



Social Care law reform: parent carers

Summary:

Parents of disabled children have often struggled to establish rights as individuals on a par with other carers of all ages and they are at particular risk of having their own rights overlooked as individuals.

Government is improving the rights of adult carers of adults in the Care Bill by;

- removing the need to be providing regular and substantial care in order to receive an assessment
- removing the need to request an assessment of their needs
- placing a duty on local authorities to provide services to the carer following assessment
- introducing a new well-being principle that focuses on basic human rights principles where assurances have been given that this will cover carers
- placing a duty on local authorities to take steps to prevent or delay the needs for care and support of carers in their areas

The Care Bill only covers the rights of adults caring for adults and will not apply to parents of disabled children or young carers. The Government has committed to making changes to the Children and Families Bill to resolve this for young carers caring for adults but unless changes are made, parents and practitioners will have to rely on left over legislation for parents of disabled children.

The current approach will make it much more difficult for parents to access support and flies in the face of the Government's intention to consolidate and clarify England's social care law.

Law Commission's recommendation on parent carers

Parent carers should continue to have a right to a carer's assessment under the Carers (Recognition and Services) Act 1995 and the Carers and Disabled Children Act 2000.

The duties to assess a parent carer in the 1995 and 2000 Acts should be amended to make them consistent with the threshold for a carer's assessment under the adult social care statute.

The Government and Welsh Assembly Government should either consolidate parent carers' assessments into a single statute, as described in Recommendation 59, or incorporate them into the Children Act 1989.



Current legislation

There are three main Private Members' Bills covering the rights of parents of disabled children. Parents of disabled children are entitled to an assessment under the Carers (Recognition and Services) Act 1995 and the Carers and Disabled Children Act 2000. The Carers (Recognition and Services) Act 1995 gives parent carers a right to a separate assessment in addition to their needs being addressed in their child's Children Act assessment.

The Carers Equal Opportunities Act 2004 radically established the right to have the assessment look at the carer's wishes to work, learn and consider leisure.

Recommendations for change:

- Make the rights of parent carers to assessment consistent with those for adults caring for adults by;
 - Removing the need to request an assessment
 - Removing the bar to be providing regular and substantial care.

Carers UK is also calling for the introduction of a duty to provide services to meet the parent's needs following assessment and to ensure that these are met under s. 17 of the Children Act 1989.

Carers UK has also urged the Government to ensure that the well-being principle, as set out currently in Clause 1 of the Care Bill, is also applied to parents of disabled children. This could come as an amendment to the draft Bill or as a new Clause in the Children and Families Bill.

Negative consequences if nothing is done

- Parents of disabled children will be left with the lesser and inconsistent rights to assessment and support which will remain rump legislation.
- Child care practitioners will have to navigate complex legislation in order to assess and provide support to those caring for children
- Parents of disabled children who already have difficulty accessing support will find it even harder
- Sibling young carers will have rights not enjoyed by their parent (who may be the prime carer).

About Carers UK

Carers UK is a charity set up to help the 6.5 million people who care for family or friends. At some point in our lives every one of us will be involved in looking after an older relative, a sick friend or a disabled family member. Whilst caring is part and parcel of life, it can affect your job, your health and your finances. Without the right support the personal costs can be high.

Carers UK is a membership organisation of carers, run by carers, for carers. We have 17,000 members and a reach of many more. We provide information and advice about caring alongside practical and emotional support for carers. Carers UK also campaigns to make life better for carers and influences policy makers, employers and service providers, to help them improve carers' lives.

Carers UK has offices in Wales, Scotland and Northern Ireland. This response reflects the views of the organisation, UK-wide.

Keep up to date with our campaigns and research:

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Legal information

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