



Child and Young Adult Carers

Young people's legal rights conference

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Jamie Burton

j.burton@doughtystreet.co.uk

How many YCCs are there?

- About 700,000 young carers in the UK.
- That's about one in 12 secondary aged pupils.
- There are likely to be young carers in every school and college
- 39% say nobody in their school was aware, 26% have been bullied at school and 1 in 20 miss school because of their caring role.
- (Carers Trust)

How many YACs are there?

The 2011 census identified more than 375,000 young adult carers in the UK, but this is believed to be a huge underestimate of the true numbers as many young adults hide their caring role or do not identify themselves as carers.

Assessment

- Young carer's assessment for carers under 18
- Transition assessment for young adult carers before they are 18
- Carer's assessment for all carers aged 18 or over

Young carer's assessment?

S.17ZABC Children Act 1989 (inserted by s.96 Children and Families Act 2014 as Lords Amendment!)

Low threshold (“appears [to the LA] young carer ... may have needs for support”) or by request from carer or parent (whether or not has parental responsibility)

Young carer – provides or intends to provide care unpaid and not as non-voluntary work to someone (although the latter can be disapplied where appropriate)

Young carer's assessment?

Fundamental question: Is it appropriate that they should be a carer for the person in question in light of child's needs for support, other needs and wishes?

- Must have regard to extent to which participating in education, training or recreation or works or wishes to work
- Must involve child, parents and anyone else child wants
- Provide a written record
- State whether person cared for is a child in need
- Combine assessments for carer and person cared for if consent

Young carer's assessment?

Young Carers (Needs Assessments) Regulations 2015

- Must determine: what care providing or intend to provide, extent of reliance by family of cared for person, impact on child carer, whether any care being provided is inappropriate having regard to age, whether carer's needs could be prevented by if care given to recipient
- Must be carried out by properly trained staff (so also in care needs for example)

Young carer's assessment?

Duty?

“must consider the assessment and decide...whether or not to provide any ... services [that could satisfy assessed needs for support] in relation to the young carer” under s.17

Consistent with s.17 being a power and not a duty

But note, this has been applied quite narrowly - any decision not to provide services will be subject to “**strict and . . . sceptical scrutiny**” (Cobb J in *R (AM) v Havering LBC* [2015] EWHC 1004 (Admin); [2015] PTSR 1242 at para 33(v))

Also, a new power is contained in s.62 Care Act 2014 which is intended to plug any gaps left by s.17 (i.e. what only adult services can provide)

Transition assessment

Care Act 2014 Section 63–65 & Care and Support
Statutory Guidance

Triggered when likely to have need for support post-18

Must be carried out if consented to and, even if not,
where young carer is experiencing, or is at risk of,
abuse or neglect (s.63(4))

Transition assessment

Fundamental shift from **appropriate** to **capability/willingness**: S.64(1)(a) whether the young carer is able to provide care for the person in question and is likely to continue to be able to do so after becoming 18 and (b) whether the young carer is willing to do so and is likely to continue to be willing to do so after becoming 18

Must indicate whether carer's needs post-18 will likely meet the eligibility criteria for adult carers

Transition assessment

When turns 18 must decide whether to use the assessment as the adult carer's assessment, depending on when completed, or conduct an assessment, and then decide if have eligible needs for support.

Meantime, must continue to comply with s.17 until they decide if eligible under Care Act s.20 (s.17ZH(2)) – **so no more gaps in transition!**

Transition assessment

Chapter 16 Care and Support Statutory Guidance

Quite useful: e.g. emphasis on ensuring can go to university/work etc

Ensure C&F2014 local offer and Care Act s.5 market duties include reference to needs of young carers

Adult carer's assessment

Care Act 2014 The eligibility criteria for carers asks whether as a consequence of providing care, the carer is unable to undertake certain key roles or tasks or whether their health is at significant risk – set out in s.13 of the Act and reg. 3 of Care and Support (Eligibility Criteria) Regulations 2015/313:
Deterioration of health/unable to care for a child/provide care to other persons/maintain a habitable home/manage or maintain nutrition/develop or maintain relationships/engage in work etc/access community or recreation

Adult carer's assessment

The carer must also be providing “necessary” care. If the carer is providing care and support for needs which the adult is capable of meeting themselves, the carer may not be providing necessary support (Guidance, paragraph 6.124).

Adult carer's assessment

Section 20 duty to meet the carers need for support either by (a) providing support to the carer or (b) care to the adult being cared for by the carer, even if the authority would not be required to meet the adult's needs for care and support under section 18 (following the needs assessment).

The broad scope of this duty is made clear by the clarification provided in section 20 (8) that *“Where a local authority is required by this section to meet some or all of a carer's needs for support but it does not prove feasible for it to do so by providing care and support to the adult needing care, it must, so far as it is feasible to do so, identify some other way in which to do so”*.

doughty street chambers



j.burton@doughtystreet.co.uk

www.doughtystreet.co.uk

T: 020 7404 1313