

Exemplar Protocol for Local Authority Adults' and Children's Services

Joint Assessment and support for young carers and their families

The Practice guidance to the Carers (Equal Opportunities) Act 2004 (SCIE 2005) states that Local Authorities should have “a protocol, shared between adults and children's services, for identifying and assessing young carers.” This document is an exemplar protocol for use in meeting this recommendation. Joint training should be offered for adults and children's services as part of the implementation process.

Children's Services include Social Services, Education, Health services and LA Youth Services such as Connexions.

Adults' Services include Social Services, Mental Health services, Learning Disability services and substance misuse services such as DATs.

The role of the voluntary sector should be considered by LAs.

This protocol should be cross-referenced to your Local Authorities'

1. Children and Young People's Plan
2. Carers' Strategy
3. Disabled Parents Strategyⁱ

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1. INTRODUCTION

- 1.1 This protocol outlines good practice for the staff of [insert Local Authority] services who may come into contact with young carers and/or their families.
- 1.2 Young carers are children and young people under 18 who provide, or intend to provide, personal care, assistance or support to another family member on a regular basis. They carry out significant or substantial caring tasks and assume a level of responsibility which is inappropriate to their ageⁱⁱ. Caring tasks can involve physical or emotional care, or taking responsibility for someone's safety or well being. The impact of taking on an inappropriate caring role can include underachievement or absenteeism at school, mental or physical ill health, and poverty.
- 1.3 “Disability” refers to actual or perceived physical, sensory, emotional or learning impairment, long-term illness, HIV, drug or alcohol dependence and mental health problems.
- 1.4 The first aim of adults' and children's services should be to ensure that people with



disabilities do not have to rely on the inappropriate caring role of a child. Until this is achieved, support should be given to young carers and their families to reduce the impact of the caring role on the child.

- 1.5 Both children's and adults' services can be the first to become aware that a young person is a young carer or is at risk of becoming a young carer. This protocol outlines the roles of children's and adults' services in ensuring the family is offered an appropriate assessment of their needs, and in working jointly to meet those needs. There should also be partnership working with relevant organisations in the voluntary sector.
- 1.6 While the welfare of the child is always paramountⁱⁱⁱ, all children benefit from having well-supported parents. In carrying out a referral or assessment staff should adopt a whole-family approach that supports adults who have care needs with their parenting role wherever possible.

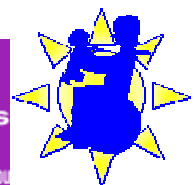
2. STATUTORY BASE

(See also Appendix 1)

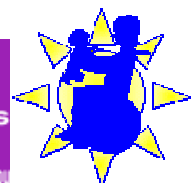
- 2.1 Mental health Act 1983
- 2.2 Disabled Persons (Services and Consultation and Representation) Act 1986, S8
- 2.3 The Children Act 1989.
- 2.4 NHS and Community Care Act 1990, S47.
- 2.5 Carers (Recognition and Services) Act 1995, S1
- 2.6 National Service Framework for Mental Health 1999
- 2.7 The Framework for Assessment of Children in Need and their Families 2000
- 2.8 Carers and Disabled Children Act 2000.
- 2.9 Fair Access to Care practice guidance (DH 2002)
- 2.10 Fair Access to Care guidance on eligibility criteria for Adults' Services (DH 2002)
- 2.11 The Children Act 2004
- 2.12 The Carers (Equal Opportunities) Act 2004
- 2.13 Practice guidance to the Carers (Equal Opportunities) Act 2004 (SCIE 2005)
- 2.14 The Common Assessment Framework 2005.

3. PROCEDURES FOR ADULTS' AND CHILDREN'S SERVICES

- 3.1 It is the statutory duty of adults' services to support disabled adults in their parenting role^{iv}. An adult may choose to use their Direct Payments to help them carry out their role as a parent. In assessing the needs of their clients, Adults' services workers should ask these questions and record the answers:
 - Do you have children?
 - What are their ages?



- Is there a child in the family who may be helping to provide care?
 - Do they need and have they been offered an assessment?
 - How can we support you in your parenting role?
 - What can be offered to help the whole family?
- 3.2 When assessing a person for Community Care support, the impact of that package on children in the person's family should be considered. It is not acceptable to offer a community care package that depends on a child carrying caring responsibilities that are inappropriate to their age, regardless of how competent they appear to be.
- 3.3 All workers should understand and follow [insert Local Authority] safeguarding and child protection procedures and agreed protocols for working with parents with disabilities.
- 3.4 If it is suspected that the child may be in need of children's services or at risk of significant harm, *The Framework for Assessment of Children in Need and their Families* should be used by children's services under the Children Act 1989. If a young carer does appear to be a child in need or at risk, Adults' services workers should work in partnership with Children's services to identify why this is so and whether additional support to the cared-for person could address the needs of the young carer.
- 3.5 A carer who is aged under 16 may request a carers assessment (and this request must be granted)^v whenever the person they care for is assessed or re-assessed for Community Care. Carers over 16 may request a carers assessment at any time^{vi}. The child can be offered an assessment under the Common Assessment Framework by any suitably trained worker. Whenever a young carer is assessed, the Policy Guidance to the Carers Equal Opportunities Act 2004 states that their wish to work or undertake education, training or leisure will still apply, regardless of the legislation under which they were assessed. The child could also be referred to their local Young Carers Service^{vii}.
- 3.6 Children's social care, education and health services should include in their assessment/enrolment processes these questions:
- Does the child have disabled parents or other disabled family members?
 - Could the child be a young carer?
 - Is the family member for whom they are caring already receiving services from another department or agency?
 - Has the person needing care been offered a Community Care Assessment or made aware of how to contact appropriate services?
 - Is the child's school involved or aware of what is happening and the family situation?
- 3.7 Any 'young carer' assessment should trigger an assessment or review being offered to the person who needs care.
- 3.8 During any assessment process, workers should:



- Consider the family as a whole, acknowledge parents' strengths and beware of undermining parenting capacity.
- Work with colleagues from children's/adults services and with the voluntary sector where appropriate.
- Ensure that the assessment process is appropriate to the carer's age, and specific to their needs as a young carer.
- Recognise that families may be fearful of acknowledging children's caring roles
- Ascertain if the illness/disability is stable or changing.
- Maintain a focus on positive outcomes for the young person and their family when working with other departments/ agencies.
- Respond to young carers' needs for emotional support and counselling.
- Consider the family's housing needs and access to benefits.
- Be sensitive to cultural perceptions and needs around disability, illness and caring whilst recognising a child's fundamental rights to a safe and secure childhood.
- Recognise there may be differences of view between children and parents about appropriate levels of care. Such differences may not be acknowledged. The resolution of such tensions will require good quality joint work between adult and children's social services as well as co-operation from schools and health care workers. This work should include direct work with the young carer to understand his/her views. The young person who is a primary carer of his or her parent or sibling may have a good understanding of the family's functioning and needs, which should be incorporated into the assessment.^{viii}

3.9 There should be a senior member of staff in each Local Authority with responsibility for policy relating to young carers and their families. If departments/ agencies disagree as to who should fund support for a young carer or their family, they should refer to [insert Local Authority]'s named senior manager who leads on young carers issues.

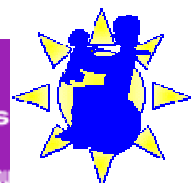
APPENDIX A: LEGISLATION AND GUIDANCE

DISABLED PERSONS (SERVICES, CONSULTATION AND REPRESENTATION) ACT 1986

Section 8 states:

8(1) Where:-

- (a) a disabled person is living at home and receiving a substantial amount of care on a regular basis from another person (who is not a person employed to provide such care by any body in the exercise of its functions under any enactment); and
- (b) it falls to a Local Authority to decide whether the disabled person's needs call for



the provision by them of any services for him under any of the welfare enactments,

the Local Authority shall, in deciding that question, have regard to the ability of that other person to continue to provide such care on a regular basis.

CHILDREN ACT 1989

Section 17(1) defines children in need as including any child:-

- (a) who is unlikely to achieve or maintain, or to have the opportunity to achieve or maintain, a reasonable standard of health or development without the provision of services by a Local authority;
- (b) whose health or development is likely to be significantly impaired, or further impaired, without the provision of such services; or
- (c) who is disabled.

S17(3) states:

Any service provided by an authority in the exercise of functions conferred on them by this section may be provided for the family of a particular child in need or for any member of his family, if it is provided with a view to safeguarding or promoting the child's welfare.

Schedule 2 requires Local Authorities to:-

- (a) Identify the extent to which there are children in need living in their area.
- (b) Provide family support services with a view to safeguarding and promoting the child's welfare; and
- (c) Encourage their upbringing by their own families as far as is consistent with the child's overall welfare.

Paragraph 3 of Schedule 2 states that

“Where it appears to a Local Authority that a child within their area is in need, the Authority may assess his needs for the purposes of this Act at the same time as any assessment of his needs is made under -

- (a) The Chronically Sick and Disabled Persons Act 1970;
- (b) Part III of the Education Act 1993;
- (c) The Disabled Persons (SCR) Act 1986; or
- (d) Any other enactment.”

NATIONAL HEALTH SERVICE AND COMMUNITY CARE ACT 1990

Section 47(1):

Subject to subsections (5) and (6) [...], where it appears to a local authority that any person for whom they may provide or arrange for the provision of Community Care services may be in need of any such services the Authority:-

- (a) shall carry out an assessment of his needs for those services; and
- (b) having regard to the results of that assessment, shall then decide whether his needs call for the provision by them of any such services.

CARERS (RECOGNITION AND SERVICES) ACT 1995

1(1) Subject to subsection (3), in any case where:-

- (a) A Local Authority carries out an assessment under Section 47(1)(a) of the National Health Service and Community Care Act 1990 of the needs of a person ("the relevant person") for Community Care services; and
- (b) an individual ("the carer") provides or intends to provide a substantial amount of care on a regular basis for the relevant person, the carer may request the Local Authority, before they make their decision as to whether the needs of the relevant person call for the provision of any services, to carry out an assessment of his ability to provide, and to continue to provide, care for the relevant person; and if he makes such a request, the Local Authority shall carry out such an assessment and shall take into account the results of that assessment in making that decision.

DfES CIRCULAR 10/99 SOCIAL INCLUSION: PUPIL SUPPORT

Paragraph 3.10 - 3.12

- Refers to possible lateness or absence of Young Carers because of their responsibilities. It suggests that schools should set time limits for absence and set some school work.
- Referrals to outside agencies should be handled sensitively.
- Schools should consider designating a member of staff to have responsibility for Young Carers.
- Schools can contribute to support schemes.

NATIONAL SERVICE FRAMEWORK FOR MENTAL HEALTH 1999

STANDARD 6 - Caring for carers

Outlines the roles and responsibilities of Social Services, G.Ps, Primary Care Teams and

others with regards to assessing and meeting carers' needs including young carers.

NATIONAL CARERS STRATEGY *Caring about Carers* DH 1999

“Frequent effects for children and young people of providing care:

- Problems at school, with completing homework and in getting qualifications;
- Isolation from other children of the same age and from other family members;
- Lack of time for play, sport or leisure activities;
- Conflict between the needs of the person they are helping and their own needs, leading to feelings of guilt and resentment;
- Feeling that there is nobody there for them, that professionals do not listen to them and are working only with the adult;
- Lack of recognition, praise, or respect for their contribution;
- Feeling that they are different from other children and unable to be part of a group;
- Feeling that no one else understands their experience;
- problems moving into adulthood, especially with finding work, their own home, and establishing relationships.”

“Young carers need:

- recognition of their role;
- support with caring tasks. This is especially important so that they can attend school and do their homework;
- information about the support available to them;
- emotional support, and especially someone who they can talk to about their feelings.”

All quotes are from Chapter 8, which also states that “schools need to be sensitive to the individual problems faced by young carers” and that “Schools might find it helpful to have one member of staff to act as a link between young carers, the education welfare service, social services and young carers' services.”

FRAMEWORK FOR THE ASSESSMENT OF CHILDREN AND THEIR FAMILIES 2000

3.61 A group of children whose needs are increasingly more clearly recognised are young carers for example those who assume important caring responsibilities for parents and siblings. Some children care for parents who are disabled, physically or mentally ill, others for parents dependent on alcohol or involved in drug misuse. For further information and guidance refer to the *Carers (Recognition and Services) Act 1995: Policy guidance and Practice Guide* (Department of Health, 1996a) and *Young Carers: Making Start* (Department of Health, 1998a).

3.62 An assessment of family circumstances is essential. Young carers should not be expected to carry inappropriate levels of caring which have an adverse impact on their development and life chances. It should not be assumed that children should take on similar levels of caring responsibilities as adults. Services should be provided to parents to enhance

their ability to fulfil their parenting responsibilities. There may be differences of view between children and parents about appropriate levels of care. Such differences may be out in the open or concealed. The resolution of such tensions will require good quality joint work between adult and children's social services as well as co-operation from schools and health care workers. This work should include direct work with the young carer to understand his or her perspective and opinions. The young person who is a primary carer of his or her parent or sibling may have a good understanding of the family's functioning and needs which should be incorporated into the assessment.

3.63 Young carers can receive help from both local and health authorities. Where a child is providing a substantial amount of care on a regular basis for a parent, the child will be entitled to an assessment of their ability to care under section 1(1) of the *Carers (Recognition and Services) Act 1995* and the local authority must take that assessment into account in deciding what community care services to provide for the parent. Many young carers are not aware that they can ask for such an assessment. In addition, consideration must be given as to whether a young carer is a child in need under the Children Act 1989. The central issue is whether a child's welfare or development might suffer if support is not provided to the child or family. As part of the *National Strategy for Carers (1999a)*, local authorities should take steps to identify children with additional family burdens. Services should be provided to promote the health and development of young carers while not undermining the parent.

CARERS AND DISABLED CHILDREN ACT 2000

S. 1. (1) If an individual aged 16 or over ("the carer")-

- (a) provides or intends to provide a substantial amount of care on a regular basis for another individual aged 18 or over ("the person cared for"); and
- (b) asks a local authority to carry out an assessment of his ability to provide and to continue to provide care for the person cared for,

the local authority must carry out such an assessment if it is satisfied that the person cared for is someone for whom it may provide or arrange for the provision of community care services.

CARERS (EQUAL OPPORTUNITIES) ACT 2004

Explanatory notes, paragraph 10:

First, the Act requires local authorities to inform carers, in certain circumstances, that they may be entitled to an assessment under the 1995 and 2000 Acts. Second, when undertaking a carer's assessment, the local authority must consider whether the carer works, undertakes any form of education, training or leisure activity, or wishes to do any of those things. Third, the Act provides for co-operation between local authorities and other bodies in relation to the planning and provision of services that are relevant to carers.

APPENDIX B: FURTHER RESOURCES

- www.youngcarers.net The Princess Royal Trust for Carers young carers website offers online support to young carers and includes a section for professionals.
- www.youngcarer.com The Children's Society's Young Carers Initiative includes a database of local Young Carers Services and the DfES Principles of Practice for working with young carers.
- www.disabledparentsnetwork.org.uk Disabled Parents Network is the leading organisation advocating for the rights of disabled parents. The website includes information on the legal rights of disabled parents.

ⁱ recommended in *Fair Access to Care* and *A Jigsaw of Services*

ⁱⁱ Based on definition in *Young carers in the UK: research, policy and practice*. Research Policy and Planning, 2001. 18(2): p. 13-21. Becker, S., C. Dearden, and J. Aldridge,

ⁱⁱⁱ The Children Act 1989

^{iv} Fair Access to Care practice guidance (DH 2002); Fair Access to Care guidance on eligibility criteria for Adults' Services (DH 2002); The Framework for Assessment of Children in Need 2000 para 3.62; Community Care in the Next Decade and Beyond, (DH 1990)

^v Carers (Recognition and Services) Act 1995; Carers (Equal Opportunities) Act 2004

^{vi} Carers and Disabled Children Act 2000; Carers (Equal Opportunities) Act 2004

^{vii} There is a database of Young Carers Services at www.youngcarer.com and a UK wide web-based young carers support service at www.youngcarers.net

^{viii} *The Framework for Assessment of Children in Need and their Families* Department of Health; Department for Education and Employment; Home Office. The Stationery Office 2000