

Children and Families Bill

AMENDMENTS
TO BE MOVED
IN GRAND COMMITTEE

After Clause

LORD NASH

Insert the following new Clause –

“Young carers

(1) In Part 3 of 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.
- (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) whether the young carer is participating in or wishes to participate in education, training or recreation, and
 - (b) whether 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 whom 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
 - (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 Secretary of State may by regulations make provision about—
 - (a) the manner in which a young carer’s needs assessment is to be carried out;
 - (b) the form a young carer’s needs assessment is to take.
- (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 references in section 17ZA and this section to providing care include a reference to providing practical or emotional support.
- (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.

17ZD [Young carers: vouchers: England]

- (1) [The Secretary of State may by regulations make provision for the issue of vouchers by a local authority in England.
- (2) “Voucher” means a document by means of which a person cared for by a young carer may secure that services in place of the care which would normally be provided by the young carer are temporarily delivered, under section 17, by another person.
- (3) The regulations may not provide for the issue of a voucher by a local authority in respect of services in place of care normally provided by a young carer unless the authority agree with the

young carer that it would help him or her care for the person cared for if he or she had a break from caring.

- (4) The regulations may in particular provide—
 - (a) for the value of a voucher to be expressed in terms of money, or the delivery of a service for a period of time, or both;
 - (b) for the person who supplies a service against a voucher, or for the arrangement under which a service is supplied, to be approved by a local authority in England;
 - (c) for vouchers to be issued to the young carer or to the person cared for;
 - (d) for a maximum period during which a service (or a service of a prescribed description) can be provided against a voucher.]”
- (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) 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).”