



Department  
for Education

# **Young carers' draft regulations**

**Government consultation**

**Launch date 22 December  
2014 Respond by 26 January  
2015**

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## Introduction

Young carers need the same access to education, career choices and wider opportunities as other children in the community without care responsibilities.

Section 96 of the Children and Families Act 2014 introduced new rights for young carers to improve how young carers and their families are identified and supported

From April 2015 all young carers will be entitled to an assessment of their needs from the local authority. This new provision works alongside measures in the Care Act 2014 for assessing adults to enable a “whole family approach” to providing assessment and support.

A “whole family approach” means making sure any assessment takes into account and evaluates how the needs of the person being cared for impacts on the needs of the child who is identified as a possible young carer, or on any other child or on other members of the household. This approach also allows the local authority to combine a young carer’s needs assessment with any other assessment in relation to the young carer, the person cared for or another member of the young carer’s family.

The Department of Health will shortly be publishing best practice guidance on ‘Whole Family Approaches’ to assessment.

The national carers strategy was published in June 2008. This sets out the Government’s priorities for carers and identifies the actions we will take to ensure the best possible outcomes for carers and those they support. One of the five key outcomes of this is that “*Children and young people will be protected from inappropriate caring and have the support they need to learn, develop and thrive and to enjoy positive childhoods*”. Our commitment to this vision was reaffirmed in the updated action plan for the carers strategy published in October 2014<sup>1</sup>.

## Who this is for

- Directors of local authority children’s services
- Directors of local authority adult services
- Children’s services social workers and their managers
- Staff employed or commissioned by local authority adult services
- Lead members in local authorities

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<sup>1</sup> Carers Strategy: Second National Action Plan 2014 – 2016

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/368478/Carers\\_Strategy\\_-\\_Second\\_National\\_Action\\_Plan\\_2014\\_-\\_2016.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/368478/Carers_Strategy_-_Second_National_Action_Plan_2014_-_2016.pdf)

- Health services managers and staff
- Voluntary organisations supporting and advocating on behalf of young carers and their families
- Young carers and their families.

## Issue date

The consultation was issued on 22 December 2014.

## Enquiries

If your enquiry is related to the policy content of the consultation you can contact the team on:

- 0207 7838079 for information on young carers policy and ask for Mark Burrows;  
or
- 0207 340 7444 for information on this consultation and ask for Xane Panayiotou.

or email:

[YoungCarers.CONULTATION@education.gsi.gov.uk](mailto:YoungCarers.CONULTATION@education.gsi.gov.uk)

If your enquiry is related to the DfE e-consultation website or the consultation process in general, you can contact the DfE Ministerial and Public Communications Division by email: [consultation.unit@education.gsi.gov.uk](mailto:consultation.unit@education.gsi.gov.uk) or by telephone: 0370 000 2288 or via the [DfE Contact us page](#).

## Additional copies

Additional copies are available electronically and can be downloaded from [GOV.UK DfE consultations](#).

## The response

The results of the consultation and the Department's response will be [published on GOV.UK](#) in March 2015.

## About this consultation

We wish to seek the views of interested parties on the draft Young Carers' (Needs Assessments) (England) Regulations to put into effect Section 96 of the Children and Families Act 2014. [See Annex 1]

Section 96 of the Children and Families Act 2014 defines a young carer as;

*“...a person under 18 who provides or intends to provide care for another person (of any age, except where that care is provided for payment, pursuant to a contract or as voluntary work).”*

A local authority must assess whether a young carer within their area has needs for support and, if so, what those needs are, if —

- (a) it appears to the authority that the young carer may have needs for support, or;
- (b) the authority receives a request from the young carer or a parent of the young carer to assess the young carer's needs for support.

The draft regulations set out;

- the matters to which a local authority must have regard in carrying out a young carer's needs assessment;
- the manner and form of a young carer's needs assessment;
- the matters which a local authority must take into account when carrying out a young carer's needs assessment; and,
- the definition of the term “whole family approach”.

We plan to issue final regulations on young carer assessments in March 2015.

## Respond online

To help us analyse the responses please use the online system wherever possible. Visit [www.education.gov.uk/consultations](http://www.education.gov.uk/consultations) to submit your response.

## Other ways to respond

If for exceptional reasons, you are unable to use the online system, for example because you use specialist accessibility software that is not compatible with the system, you may download a word document version of the form and email it or post it.

**By email**

[YoungCarers.CONULTATION@education.gsi.gov.uk](mailto:YoungCarers.CONULTATION@education.gsi.gov.uk)

**By post**

Xane Panayiotou, Young Carers consultation  
Floor 1  
Sanctuary Buildings  
Great Smith Street  
Westminster  
London  
SW1P 3BT

**Deadline**

The consultation closes on 26 January 2015.

## Consultation questions - context

### Question 1

#### **Regulation 2 - *Citation, commencement and interpretation* - meaning of “whole family approach”**

2. In these Regulations, “a whole family approach” means a local authority —

- considering and evaluating the circumstances of a young carer’s family and the impact of those circumstances on any child in the family and the young carer’s needs for support; and
- considering whether to combine a young carer’s needs assessment with any other assessment in relation to the young carer, the person cared for or another member of the young carer’s family.

A “whole family approach” to assessment will help identify children undertaking inappropriate or excessive caring roles. A thorough assessment centred on the family should result in appropriate support being provided for the carer, or for the person receiving care, or both. This approach means making sure any assessment takes into account and evaluates how the needs of the person being cared for impacts on the needs of the child identified as a possible young carer, or on any other child, or on other members of the household.

The Children and Families Act modifies section 17 of the Children Act to allow the local authority to combine a young carers’ assessment with assessment of adults in the household, where the young carer and the person being cared for agree (section 17ZB (7)).

For example, the Care and Support (Assessment) Regulations 2014 requires that a local authority assessing an individual with care needs must consider the impact of the individual’s needs on the well-being, welfare, education and development of any child involved in providing care; and identify whether any of the tasks which the child is performing for the individual are inappropriate for the child to perform having regard to all the circumstances (Regulation 4(3))

These measures are intended to avoid young carers and the people they care for having to be assessed by different agencies working independently and in isolation from one and other. Combining assessments for young carers and their families has the potential to offer a single route enabling them to access the right kind of help.

## Question 2

### Regulation 3: Matters to which a local authority is to have regard in carrying out a young carer's needs assessment

3. In carrying out a young carer's needs assessment, a local authority must have regard to—

- the preferences and wishes of the young carer;
- the outcomes desired by the young carer;
- any other assessment in relation to the young carer or the person cared for which the authority consider to be relevant;
- any differences of opinion between the young carer and the person cared for with respect to the care which the young carer provides for that person;
- the importance of adopting, and how best to apply, a whole family approach.

Like an assessment of a “child in need” under section 17 of the Children Act, a young carers' needs assessment must take into account the wishes, feelings and aspirations of the child concerned and their family. The assessment should draw on a wide range of evidence about the needs of the child and about the needs of the person they care for and about those of the rest of the family, including other children. This evidence is likely to include information held by adult health and care services.

The young carers' needs assessment must note any differences of opinion between the young carer and the person cared for about the nature of that care and about how, in future, this might be provided to avoid relying on the child having to take on an excessive caring role. Young carers will need the same access to education, career choices and wider opportunities as other children in the community without care responsibilities.



### Question 3

#### Regulation 4: Manner and form of a young carer's needs assessment

4. When carrying out a young carer's needs assessment, a local authority must—

- ensure that the assessment is carried out in a manner which the authority consider to be appropriate and proportionate [in the light of the young carer's needs and circumstances];
- adopt a whole family approach;
- ensure that a person who is to carry out a young carer's needs assessment, in the view of the authority—
  - has sufficient competence, knowledge, skills and training to be able to carry out that assessment;
  - is an appropriate person to carry out the assessment in the light of the young carer's age, circumstances and sex;
- where they consider it appropriate or necessary to do so, consult and involve experts from other disciplines in the carrying out of the assessment;
- ensure that the young carer, the person cared for and, if different, the parents of the young carer are informed about the assessment process and are able to participate in the process as effectively as possible.

The professional appointed to carry out a young carers' needs assessment must have the necessary knowledge and skills to assess the child's developmental needs and make any consequent recommendations about future intervention and support. The views of education and health professionals are likely to help inform the assessment's conclusions about how the child is affected by their responsibilities as a carer. It will also be important for young carers' needs assessment to take account of relevant information about the clinical and care needs of the person cared for which will be known to health and adult care services.

Children and their families must be helped to understand what is involved in participating in an assessment. A written copy of the completed assessment must be given to the young carer, their parents and to any other person, if a young carer, or their parent, requests. Young carers and their families must also understand how to make representations or complain, if they are dissatisfied with the conduct of the assessment.

## Question 4

### Regulation 5: Matters which a local authority is to determine when carrying out a young carer's needs assessment

5. When carrying out a young carer's needs assessment a local authority must determine—

- the amount, nature and type of care which the young carer provides;
- the impact of the caring role on the young carer's wellbeing, welfare, education and development;
- whether any of the caring tasks the young carer is performing are inappropriate for the young carer to perform having regard to all the circumstances
- where the person cared for is a child, whether an assessment of their needs for support has been carried out, and if not, to request one;
- where the person cared for is an adult, whether an assessment of their needs for support has been carried out, and if not, to offer one.
- whether any of the young carer's needs for support could be met by providing [support] [services] to—
  - the person cared for [by the young carer]; or
  - another member of the young carer's family.
- what the young carer's needs for support would be likely to be if he or she were relieved of part or all of his or her caring role and whether the young carer has any remaining unmet support needs;

Children's services may become aware of a child carrying out a caring role in a number of ways. These could include referral from adult social care or health services following assessment or treatment of an adult in the household, or referral from a school, perhaps because a child is repeatedly absent or late.

When assessing the needs of a young carer, the professional(s) responsible must take into account the impact of the child's caring role on their health and development. The assessment should address:

- whether the child's caring role limits their educational opportunities, perhaps because it means there are reasons why they are absent from school; or
- whether caring prevents the child from building relationships and friendships; or
- how caring affects the child's emotional wellbeing.

The assessment must also reach a view about whether any of the child's caring tasks are "inappropriate", in view of child's own needs and personal circumstances.

Inappropriate tasks could include:

- personal care such as bathing and toileting;
- carrying out strenuous physical tasks such as lifting;
- administering medication;
- maintaining the family budget; or
- emotional support to the adult.

If, as a result of their caring role, a young carer is assessed as unlikely to achieve, maintain, or have the opportunity of achieving or maintaining a reasonable standard of health or development without the provision for services, they will be a "child in need", under Section 17 of the Act, and entitled to services to support them. Services could be provided by children's services but could also include assistance from local adult services or from health services (though there is no duty under the Care Act to meet the needs of an adult who does not otherwise meet the eligibility criteria in order to support a carer under 18). The provision of services to support the person the child cares for will help the young carer by limiting the extent of their caring responsibilities.

**2015 No. 000**

**CHILDREN AND YOUNG PERSONS, ENGLAND**

**SOCIAL CARE, ENGLAND**

**The Young Carers' (Needs Assessments) (England) Regulations  
2015**

<i>Made</i> - - - -	<i>2015</i>
<i>Laid before Parliament</i>	<i>2015</i>
<i>Coming into force</i> - -	<i>1st April 2015</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred upon him by sections 17ZB(8) of the Children Act 1989<sup>(2)</sup>.

**Citation, commencement and interpretation**

1. These Regulations may be cited as the Young Carers' (Needs Assessments) (England) Regulations 2015 and come into force on 1st April 2015.

2. In these Regulations, "a whole family approach" means a local authority—

- (a) considering and evaluating the circumstances of a young carer's family and the impact of those circumstances on any child in the family and the young carer's needs for support; and
- (b) considering whether to combine a young carer's needs assessment with any other assessment in relation to the young carer, the person cared for or another member of the young carer's family.

**Matters to which a local authority is to have regard in carrying out a young carer's needs assessment**

3. In carrying out a young carer's needs assessment, a local authority must have regard to—

- (a) the preferences and wishes of the young carer;
- (b) the outcomes desired by the young carer;
- (c) any other assessment in relation to the young carer or the person cared for which the authority consider to be relevant;
- (d) any differences of opinion between the young carer and the person cared for with respect to the care which the young carer provides for that person;
- (e) the importance of adopting, and how best to apply, a whole family approach.

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<sup>(2)</sup> 2013 c.[XXX].

#### **Manner and form of a young carer's needs assessment**

4. When carrying out a young carer's needs assessment, a local authority must—
- (a) ensure that the assessment is carried out in a manner which the authority consider to be appropriate and proportionate [in the light of the young carer's needs and circumstances];
  - (b) adopt a whole family approach;
  - (c) ensure that a person who is to carry out a young carer's needs assessment, in the view of the authority—
    - (i) has sufficient competence, knowledge, skills and training to be able to carry out that assessment;
    - (ii) is an appropriate person to carry out the assessment in the light of the young carer's age, circumstances and sex;
  - (d) where they consider it appropriate or necessary to do so, consult and involve experts from other disciplines in the carrying out of the assessment;
  - (e) ensure that the young carer, the person cared for and, if different, the parents of the young carer are informed about the assessment process and are able to participate in the process as effectively as possible.

#### **Matters which a local authority is to determine when carrying out a young carer's needs assessment**

5. When carrying out a young carer's needs assessment a local authority must determine—
- (a) the amount, nature and type of care which the young carer provides;
  - (b) the impact of the caring role on the young carer's wellbeing, welfare, education and development;
  - (c) whether any of the caring tasks the young carer is performing are inappropriate for the young carer to perform having regard to all the circumstances
  - (d) where the person cared for is a child, whether an assessment of their needs for support has been carried out, and if not, to request one;
  - (e) where the person cared for is an adult, whether an assessment of their needs for support has been carried out, and if not, to offer one.
  - (f) whether any of the young carer's needs for support could be met by providing [support] [services] to—
    - (i) the person cared for [by the young carer]; or
    - (ii) another member of the young carer's family.
  - (g) what the young carer's needs for support would be likely to be if he or she were relieved of part or all of his or her caring role and whether the young carer has any remaining unmet support needs;

**[DRAFT ONLY – NOT FOR SIGNATURE]**



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