

### 1. Who are Carers?

A carer is anyone who cares, unpaid, for a friend or family member who due to illness, disability, a mental health problem or an addiction cannot cope without their support. There are four 'categories' of carers: adult carers, parent carers, young carers (under 18 years old); and transitioning carers i.e. a parent carer with the cared for child approaching 18 or a young carer approaching 18. Whatever the level of care provided all carers are entitled to advice & information and any carer who **appears** to have needs for support must be **offered** an assessment to establish if they do actually have support needs and if so how they can be supported to:

- (adults) continue with their caring role, should they wish too, whilst living a life outside of their caring role; and
- (young carers) ensure they do not undertake excessive or inappropriate care.

### 2. The Care Act 2014

Adult and transitioning carers support is governed by the Care Act 2014 and the statutory guidance states that:

- Local Authorities (LAs) have a universal prevention duty and must provide or arrange services that help prevent people developing needs for care and support or delay people deteriorating such that they would need ongoing care and support;
- LAs must offer a needs assessment to an adult carer when the cared for person lives within their municipal boundary, even if the carer lives outside of it;
- in addition to advice & information a carer may have eligible needs where they meet a threshold based on identifying how their needs affect their ability to achieve relevant desired outcomes, and whether as a consequence this has a significant impact on their wellbeing. An adult carer, or transitioning carer being assessed under the Care Act, meet the threshold if they meet **all three** of the following conditions

- 1 Their needs for support must arise as a consequence of providing **necessary** care for an adult.
- 2 Authorities must consider **whether the carer's physical or mental health is either deteriorating** or is at risk of doing so, **or** whether the carer is **unable to achieve any one** of the following outcomes:
  - carrying out any caring responsibilities the carer has for a child;
  - providing care to other persons for whom the carer provides care;
  - maintaining a habitable home environment;
  - managing and maintaining nutrition;
  - developing and maintaining family or other significant personal relationships;
  - engaging in work, training, education or volunteering;
  - making use of necessary facilities or services in the local community; and/or
  - engaging in recreational activities.
- 3 As a consequence there is, or is likely to be, a **significant** impact on the carer's wellbeing.
  - carers eligibility does not depend on whether the adult for whom they care has eligible needs;
  - the local authority must identify any children who are involved in providing care;
  - identification of a young carer in the family should result in an offer of a needs assessment for the adult requiring care and support; **what should happen if this is refused by the adult but the child is still caring – there can be real fear their children will be taken into a care which is a major barrier to seeking help for some parents?**
  - When carrying out an adult's or carer's assessment, if it appears that a child is involved in providing care the local authority must consider:



- the impact of the person's needs on the young carer's wellbeing, welfare, education and development; and
- whether any of the caring responsibilities the young carer is undertaking are inappropriate or excessive i.e. 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; **also substantial amounts of housework which is very usual for YCs**
  - administering medication;
  - maintaining the family budget;
  - emotional support to the adult.
  - **NB - There is also often considerable sibling care undertaken by YCs in real terms even where there is an adult carer – especially if they are a single parent.**

Transition is a time when the differences and gaps between services and support can be particularly evident and problematic to families. It is therefore critical that LAs take a joined up approach, between adult and children's services, health services (including mental health), educational institutions and other relevant organisations, in order to achieve the best outcomes for the young person and their family. For example existing Education Health and Care (EHC) plans, transition plans and reviews of other family members can be combined. This requires services to establish working protocols and ensure that those working directly with young people and their families understand referral approaches and the requirement to work cooperatively together. The power to join up assessments can be important at transition and Care Act guidance provides the following example of assessments that could be combined:

...if an adult is caring for a 17 year-old in transition and a 12 year-old, the local authority could combine:

- the child's needs assessment of the 17 year old under the Care Act;
- any assessment of the 17 year old's needs under section 17 of the Children Act;
- any assessment of the 12 year old's needs under section 17 of the Children Act;
- the child's carer's assessment of the adult under the Care Act; and
- the parent carer's assessment of the adult under the Children and Families Act.

Under the Care Act it is important that whole-family approaches identify specific individual need as well as collective needs, interdependent needs and the desired outcomes of all concerned.

If a transition assessment is carried out, as it should be, there should not be a gap in provision of care and support. Where a transition assessment should have been conducted and was not, the local authority must continue providing any existing services until any new arrangements are in place or a decision is reached that none will be provided. Good transition planning can aid and support a child to reach their goals in adulthood.

Parent carers' needs are covered under Section 17 of the Children Act. However, the Care Act includes a duty to undertake a transition assessment for them when the person they care for is approaching 18 – and a power to start providing services on the basis of the transition assessment before they and their child actually transition.

### 3. The Children Act 1989 and the Children and Families Act 2014

The Children and Families Act 2014 amended the Children Act 1989 and has clarified the law relating to young carers and addresses LAs as a whole (applying to both adult and children's services). The new provision works alongside measures in the Care Act 2014 to enable a "whole-family approach" to assessment and support, so that young carers and their families can access appropriate assistance. The new provisions bestow new rights for young carers including:



- the right to an assessment is extended 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;
- placing a clearer duty to undertake an assessment on request or on the appearance of need;
- ensuring that young carers are identified and that consideration is given as to whether they are a 'child in need';
- making 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 they care for (preventing inappropriate care); and
- requiring councils to be proactive about identifying young carers in their area and acting to help reduce their need for support through the provision of information and preventative measures (for example in schools).
- Where a young carer may be a "child in need", adult workers will need to discuss the case with children's services to see what further action is needed. Further action might include:
  - a referral to an independent Young Carers service;
  - accessing preventative support through the "Early Help Network";
  - further assessment by children's services to identify any potential safeguarding concerns ;
  - combine a young carer's assessment with that of the adult .

Where young people are in "transition" this will be an area of joint activity including where any sibling young carers are identified as needing support through transition.

The Children and Families Act also bestows a duty of care on LAs to parent carers, defined as 'a person aged 18 or over who provides or intends to provide care for a disabled child for whom the person has parental responsibilities' The Act strengthens parent carers rights so there will be a consistent approach to all groups of carers and makes it clear that councils must take into account the full and complex needs of parent carers.

#### 4. Further Information:

- The Care Act and Whole Family Approach  
<https://www.local.gov.uk/sites/default/files/documents/care-act-and-whole-family-6e1.pdf>
- Young Carers: legislation, guidance and research  
<https://www.childrensociety.org.uk/youngcarer/legislation>
- Carers assessments  
<https://www.carersuk.org/help-and-advice/practical-support/getting-care-and-support/carers-assessment>
- Care Act Statutory Guidance  
<https://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance>
- Care Act  
<http://www.legislation.gov.uk/ukpga/2014/23/contents/enacted>
- Eligibility criteria  
<https://www.legislation.gov.uk/ukdsi/2014/978011124185>