



Children and Families Act 2014

2014 CHAPTER 6

PART 5

WELFARE OF CHILDREN

Young carers and parent carers

96 Young carers

(1) In the Children Act 1989, after section 17 insert—

“17ZA Young carers' needs assessments: England

- (1) A local authority in England 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 receive a request from the young carer or a parent of the young carer to assess the young carer's needs for support.
- (2) An assessment under subsection (1) is referred to in this Part as a “young carer's needs assessment”.
- (3) In this Part “young carer” means a person under 18 who provides or intends to provide care for another person (but this is qualified by section 17ZB(3)).
- (4) Subsection (1) does not apply in relation to a young carer if the local authority have previously carried out a care-related assessment of the young carer in relation to the same person cared for.
- (5) But subsection (1) does apply (and so a young carer's needs assessment must be carried out) if it appears to the authority that the needs or circumstances of the young carer or the person cared for have changed since the last care-related assessment.

Status: Point in time view as at 01/04/2015.

Changes to legislation: There are currently no known outstanding effects for the Children and Families Act 2014, Cross Heading: Young carers and parent carers. (See end of Document for details)

- (6) “Care-related assessment” means—
- (a) a young carer's needs assessment;
 - (b) an assessment under any of the following—
 - (i) section 1 of the Carers (Recognition and Services) Act 1995;
 - (ii) section 1 of the Carers and Disabled Children Act 2000;
 - (iii) section 4(3) of the Community Care (Delayed Discharges) Act 2003.
- (7) A young carer's needs assessment must include an assessment of whether it is appropriate for the young carer to provide, or continue to provide, care for the person in question, in the light of the young carer's needs for support, other needs and wishes.
- (8) A local authority, in carrying out a young carer's needs assessment, must have regard to—
- (a) the extent to which the young carer is participating in or wishes to participate in education, training or recreation, and
 - (b) the extent to which the young carer works or wishes to work.
- (9) A local authority, in carrying out a young carer's needs assessment, must involve—
- (a) the young carer,
 - (b) the young carer's parents, and
 - (c) any person who the young carer or a parent of the young carer requests the authority to involve.
- (10) A local authority that have carried out a young carer's needs assessment must give a written record of the assessment to—
- (a) the young carer,
 - (b) the young carer's parents, and
 - (c) any person to whom the young carer or a parent of the young carer requests the authority to give a copy.
- (11) Where the person cared for is under 18, the written record must state whether the local authority consider him or her to be a child in need.
- (12) A local authority in England must take reasonable steps to identify the extent to which there are young carers within their area who have needs for support.

17ZB Young carers' needs assessments: supplementary

- (1) This section applies for the purposes of section 17ZA.
- (2) “Parent”, in relation to a young carer, includes—
- (a) a parent of the young carer who does not have parental responsibility for the young carer, and
 - (b) a person who is not a parent of the young carer but who has parental responsibility for the young carer.
- (3) A person is not a young carer if the person provides or intends to provide care—
- (a) under or by virtue of a contract, or

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- (b) as voluntary work.
- (4) But in a case where the local authority consider that the relationship between the person cared for 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 (3) is therefore to be ignored in that case).
- (5) The references in section 17ZA and this section to providing care include a reference to providing practical or emotional support.
- (6) Where a local authority—
 - (a) are required to carry out a young carer's needs assessment, and
 - (b) are required or have decided to carry out some other assessment of the young carer or of the person cared for;the local authority may, subject to subsection (7), combine the assessments.
- (7) A young carer's needs assessment may be combined with an assessment of the person cared for only if the young carer and the person cared for agree.
- (8) The Secretary of State may by regulations make further provision about carrying out a young carer's needs assessment; the regulations may, in particular—
 - (a) specify matters to which a local authority is to have regard in carrying out a young carer's needs assessment;
 - (b) specify matters which a local authority is to determine in carrying out a young carer's needs assessment;
 - (c) make provision about the manner in which a young carer's needs assessment is to be carried out;
 - (d) make provision about the form a young carer's needs assessment is to take.
- (9) The Secretary of State may by regulations amend the list in section 17ZA(6) (b) so as to—
 - (a) add an entry,
 - (b) remove an entry, or
 - (c) vary an entry.

17ZC Consideration of young carers' needs assessments

A local authority that carry out a young carer's needs assessment must consider the assessment and decide—

- (a) whether the young carer has needs for support in relation to the care which he or she provides or intends to provide;
 - (b) if so, whether those needs could be satisfied (wholly or partly) by services which the authority may provide under section 17; and
 - (c) if they could be so satisfied, whether or not to provide any such services in relation to the young carer.”
- (2) In section 104 of the Children Act 1989 (regulations and orders)—

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- (a) in subsections (2) and (3A) (regulations within subsection (3B) or (3C) not subject to annulment but to be approved in draft) before “(3B)” insert “(3AA),”, and
- (b) after subsection (3A) insert—
 - “(3AA) Regulations fall within this subsection if they are regulations made in the exercise of the power conferred by section 17ZB(9).”

Commencement Information

II S. 96 in force at 1.4.2015 by S.I. 2015/375, art. 2(c)

97 Parent carers

- (1) In the Children Act 1989, after section 17ZC (as inserted by section 96) insert—

“17ZD Parent carers' needs assessments: England

- (1) A local authority in England must, if the conditions in subsections (3) and (4) are met, assess whether a parent carer within their area has needs for support and, if so, what those needs are.
- (2) In this Part “parent carer” means a person aged 18 or over who provides or intends to provide care for a disabled child for whom the person has parental responsibility.
- (3) The first condition is that—
 - (a) it appears to the authority that the parent carer may have needs for support, or
 - (b) the authority receive a request from the parent carer to assess the parent carer's needs for support.
- (4) The second condition is that the local authority are satisfied that the disabled child cared for and the disabled child's family are persons for whom they may provide or arrange for the provision of services under section 17.
- (5) An assessment under subsection (1) is referred to in this Part as a “parent carer's needs assessment”.
- (6) Subsection (1) does not apply in relation to a parent carer if the local authority have previously carried out a care-related assessment of the parent carer in relation to the same disabled child cared for.
- (7) But subsection (1) does apply (and so a parent carer's needs assessment must be carried out) if it appears to the authority that the needs or circumstances of the parent carer or the disabled child cared for have changed since the last care-related assessment.
- (8) “Care-related assessment” means—
 - (a) a parent carer's needs assessment;
 - (b) an assessment under any of the following—
 - (i) section 1 of the Carers (Recognition and Services) Act 1995;
 - (ii) section 6 of the Carers and Disabled Children Act 2000;

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(iii) section 4(3) of the Community Care (Delayed Discharges) Act 2003.

- (9) A parent carer's needs assessment must include an assessment of whether it is appropriate for the parent carer to provide, or continue to provide, care for the disabled child, in the light of the parent carer's needs for support, other needs and wishes.
- (10) A local authority in carrying out a parent carer's needs assessment must have regard to—
- (a) the well-being of the parent carer, and
 - (b) the need to safeguard and promote the welfare of the disabled child cared for and any other child for whom the parent carer has parental responsibility.
- (11) In subsection (10) “well-being” has the same meaning as in Part 1 of the Care Act 2014.
- (12) A local authority, in carrying out a parent carer's needs assessment, must involve—
- (a) the parent carer,
 - (b) any child for whom the parent carer has parental responsibility, and
 - (c) any person who the parent carer requests the authority to involve.
- (13) A local authority that have carried out a parent carer's needs assessment must give a written record of the assessment to—
- (a) the parent carer, and
 - (b) any person to whom the parent carer requests the authority to give a copy.
- (14) A local authority in England must take reasonable steps to identify the extent to which there are parent carers within their area who have needs for support.

17ZE Parent carers' needs assessments: supplementary

- (1) This section applies for the purposes of section 17ZD.
- (2) The references in section 17ZD to providing care include a reference to providing practical or emotional support.
- (3) Where a local authority—
- (a) are required to carry out a parent carer's needs assessment, and
 - (b) are required or have decided to carry out some other assessment of the parent carer or of the disabled child cared for,
- the local authority may combine the assessments.
- (4) The Secretary of State may by regulations make further provision about carrying out a parent carer's needs assessment; the regulations may, in particular—
- (a) specify matters to which a local authority is to have regard in carrying out a parent carer's needs assessment;
 - (b) specify matters which a local authority is to determine in carrying out a parent carer's needs assessment;

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- (c) make provision about the manner in which a parent carer's needs assessment is to be carried out;
 - (d) make provision about the form a parent carer's needs assessment is to take.
- (5) The Secretary of State may by regulations amend the list in section 17ZD(8)
- (b) so as to—
 - (a) add an entry,
 - (b) remove an entry, or
 - (c) vary an entry.

17ZF Consideration of parent carers' needs assessments

A local authority that carry out a parent carer's needs assessment must consider the assessment and decide—

- (a) whether the parent carer has needs for support in relation to the care which he or she provides or intends to provide;
- (b) whether the disabled child cared for has needs for support;
- (c) if paragraph (a) or (b) applies, whether those needs could be satisfied (wholly or partly) by services which the authority may provide under section 17; and
- (d) if they could be so satisfied, whether or not to provide any such services in relation to the parent carer or the disabled child cared for.”

- (2) In section 104 of the Children Act 1989 (regulations and orders)—
- (a) in subsections (2) and (3A) (regulations within subsection (3B) or (3C) not subject to annulment but to be approved in draft) after “(3AA),” insert “(3AB),”, and
 - (b) after subsection (3AA) insert—

“(3AB) Regulations fall within this subsection if they are regulations made in the exercise of the power conferred by section 17ZE(5).”

Commencement Information

I2 S. 97 in force at 1.4.2015 by S.I. 2015/375, art. 2(c)

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