

Rights for young carers and young adult carers in the Children and Families Act

Carers Trust briefing for Network Partners March 2015

Introduction

The Children and Families Act 2014 is an important new piece of legislation for young carers, young adult carers and their families. It amends Section 17 of the Children Act 1989, introducing sections 17ZA, 17ZB and 17ZC.

Carers Trust along with many Carers Trust Network Partners and the National Young Carers Coalition campaigned for these rights.

They work alongside another piece of legislation, the [Care Act 2014](#), which creates rights for young carers who provide care or support to an adult. The Care Act 2014, explained in this [briefing](#) from Carers Trust, also creates the right to a young carer's transition assessment during a young carer's transition to adulthood. Together the two pieces of legislation require local authorities to use a whole-family approach.

This briefing summarises the key points in the Children and Families Act 2014 [primary legislation](#) and The Young Carers (Needs Assessments) [Regulations](#) 2015. Please note that this document is not intended as a full briefing on the law.¹

Who does it affect?

Young carers, young adult carers and their families now have stronger rights to be identified, offered information, receive an assessment and supported using a whole-family approach.

Local authorities who must meet their duties to identify, assess and support young carers, young adult carers and their families. They will need to work with other local organisations to make sure they are proactively identifying all young carers. They must make sure the assessment process meets the criteria set out in the legislation. They have to make sure that they join up the work of children's services and adult

¹ Whilst every effort has been taken to ensure accuracy of this briefing, it may be subject to error or omission and cannot cover the extensive detail of the full Act, Regulations and Guidance.

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services so that young carers and young adult carers benefit from professionals working together.

Services working with young carers should be aware that young carers now have stronger rights so they can make sure they benefit from these important changes.

Services working with adults or children with care needs should identify young carers through their work with other family members.

What are the rights for young carers in the Children and Families Act 2014?

Definition of young carer

A young carer is defined as a person under 18 who provides or intends to provide care for another person. The concept of care includes practical or emotional support.

This definition allows more children than under previous legislation to qualify as young carers and be entitled to a needs assessment.

It is still the case that this definition excludes children providing care as part of contracted work or as voluntary work. However, the local authority can ignore this and carry out a young carer's need assessment if they think it would be appropriate.

Identification

Local authorities must find out if there are young carer in their area and if they have needs for support. This means the local authority must proactively identify young carers rather than wait for young people and their families to come forward and request an assessment. Local authorities are required to take "reasonable steps" to identify young carers in their area.

Rights to have an assessment

Where it appears to a local authority that a young carer may have needs then they must carry out an assessment. Young carers or their parents can also request an assessment. The legislation refers to this as a 'young carer's needs assessment'.

Some circumstances affect whether a local authority has to provide an assessment or can refuse.

The local authority must carry out an assessment if:

- the young carer may have needs for support
- a young carer or their parent requests an assessment

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- the young carer has already been assessment but the needs or circumstances of the young carer or person receiving care has changed
- a previous assessment did not cover the young carers needs in relation to another person they care for

The local authority can refuse to carry out an assessment if:

- the young carer does not appear to have needs for support,
- the local authority has already carried out an assessment of the young carer's need for support connected with their care for a particular person and circumstances have not changed

Assessment principles

The local authority must consider the care that a young carer provides but also care they plan to or may carry out in the future. This means a local authority can take action to prevent caring roles that may begin in the future.

The assessment must consider the young carer's view of their situation and what they want to happen. This means that what the young carer thinks about their situation and what they want to happen should be not be contradicted unless there is a good reason.

Local authority must look at the option of providing services to the person who receives care from the young carer. The local authority can then see what support a young carer will still need once that is in place. This is part of a whole-family approach.

Information about the assessment

The local authority must provide information in a way that means people can understand and take part in the process. It should be in a suitable format for the young carer, for their parents and/or the person that receives care.

The information must be provided before the assessment begins and in an accessible format.

The way the assessment should be carried out

The assessment must be carried out in a way that is appropriate for the young carer's age, level of understanding and their family circumstances.

The assessment should find out about and take into account any difference of opinion between the young carer, the young carer's parents and the person who receives care or will receive care in the future.

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The young carer's needs assessment can be combined with another type of assessment that the young carer will have. It can also be combined with the assessment of the person that needs care and support. However, combining the assessments of a young carer and the person receiving care from them should only happen if both people agree. It may not always be appropriate.

The young carer and their parents must be given a written record of the assessment. A written record should also be sent to anyone else at the request of the young carer or their parent, for example a young carer service.

The person doing the assessment

The person carrying out the assessment must be appropriately trained and have sufficient knowledge and skill. They must be the right person to do it taking into account the young carer's particular circumstances and their age, sex and level of understanding.

Who to involve in the assessment

The local authority should involve the young carer and the young carer's parents. They should also involve any other person that the young carer or their parent requests.

The local authority must consult people who have knowledge or expertise about the young carer, where it is appropriate.

Issues to be decided by the assessment process

The assessment must decide to what extent the young carer provides or intends to provide inappropriate or excessive care. This is defined in the Care Act 2014 Statutory Guidance as anything which is likely to have an impact on the child's health, wellbeing or education, or which is unsuitable for that particular child.²

The assessment must consider what the needs of the young carer are, including to participate fully in education (school, college, university), training, recreation and employment.

The assessment should consider whether the caring role has an impact on the young carer's wellbeing, person development, physical health, mental health and emotional health.

² The Care Act 2014 Statutory Guidance gives examples of what might be considered inappropriate or excessive for a young carer

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It must determine if the young carer is in a position where other people in the family rely on them to keep other people well and safe. If this is the case then it may be a sign that the local authority should provide services to the family.

It must look at whether the young carer's needs for support can be prevented by providing services to the person they care for or another member of their family. Another issue to consider is whether the local authority can provide services that meet those needs.

Taking action after the assessment

The local authority must decide what actions to take based on the assessment. This should include whether to provide services.

The local authority should identify the young carer's friends and family and consider how they can help the young carer to achieve their goals identified in the assessment.

The local authority should arrange a review of the assessment.

Further resources

The [young person's guide](#) to the Children and Families Act 2014 from the Department for Education

The Children and Families Act [primary legislation](#) and The Young Carers (Needs Assessments) [Regulations](#) 2015

Carers Trust [briefing](#) and [toolkit for Network Partners](#) on the Care Act 2014

Guidance on [the Care Act and the Whole Family Approach](#)

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