the Local Health Boards.

Consultation in the course of preparing a strategy

4.—(1) In the course of preparing a strategy, each Local Health Board and its partner authorities must consult with those voluntary organisations which are in its area and with which it considers it appropriate to do so.

(2) Where an NHS Trust is not a "partner authority" it must nevertheless consult with voluntary organisations as it considers appropriate in the course of preparing a strategy.

Content of strategies

5.—(1) When preparing a single joint strategy, a Local Health Board and its partner authorities must include provision about —

(a) how they will engage general medical practitioners in the implementation of the strategy;

(b) training for staff ;

(c) the means by which, and the languages in which information for carers will be made available.

(2) This regulation does not apply in relation to the Welsh Ambulance Services National Health Service Trust.

(3) In this regulation "general medical practitioner" ("*ymarferydd meddygol cyffredinol*") means —

(a) a person with whom a Local Health Board has entered into a general medical services contract under section 42 of the National Health Service (Wales) Act 2006 ; or

(b) a registered medical practitioner(**2**) employed by Local Health Board for the purposes of section 41 of that Act ; or

(c) a person with whom a Local Health Board has made arrangements under section 50 of that Act.

Appropriate information and advice

6.—(1) Only the following parts of this regulation apply in relation to a strategy prepared by Welsh Ambulance Services National Health Service Trust—

(**2**) "registered medical practitioner" is defined in Schedule 1 to the Interpretation Act 1978.

(a) subparagraphs (2)(a) to (c);

(b) subparagraphs (2)(h) and (2)(k).

(2) For the purposes of section 2(1)(a) of the Measure, the following are prescribed as appropriate information and advice(**3**)—

(a) information about carers' rights which includes reference to carers of those whose needs relate to their mental health;

(b) information about medication and its potential side effects;

(c) information on the medical condition and course of treatment of persons cared for;

(d) information to assist children and young people who have a caring role;

(e) information on the availability, entitlement to and sources of local and national support including—

(i) short breaks and respite care,

(ii) carer's 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 advice on welfare benefits,

(xii) managing the financial and administrative affairs of persons who are cared for.

(f) information and advice on employment provisions, including flexible working;

(g) information on the duties of local authorities to assess the needs of those who may be eligible for community care services and to assess the needs of carers, and, in both cases, provide services (**4**) ;

(h) information about the availability of concessionary transport schemes and other patient transport arrangements to enable carers to attend NHS appointments with the person cared for;

(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 the availability of crisis support and how to access it;

(n) information on the availability of re-ablement and intermediate care for the person cared for;

(**3**) section 3(2) of the Measure gives the Welsh Ministers power to make further provision about what constitutes "appropriate information and advice" to be contained in a strategy. The phrase "appropriate information and advice" is defined in section 3(1) of the Measure.

(**4**) "community care services" are defined in s.46(3) of the National Health Service and Community Care Act 1990 c. 19.