New rights for young carers

In October, the Government made a historic commitment to strengthen young carer’s rights, following a national, evidence-based campaign, led by Carers Trust and the National Young Carers Coalition (NYCC). The Government tabled an amendment to the Children and Families Bill, accompanied by a Written Ministerial Statement, which outlines how both the Children and Families Bill and Care Bill will provide for young carers.

What is changing?

The Children and Families Act 2014

Key provisions:

- **Extension of 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

A young carer is a child or young person under 18 who provides or intends to provide care for another person (either practical or emotional support).

It is important to note that the new provisions amend Part 3 of the Children Act 1989 section 17 which means that a young carer shall be taken to be in need (i.e. eligible for assessment) if they are:

a) unlikely to achieve or maintain, or have the opportunity of achieving or maintaining, a reasonable standard of health or development

b) their health or development is likely to be significantly impaired, or further impaired, without provision of services (under section 17 services can be provided for the family)

Key is that the new provision makes it clear that caring or the intention to provide care for another person may impact upon a child’s health or development and support may be needed to prevent children from undertaking inappropriate caring roles.

Part 5 Welfare of Children, Section 96.

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A clearer duty to assess young carer’s needs based on the appearance of need (or request) to assess a young carer’s needs for support – young carers will no longer have to request an assessment or be undertaking a ‘regular and substantial’ amount of care.

Appropriate links between children’s and adults’ legislation to enable local authorities to align the assessment of a young carer with an assessment of an adult or child they care for.

Local authorities are also required to:

- Involve young carers, their parent/s and any person whom the young carer or parent of the young carer requests when carrying out a young carer’s needs assessment.
- Consider whether it is appropriate for the young carer to provide or continue to provide care, in light of the young carer’s needs for support, other needs and wishes.
- Provide a written record of the assessment to the young carer, the young carer’s parents or any person who the young carer or parent requests receives a copy.
- Take reasonable steps to identify the extent to which there are young carers within their area who have needs for support (hook for clearer responsibilities for health, education etc, see joint guidance).

Local authorities must meet needs for support by:

- Considering whether a young carer’s needs for support can be met through services which may be provided under section 17 (to the young carer and/or any member of their family) and;
- Whether a young carer’s needs can be met by providing support to the person who is being cared for by the young carer (this should be specified in regulations, will be available for public consultation in May 2014).

The Children and Families Act, regulations and guidance will link with provisions in the Care Bill 2013-14 for undertaking a needs or carer’s assessment for an adult, and meeting their needs for support.
The Care Bill

Relevant parts of the Bill are:
- Clause 2 on preventing needs for support (and guidance)
- Clause 12 provision for whole family approach to assessment
- Regulations and guidance on assessment and eligibility (clause 13)
- Clause 63 and 64 young carers at transition (transition guidance)

N.B. When the Bill becomes an Act the numbered sections are likely to change.

Key provisions:

- **Preventing needs for support** including provision of services and support to adults and families so that children are protected from undertaking inappropriate caring roles
- **A whole family approach to assessing and supporting adults** (provided for in forthcoming Care Bill regulations) so that young carer’s needs are identified when undertaking an adult or adult carer’s needs assessment
- **Entitlement for assessment for young carers at transition**

Together, both pieces of legislation provide a clear framework for local authorities to take a whole family approach to assessing and supporting adults and young carers and delivering support is coordinated way, so that children and young people at risk of undertaking inappropriate caring roles are identified and protected.

**Who is responsible for supporting young carers?**
- The new responsibilities are placed on the local authority - children’s services and adult services will need to work closely together, but other services such as education, employment and housing will be required to play a role in identifying young carers and coordinating support for whole families.
- The role of health and mental health will also be critical

For more information contact policy@carers.org
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