

New rights for young carers, young adult carers, and their families: an overview

From 1 April 2015, two new pieces of legislation come into force, giving new rights to care and support for young carers, young adult carers, and their families. The new laws are called the Children and Families Act 2014, and the Care Act 2014.

The new rights give better, more consolidated rights to these groups. Previously, rights were complex and piecemeal – young carers' rights sat across three pieces of legislation and six pieces of policy and practice guidance.

Summary of the new rights for:

Young Carers

- The Children and Families Act covers young carers under the age of 18.
- The whole Act covers a wide range of matters for children and young people, and their families, e.g. adoption and contact, family justice, children and young people with Special Educational Needs (SEN), child care, and child welfare.
- For the first time, young carers have new rights under this Act, in the part of the Act about Child Welfare. Part 5, Section (s.) 96 of the Act details the rights for young carers.
- These are:
 - Local authorities must assess whether young carers in their area have support needs and, if so, what those needs are.
 - They can carry out this assessment if
 - they think the child has needs (i.e. the young carer or their parent doesn't have to ask the local authority),
 - the child asks them to, or
 - the child's parent asks them to.
 - Local authorities must take "reasonable steps" to identify young carers in their area who have support needs (Children and Families Act 2014, Part 5, Section 96, (1) (12)). The Act doesn't define what actions a Local authority must take; but "reasonable steps" might include working with schools, or young carers' support services, to identify young carers with support needs.
 - All young carers under the age of 18 have a right to an assessment of their need, no matter who they care for, what type of care they provide, or how often they provide it. There is no longer a requirement to provide a "substantial" amount of care.
 - Local authorities also have a role in preventing future need. This means that they may provide services to a young carer, or the person they care for, if this

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would prevent a caring role having a negative impact on the young carers' wellbeing in future.

The assessment process:

- The assessment needs to:
 - consider whether it is appropriate for the young carer to provide, or continue to provide, care for the disabled person or older person
 - consider the young carer's needs for support, their other needs and wishes
- As well as the care the young carer is giving to the disabled / older person, Local authorities must look at what the young carer needs for their own education or work, health, hobbies or activities.
- The local authority must ask the young carer and their parent for their views during the assessment.
- The local authority has to ask anyone else the young carer or their parent wants them to ask about their needs as part of the assessment (e.g. a young carer's support worker, a teacher, a family friend, or another relative).

After the assessment, the local authority has to:

- give a written copy of the assessment to the young carer and their parent (and anyone else the young carer or their parent asks them to)
- decide what help it should be giving. This could involve giving help to the person that the young carer looks after, so that the young carer does not have to do so much caring.

Young Adult Carers

- The Care Act covers adult carers 18 and over.
- It also covers young adult carers in "transition" (see later) before they are 18 ("transition" means the process of moving from receiving services from children's services to receiving them from adult services), who may be entitled to support with their caring role after they become 18. There is no set age when transition should occur. Some young carers may find services they received as a child do not continue when they are an adult (e.g. if a young carer received support from the local authority by providing an adult with replacement care to help the young carer do homework / exams; once they leave school / exams are over, this support might end).
- An important principle of the Act is that carers are eligible for assessment and services in their own right, regardless of the eligibility of the person they care for. Eligibility means deciding whether or not the needs a young adult carer, or a disabled or older person, are eligible for support the local authority provides.
- Carers' needs may be met by providing support for adult they care for, rather than providing support to the carer.

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- Briefly, adult carers have a right to an assessment. This is similar to an assessment under the Children and Families Act, so, the local authority has to ask who should be involved in the assessment, and there are rules about what the assessment should cover.

Assessment for young adult carers at transition

- This should consider how to support young adult carers to prepare for adulthood and how to raise and fulfil their aspirations. This includes supporting young adult carers to think about their own outcomes and aspirations, and how they might fulfil their own potential in education, employment and life. There is a duty for the local authority to discuss plans for further and higher education with the young adult carer, and that the local authority should contact higher education institutions so they are aware that the application/new student is a young adult carer
- There should be a person-centred transition plan, including key milestones to achieve, decided in discussion with the young adult carer
- The local authority must indicate if the young adult carer will be eligible for support after they turn 18
- The assessment should look at the care needs of the young adult carer, and how they might change, e.g. if a young adult carer starts work, or starts university

Their families

- The local authority must consider whether to provide services to support a member of the young carer's family to reduce the young carer's caring role. The legislation it falls under depends on whether the person with care and support needs is an adult or a child, and how old the young carer is. The Children and Families Act Regulations: Young Carers (Needs Assessments) Regulations 2015 4 (2) (e) <http://www.legislation.gov.uk/ukxi/2015/527/made>, and Guidance under the Care Act, the Care and Support Statutory Guidance, 6.71 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/366104/43380_23902777_Care_Act_Book.pdf
 - If an adult needs care and support from a young carer, this is either covered under the Children and Families Act, or if the young carer is in transition, by the Care Act.
 - If a child needs care and support from a young carer, this is either covered under the Children and Families Act, or if the young carer is under transition, by the Care Act.
 - Carers aged 18 or over are covered by the Care Act.
- An adult may meet the Care Act eligibility criteria for support on the basis of their parenting responsibility for a child. The Care and Support (Eligibility criteria)

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Regulations 2014 2 (2) (j)

<http://www.legislation.gov.uk/ukdsi/2014/9780111124185>

- The local authority should take a “whole family approach” to assessing and supporting adults. Children and Families Act Regulations: Young Carers (Needs Assessments) Regulations 2015 4 (2) (e) and 4 (3):
<http://www.legislation.gov.uk/uksi/2015/527/made>, and Care and Support (Assessment) Regulations 2014 3 (a) and (b)
<http://www.legislation.gov.uk/uksi/2014/2827/regulation/4/made>
- This means looking at all the care and support needs in the whole family, not looking at the needs of the young carer and person with care needs separately. This means thinking about the family’s network of support, where strengths and weaknesses lie, and how things may change (e.g. a fluctuating condition, a crisis, or different stages of family life).
- This means the assessment should:
 - Consider the impact of the adult’s care needs on the child (young carer) (so, consider how to support the carer by providing services to the person with care needs)
 - Identify any children who undertake a caring role - young carers or potential young carers. This means as soon as someone in the family has care needs which become clear- not waiting until the young carer themselves is struggling or has needs related to their caring role.
 - Consider the parenting responsibilities of the adult as part of the assessment

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Documentation and Resources for the Care Act & Children and Families Act

The Children and Families Act 2014

- The Children and Families Act [primary legislation](#)
- The Young Carers (Needs Assessments) [Regulations](#) 2015
- The [young person's guide](#) to the Children and Families Act 2014 from the Department for Education

The Care Act 2014

- The Care Act 2014 [primary legislation](#),
- [The Care Act and the Whole Family Approach](#)
- [The Care and Support \(Assessment Regulations\)](#)
- [The Care and Support \(Eligibility Criteria\) Regulations 2014](#)
- [Care Act guidance](#)

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