

### **Young Carers – Children and Families Act and Care Act 2014**

This document outlines the key changes and requirements specified in the Children and Families Act 2014 and the Care Act 2014; to meet the needs of young carers.

The term young carer's refers to children and young people under the age of 18 who provide care, assistance and support.

#### **The Children and Families Act 2014**

Under the Children and Families Act young carers are now entitled to a full needs assessment regardless of the type or frequency of care they provide.

There is a duty to assess a young carer under Clause 96 of the Children and Families Act 2014 if it appears they may have needs for support or if they request an assessment, where the LA are satisfied that they may provide or arrange for provision of services under section 17 of the Children's Act 1989.

Clause 96 delivers four things:

1. It consolidates and simplifies the legislation relating to young carers assessments, making rights and duties to carers to both young people and practitioners.
2. It extends the right to an assessment of needs for support to all young carers under the age of 18 regardless of who they care for, what type of care they provide or how often they provide it.
3. It makes clear to the local authorities that they must carry-out an assessment of a young carers need for support on request or when the need becomes apparent.
4. It provides the appropriate links between children's and adult legislation to enable local authorities to align the assessment of a young carer with an assessment of the person they care for.

Young carer's assessment must give regard to the extent to which the young carer is participating in or wishes to participate in education, training or recreation, and the extent to which the young carer works or wishes to work. Young carers assessments should include an indication of how any care and support plan for the persons they care for would change as a result of the young carer's change in circumstances. For example, if a young carer has an opportunity to go to university away from home, the local authority should indicate how it would meet the eligible needs of any family members that were previously being met by the young carer.

#### **Care Act 2014: Implemented in April 2015**

The above changes will work provisions in the Care Act that also support the combining of children's and adult's assessments, and the forthcoming regulations on a whole family approach to assessing and supporting adults. Together they will provide a legislative framework that will support LA's to consider the needs of the whole family, deliver coordinated packages of support and protect children and young people from excessive or inappropriate caring roles.

Under the Care Act there is a duty to carry-out a young carer's needs assessment where there is 'likely need' for support post 18 and when it is of 'significant benefit'.

Consideration should be given to:

- Whether the carer is able, and is likely to continue to be able to provide care and whether the carer is willing to do so
- The outcomes that the carer wishes to achieve in day-to-day life; and
- Whether, and if so to what extent, the provision of support could contribute to the achievement of those outcomes

### **The Children and Families Act 2014 and the Care Act 2014: Combined Information**

Both Acts have a focus on wellbeing and introduce a duty to assess the needs of young carers to ensure that people with disabilities do not have to rely on the inappropriate caring role of a child. An assessment should take into account the parenting responsibilities of the person as well as the impact of the adult's needs for care and support on the young carer.

Until this is achieved, support should be given to young carers and their families to reduce the impact of the caring role on the child.

It is the statutory duty of Adult Social Services and Children's Services under the Care Act 2014 and the Children & Families Act 2014 to assess the needs of carers and if requested to consider the support needs of adults with disabilities in their parenting role. If the assessment process identifies a need to support an adult with a disability and if they meet the eligibility criteria for publicly funded support, the adult may choose self-directed support, including direct payments, to help them carry out their role as a parent.

Using the 'whole family approach' when assessing the needs of adults, Adult Social Services staff should ask these questions to determine whether there is a young carer in the family and record the answers:

- Do you have children living in this household?
- What are their ages?
- Is there a child in this household who may be helping to provide care?
- Do they need and have they been offered an assessment?
- How can we support you in your role of looking after the children in your household?
- What can be provided to help the whole family?

Inappropriate caring responsibilities should be considered as anything which is likely to have an impact on the child's health, wellbeing or education, or which can be considered unsuitable in light of the child's circumstances and may include:

- personal care such as bathing and toileting;
- carrying out strenuous physical tasks such as lifting;
- administering medication;
- maintaining the family budget;
- emotional support to the adult.

A young carer becomes vulnerable when their caring role risks impacting upon their emotional or physical wellbeing or their prospects in education and life. This might include:

- preventing the young carer from accessing education, for example because the adult's needs for care and support result in the young carer's regular absence from school or impacts upon their learning;
- preventing the young carer from building relationships and friendships
- impacting upon any other aspect of the young carer's wellbeing

Transition assessments for young carers or adult carers must also specifically consider whether the carer:

- is able to care now and after the child in question turns 18;
- is willing to care now and will continue to after 18;
- works or wishes to do so;
- is or wishes to participate in education, training or recreation.

### **References:**

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