

# Carer's assessments

You may get support if you care for someone with a mental illness who is 18 or over. You can ask the local authority to assess your needs by asking for a carer's assessment. The local authority must give you support and services if you have 'eligible needs'. This factsheet explains eligible needs, how you can get an assessment, and what support you may get.

## Key Points.

- The Care Act 2014 recognises the equal importance of supporting carers and the people they care for.
- The Care Act gives carers the right to receive support from their local authority if they have eligible needs. You can get this support through a carer's assessment.
- If you care for someone, you have a legal right to have your caring needs assessed.
- A carer's assessment should look at all your needs. This includes the things you would like to be able to do in your daily life. Your needs should be written down in a support plan.
- You can get a personal budget and direct payments from the local authority to pay for services.

## This factsheet covers:

1. [What is a carer?](#)
2. [Why would I need social care services?](#)
3. [What does my local authority have to do to help me?](#)
4. [How does the local authority decide whether I have eligible needs?](#)
5. [Can I get help during assessment and planning?](#)
6. [Will I have to pay for social services?](#)
7. [How will the local authority meet my eligible needs?](#)
8. [How can I deal with problems with social care?](#)

In this factsheet, we will talk about your 'local authority'. This is the organisation that manages public services in your area. Your local authority is responsible for social care services. It can also be called your 'local council' or 'council'. We will use the letters 'LA' to talk about your local authority.

[Top](#)

## 1. What is a carer?

A 'carer' is someone who gives care and support to their partner, child, friend or another relative. The person that you care for should be aged 18 or over. 'Care and support' can mean practical help or emotional support.<sup>1</sup>

If you are a carer, you can get an assessment of your needs from the LA.

You might have a contract to provide care to someone on an employed or voluntary basis. You are not generally entitled to a carer's assessment.<sup>2</sup> But there are some exceptions. For example, if you give more care than you are contracted to give.<sup>3</sup>

[Top](#)

## 2. Why would I need social care services?

Giving care and support to someone can have an impact on your life. It can affect your mental and physical health. You may feel tired, overwhelmed or find it hard to stay in employment. Or take part in social activities.

If your role as a carer has an impact on your wellbeing, you may be able to get funding or services from your local authority (LA). They will look at what services you need by carrying out a carer's assessment.

The Care Act puts wellbeing at the heart of carer's assessments. This means that an assessment should focus on your wellbeing in several areas.<sup>4</sup>

You can find more information about '**Unpaid carer's leave – Your rights**' at [www.rethink.org](http://www.rethink.org). Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

### What is wellbeing?

The Care Act looks at your wellbeing in these areas:<sup>5</sup>

- Personal dignity, that is being treated with respect and maintaining your own self-worth.
- Having good mental health, physical health and emotional wellbeing.
- Being safe from abuse and neglect.

- Having control over your day-to-day life.
- Being involved in work, education, training, or leisure activities.
- Not being isolated.
- Having good domestic, family and personal relationships.
- Having a safe and secure home.
- Being part of society.

The LA needs to treat all these areas as being equally important.

[Top](#)

### **3. What does my local authority have to do to help me?**

#### **Can I get advice and information?**

Local authorities (LAs) must offer accessible advice and information about their support to everyone in their area.<sup>6</sup> This includes advice and information about your right to an assessment.<sup>7</sup>

They should do this when you first have contact with them. This might be because another agency has referred you to them. Or because you contact them yourself.<sup>8</sup>

Information on carer's assessments should be available on the LA's website. You should be able to get this information in different formats, if you need it.<sup>9</sup>

The information should explain:<sup>10</sup>

- your right to an assessment,
- what you can expect during the assessment, and
- how you can be involved in the assessment process.

#### **Can I get an assessment?**

The LA must do an assessment for any carer who they think may need support now or in the future.<sup>11</sup>

You can have an assessment regardless of the level of your need for support or your financial circumstances.<sup>12</sup>

You can still have an assessment if the person you care for is not getting help from the LA.<sup>13</sup>

Your assessment should look at what you want to do in your day-to-day life.<sup>14</sup> And at what is important to you.<sup>15</sup>

You can get an assessment even if you do not live in the same LA area as the person you care for. It is the LA where the person you care for lives that must do your assessment.<sup>16</sup>

You do not have to have an assessment if you do not want to.<sup>17</sup>

## Can I get services?

If you have eligible needs, you can get support and services. You can read more about the [eligibility criteria](#) in section 4.

[Top](#)

### 4. How does the local authority decide whether I have eligible needs?

Most local authorities (LAs) will ask you to complete a self-assessment form online. But you can ask for a telephone, paper, or face-to-face assessment if you would find this difficult. LAs must ensure that assessors have the skills and knowledge to carry out the assessment. Regardless of what format the assessment takes place.<sup>18</sup>

The LA will use the assessment to understand your needs. And to discuss how these could be met. This might mean that they will give you help themselves. Or that they will put you in touch with other organisations, such as local charities.<sup>19</sup>

Your assessment should be looked at by a trained person from the LA or another organisation.<sup>20</sup> It is your chance to tell them about your situation. You should explain what needs you have and the goals you want to achieve.

The LA should support you when you are doing the self-assessment form.<sup>21</sup> To help you to fill out the form, they should give you any relevant information they have about:<sup>22</sup>

- you, and
- the person you care for, if the person agrees.

You should also be able to get help from an advocate, if you find the assessment difficult.<sup>23</sup> An advocate could help you to understand the assessment and explain your needs. There is more about advocacy in [section 5](#).

During your assessment, you should think about how your caring responsibilities affect your daily life. This includes what you would like to do to be able to manage your caring responsibilities.<sup>24</sup>

Your assessment should look at all parts of your life, as well as your caring needs. It should look at how meeting your needs would help you do the things that are important for you in your daily life.

You do not have to show that you give a lot of care to the person you are caring for. Just that your caring role is impacting your wellbeing.

Your assessment must:<sup>25, 26, 27</sup>

- make sure you are as involved as possible,
- try to get information about all your needs before deciding,

- assess how much care you give, and
- whether you want to, and can, keep giving this care.

If the person you care for wants an assessment, the LA can do both assessments at the same time.

### What are the eligibility criteria?

You need to have 'eligible needs' to get support.

'Eligible needs' means if:<sup>28</sup>

- your caring responsibilities are affecting your mental or physical health, or risk doing so in the future,
- you cannot do one or more of the following things:
  - look after any children,
  - care for other people who you want to,
  - look after your home,
  - prepare food, eat well and look after your diet,
  - have personal relationships,
  - take part in any education, training, work or volunteering,
  - find time for social activities and be involved in society. For example, improving your community or helping others, and
- this is impacting your wellbeing.

Wellbeing is explained in [section 2](#).

The LA will assess you as not being able to do the things in the list above if you:<sup>29</sup>

- need help to do them,
- cannot do them without experiencing pain, distress or anxiety, or
- are unable to do them without being a risk to yourself or someone else.

[Top](#)

## 5. Can I get help during assessment and planning?

The assessment is about you. The LA should make sure that you are able to be fully involved.<sup>30</sup>

You may find it helpful to have a friend or family member present at your assessment.<sup>31</sup> Sometimes people find this eases their worries about the assessment.

Some people have a legal right to have an advocate to help them. You will have this right if you find it hard to:<sup>32</sup>

- understand information given to you,
- remember that information,
- use or weigh up the information,
- tell someone your views, wishes or feelings, and

- you do not have an appropriate person to help you, like a friend or family member.

An advocate can help by going to the assessment to help you to explain your situation. And by making sure you understand the assessment. They can also help you to do the self-assessment.

You might need help from an advocate but not meet the criteria to get one for the assessment. If so, you might be able to get help from a community advocate instead.

Community advocates are general advocates that can help with lots of different issues. But they are not available everywhere. You can look on the internet or ask the LA if there is community advocacy in your area.

You can find more information about '**Advocacy for mental health – Making your voice heard**' at [www.rethink.org](http://www.rethink.org). Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

[Top](#)

## 6. Will I have to pay for social care?

A local authority (LA) can charge carers for services but not all LAs do.<sup>33</sup>

Government guidance on the Care Act says that LAs need to think carefully before charging carers for services. This is because you care for someone for free. And the fact you do this can save the LA money in the long run.<sup>34</sup>

If the LA charge you, they must not charge you more than you can pay.<sup>35</sup>

To decide if you should pay, the LA will carry out an assessment of your financial situation.<sup>36</sup> To do this, they would need information about your income, savings and other capital. They should give you a written copy of their assessment.<sup>37</sup>

The LA can do a full assessment or a 'light-touch' assessment.<sup>38</sup>

These are some examples of when a light-touch assessment might happen.<sup>39</sup>

- The LA only charges a small, token amount for your support, and it is obvious you can afford this.
- You get welfare benefits, where your income has already been assessed as so low that the LA would not charge you for support.

The LA should tell you if they have carried out a light-touch assessment. They must carry out a full assessment if you ask them to.<sup>40</sup>

If you cannot afford what the LA is charging, you can ask for a review.

If they charge you it should be fair and affordable. And should never affect your health, wellbeing or ability to provide care.

The local authority should only charge you, as a carer, for services provided to you. They should never charge you for any services given to the person you care for. Those services will only be assessed on the finances of the person you care for.<sup>41</sup>

You can use a 'budgeting form' to show what you can afford. You can get this type of form from debt advice charities. You can find one of these forms and more information about '**Budgeting**' at: [www.mentalhealthandmoneyadvice.org/en/managing-money/how-do-i-manage-my-money-if-i-have-mental-health-problems/budgeting/](http://www.mentalhealthandmoneyadvice.org/en/managing-money/how-do-i-manage-my-money-if-i-have-mental-health-problems/budgeting/)

You can find more about the guidance that explains the Care Act. And mental health and budgeting in the [Further Reading](#) section at the end of this factsheet.

### **What does the LA look at when they do a financial assessment?**

If they carry out a full financial assessment, the LA will look at your:

- income, and
- savings and capital.

#### What income will they look at?

This might be welfare benefits, a pension or money you get from investments. They will not look at money you get from a job or self-employment.

#### What savings and capital will they look at?

'Capital' means things you own that have financial value. The LA will ignore the value of the home you normally live in.

If your savings and capital are worth less than £14,250, the LA will ignore them when they do your assessment.

If you have more than £23,250 in savings or capital, you will have to pay for the full cost of your services. If the value of your savings and capital is between £14,250 and £23,250 you might have to pay something towards your services.<sup>42</sup>

You can find more information about '**Social care: Charging for non-residential services under the Care Act 2014**' at [www.rethink.org](http://www.rethink.org). Or

call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

[Top](#)

## **7. How will the local authority meet my needs?**

### **What if I have eligible needs?**

If your assessment shows you have 'eligible needs', the LA has to meet your needs.<sup>43</sup> They can do this in different ways.

They will give you a support plan that says:<sup>44</sup>

- what your needs are, and
- how they will be met.

When they are writing your support plan, the LA should involve:<sup>45</sup>

- you,
- the person you care for, if you want them to be involved, and
- anyone else you wish to be involved.

Your support plan is an agreement between you and the LA about what support they have agreed to give you. If you are not happy with your support plan, you can challenge it. See [section 8](#) for more information.

When you say you are happy with the support plan, the LA should give you a copy of it.<sup>46</sup>

The plan also explains your personal budget.

### **What is my personal budget?**

A personal budget explains how much your support needs will cost.<sup>47</sup> If you want, you can get this money directly through direct payments.<sup>48</sup>

### **What are direct payments?**

Direct payments are when the LA gives you the money. So you can then arrange and pay for your own support. Anyone can ask for direct payments, as long as they have the mental capacity to manage them.<sup>49</sup>

Everyone spends their direct payments differently. For example, your LA may help with the cost of driving lessons. You might need to drive to transport the person you care for or to travel to and from them. Direct payments must be used to help you continue in your caring role.

Your direct payments will be reviewed once in the first 6 months you have them. Then once every 12 months after that.<sup>50</sup>

You will need to show the LA what you spend your direct payments on. So be sure to keep receipts and records of payments. You must spend your direct payments on services to meet your needs.<sup>51</sup> If you do not do

this, the LA can stop your payments and they may ask for the money back.<sup>52</sup>

You cannot spend your direct payments on things for the person you care for. Or for anyone else.

You can find more information about:

- Social care: Direct payments – Under the Care Act 2014
- Mental capacity and mental illness

at [www.rethink.org](http://www.rethink.org). Or call our General Enquiries team on 0121 522 7007, and ask them to send you a copy of our factsheet.

### **When should my plan be reviewed?**

The LA should review your support plan 6-8 weeks after it is agreed. After this, they should review it at least every 12 months.<sup>53</sup>

You can ask for a review if there is a change of circumstances that affects your caring needs.<sup>54</sup> This might be something like a change in:

- your physical or mental health,
- your working hours, or
- your relationship with the person you care for.

### **What if I do not have eligible needs?**

The local authority (LA) must give you advice and information.<sup>55</sup> The advice and information must cover:<sup>56</sup>

- prevention of care and support needs,
- finances,
- health,
- housing,
- employment,
- what to do in cases of abuse or neglect of an adult, and
- other areas where required.

### **How can I ask social services to think again about their decision?**

You can ask social services if there is a set appeals process for social care decisions. If they have a set appeals process, it should be the quickest way to get your issue resolved.

If your social services have no set appeals process, you can still tell social services what you are unhappy about. You can do this by phone, in writing or in person.

### **How can I complain?**

If social services still do not think you have eligible needs, you can make a formal complaint.

See [section 8](#) for more information on making a complaint.

[Top](#)

## 8. How can I deal with problems with social care?

You can deal with problems with social care services informally or formally. The local authority (LA) should make sure you know how to appeal their decisions, or complain, if you want to.<sup>57</sup>

### What are the informal options?

It is best to try to deal with the problem informally first. You can talk to the professional who oversees your support plan. If you do not have a support plan, you should contact the person who did the assessment. You can ask them to explain their decision and discuss your concerns.

If you speak to someone, it is a good idea to keep a note of:

- who you spoke to,
- when you spoke to them, and
- what you discussed.

### What are the formal options?

#### How can I complain?

If you cannot solve the problem by talking it through, you can make a complaint.

If you want to complain, you should use the LA's complaints procedure. You can find this by looking on their website, calling them or speaking to a member of staff.

If you are not happy with the outcome of your complaint, it may be possible to complain to the Local Government and Social Care Ombudsman.

The Ombudsman can investigate complaints. It is independent of social services. You can find its contact details in the [Useful Contacts](#) section.

You can find more information about '**Complaining about the NHS or social services**' at [www.rethink.org](http://www.rethink.org). Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

#### How can I take legal action?

You should be able to deal with most problems informally or through the complaints procedure. But, if you think your LA is not following the law, you could get legal advice. You would need to speak to a 'community care' solicitor.

The Law Society website has a list of solicitors. You can find

this at: [solicitors.lawsociety.org.uk](http://solicitors.lawsociety.org.uk). You can search using your postcode and the area of law you want help with. If you do not have access to the internet, you can contact the Law Society on 020 7320 5650.

Getting legal advice can be expensive. You may be able to get free legal help through the Legal Aid scheme but there are rules around this. You can use this website to see if you can get Legal Aid:

[www.gov.uk/check-legal-aid](http://www.gov.uk/check-legal-aid)

The Disability Law Service offers a free and confidential legal telephone advice service for community care issues. The contact details for The Disability Law Service are in the [Useful Contacts](#) section at the bottom of this page.

You can find more information about '**Legal advice – How to get help from a solicitor**' at [www.rethink.org](http://www.rethink.org). Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

[Top](#)

## Further Reading

### **Care Act 2014 - Statutory Guidance**

This is guidance written by the Department of Health and Social Care. It explains how local authorities should apply the Care Act. It could help you to understand your rights under the Care Act.

**Website:** [www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance](http://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance)

### **Rethink: Unpaid carer's leave – Your rights**

This page gives information on unpaid carer's leave, including what your rights are. This information is for carers of people affected by mental illness in England who are 18 or over.

**Website:** [www.rethink.org/advice-and-information/carers-hub/unpaid-carers-leave-your-rights/](http://www.rethink.org/advice-and-information/carers-hub/unpaid-carers-leave-your-rights/)

### **Mental Health and Money Advice – Mental Health budgeting guide**

Rethink's Mental Health and Money Advice service has a guide to budgeting and mental health. It explains everything you need know about budgeting money with a mental health condition.

**Website:** [www.mentalhealthandmoneyadvice.org/en/tools/mental-health-budgeting-guide/](http://www.mentalhealthandmoneyadvice.org/en/tools/mental-health-budgeting-guide/)

## Useful Contacts

### The Disability Law Service

Provides free legal advice on community care to disabled people and their carers to ensure that they have access to their rights and justice.

**Telephone:** 0207 791 9800

**Address:** The Foundry, 17 Oval Way, London, SE11 5RR

**Email:** [advice@dls.org.uk](mailto:advice@dls.org.uk)

**Website:** [www.dls.org.uk](http://www.dls.org.uk)

### Local Government and Social Care Ombudsman

They investigate complaints about the local authority and social services.

**Address:** PO Box 4771, Coventry, CV4 0EH

**Telephone:** 0300 061 0614

**Website:** [www.lgo.org.uk](http://www.lgo.org.uk)

### Broken links?

All links to other pages on our website, and other websites, worked when we last reviewed this page. If you notice that any links no longer work, you can help us by emailing us at [feedback@rethink.org](mailto:feedback@rethink.org) and we will fix them. Many thanks.

### Incorrect information?

All the information in this factsheet was correct, to the best of our knowledge, when we published it. If you think any information is incorrect you can help us by emailing us at [feedback@rethink.org](mailto:feedback@rethink.org). Many thanks.

## References

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<sup>1</sup> s10(11) Care Act 2014 c23. [www.legislation.gov.uk/ukpga/2014/23/section/10#](http://www.legislation.gov.uk/ukpga/2014/23/section/10#) (Accessed 19.06.24)

<sup>2</sup> Department of Health and Social Care. *Care and support statutory guidance*. Paragraph 6.16. [www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance#first-contact-and-identifying-needs](http://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance#first-contact-and-identifying-needs) [accessed 28.06.24].

<sup>3</sup> Department of Health and Social Care. *Care and support statutory guidance*. Paragraph 6.17. [www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance#first-contact-and-identifying-needs](http://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance#first-contact-and-identifying-needs) [accessed 28.06.24]

<sup>4</sup> Department of Health and Social Care. *Care and support statutory guidance*. Paragraph 1.2. [www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance#general-responsibilities-and-universal-services](http://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance#general-responsibilities-and-universal-services) [Accessed 28.06.24].

<sup>5</sup> s1(2) Care Act 2014 c23. [www.legislation.gov.uk/ukpga/2014/23/section/2](http://www.legislation.gov.uk/ukpga/2014/23/section/2) (Accessed 19.06.24)

<sup>6</sup> Department of Health and Social Care. *Care and support statutory guidance*. Paragraph 3.3. [www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance#first-contact-and-identifying-needs](http://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance#first-contact-and-identifying-needs)

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[guidance/care-and-support-statutory-guidance#general-responsibilities-and-universal-services](https://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance#general-responsibilities-and-universal-services) [accessed 28.06.24].

<sup>7</sup> Department of Health and Social Care. *Care and support statutory guidance*. Paragraph 3.23. [www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance#chapter-3](https://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance#chapter-3) [accessed 28.06.24].

<sup>8</sup> Department of Health and Social Care. *Care and support statutory guidance*. Paragraph 6.4. [www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance#first-contact-and-identifying-needs](https://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance#first-contact-and-identifying-needs) [accessed 28.06.24].

<sup>9</sup> Department of Health and Social Care. *Care and support statutory guidance*. Paragraph 3.18. [www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance#first-contact-and-identifying-needs](https://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance#first-contact-and-identifying-needs) [accessed 28.06.24].

<sup>10</sup> Department of Health and Social Care. *Care and support statutory guidance*. Paragraph 6.22. [www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance#first-contact-and-identifying-needs](https://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance#first-contact-and-identifying-needs) [accessed 28.06.24].

<sup>11</sup> s10(1) Care Act 2014 c23 [www.legislation.gov.uk/ukpga/2014/23/section/10#](https://www.legislation.gov.uk/ukpga/2014/23/section/10#) (Accessed 19.06.24)

<sup>12</sup> s10(4) Care Act 2014 c23 [www.legislation.gov.uk/ukpga/2014/23/section/10#](https://www.legislation.gov.uk/ukpga/2014/23/section/10#) (Accessed 19.06.24)

<sup>13</sup> Department of Health and Social Care. *Care and support statutory guidance*. Paragraph 6.118. [www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance#first-contact-and-identifying-needs](https://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance#first-contact-and-identifying-needs) [accessed 28.06.24].

<sup>14</sup> s10(5) Care Act 2014 c23. [www.legislation.gov.uk/ukpga/2014/23/section/10#](https://www.legislation.gov.uk/ukpga/2014/23/section/10#) (Accessed 19.06.24)

<sup>15</sup> Department of Health and Social Care. *Care and support statutory guidance*. Paragraph 6.110. [www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance#first-contact-and-identifying-needs](https://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance#first-contact-and-identifying-needs) [accessed 28.06.24].

<sup>16</sup> s20(1)(a) Care Act 2014 c23. [www.legislation.gov.uk/ukpga/2014/23/section/20](https://www.legislation.gov.uk/ukpga/2014/23/section/20) (Accessed 19.06.24)

<sup>17</sup> s11(5) Care Act 2014 c23. [www.legislation.gov.uk/ukpga/2014/23/section/11](https://www.legislation.gov.uk/ukpga/2014/23/section/11) [Accessed 28.06.24]

<sup>18</sup> Department of Health and Social Care. *Care and support statutory guidance*. Paragraph 6.28. [www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance#first-contact-and-identifying-needs](https://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance#first-contact-and-identifying-needs) [accessed 28.06.24].

<sup>19</sup> Department of Health and Social Care. *Care and Support: what's changing?*. Paragraph 3.1. [www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance#chapter-3](https://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance#chapter-3) [accessed 28.06.24].

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