Care Act 2014

2014 CHAPTER 23

PART 1

CARE AND SUPPORT

Transition for children to adult care and support, etc.

63 Assessment of a young carer's needs for support

(1) Where it appears to a local authority that a young carer is likely to have needs for support after becoming 18, the authority must, if it is satisfied that it would be of significant benefit to the young carer to do so and if the consent condition is met, assess—

(a) whether the young carer has needs for support and, if so, what those needs are, and

(b) whether the young carer is likely to have needs for support after becoming 18 and, if so, what those needs are likely to be.

(2) An assessment under subsection (1) is referred to in this Part as a "young carer's assessment".

(3) The consent condition is met if—

(a) the young carer has capacity or is competent to consent to a young carer's assessment being carried out and the young carer does so consent, or

(b) the young carer lacks capacity or is not competent so to consent but the authority is satisfied that carrying out a young carer's assessment would be in the young carer's best interests.

(4) Where a young carer refuses a young carer's assessment and the consent condition is accordingly not met, the local authority must nonetheless carry out the assessment if the young carer is experiencing, or is at risk of, abuse or neglect.

Changes to legislation: *Care Act 2014, Section 63 is up to date with all changes known to be in force on or before 22 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(5) Where a local authority, having received a request to carry out a young carer's assessment from the young carer concerned or a parent of the young carer, decides not to comply with the request, it must give the person who made the request—

(a) written reasons for its decision, and

(b) advice and information about what can be done to prevent or delay the development by the young carer of needs for support in the future.

(6) "Young carer" means a person under 18 who provides or intends to provide care for an adult (but see subsection (7)).

(7) A person is not a young carer for the purposes of this section if the person provides or intends to provide care—

(a) under or by virtue of a contract, or

(b) as voluntary work.

(8) But in a case where the local authority considers that the relationship between the adult and the person under 18 providing or intending to provide care is such that it would be appropriate for the person under 18 to be regarded as a young carer, that person is to be regarded as such (and subsection (7) is therefore to be ignored in that case).

(9) The references to providing care include a reference to providing practical or emotional support.

Modifications etc. (not altering text)

C1 Pt. 1 modified (1.4.2015) by The Care and Support (Isles of Scilly) Order 2015 (S.I. 2015/642), arts. 1, **2(2)(a)**; S.I. 2015/993, **art. 2(a)**

C2 Pt. 1 applied in part (with modifications) (1.4.2015 coming into force in accordance with reg. 1(1)) by The Care and Support (Children's Carers) Regulations 2015 (S.I. 2015/305), regs. 1(1), **2(1)(a)(2)**, 4-12; S.I. 2015/993, **art. 2(q)**

Commencement Information

I1 S. 63 in force at 1.4.2015 by S.I. 2015/993, **art. 2(q)** (with transitional provisions in S.I. 2015/995)

Changes to legislation:
Care Act 2014, Section 63 is up to date with all changes known to be in force on or before 22 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.
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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 15(2)-(3B) substituted for s. 15(2)(3) by 2022 c. 31 s. 166(2)
- s. 26(1)-(2A) substituted for s. 26(1)(2) by 2022 c. 31 s. 166(4)