

# CARE ACT 2014

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 1 – Care and Support**

#### **Transition for children to adult care and support, etc.**

#### *Section 63 – Assessment of a young carer’s needs for support*

381. This section provides a duty for local authorities to assess a young carer’s needs for support where it considers the child is likely to have needs for care and support after turning 18 and where there is significant benefit to the young carer in carrying out the assessment. This provision does not affect existing rights to assessment under section 1 of the Carers and Disabled Children Act 2000. A young carer, or a person acting on their behalf, could request an assessment in advance of their 18th birthday, which could indicate to the local authority an appearance of need which would trigger the duty.
382. If a young carer refuses an assessment but is experiencing (or at risk of) abuse or neglect, the local authority must carry out an assessment. It must also carry out an assessment if the young carer does not have capacity or is not competent to consent but it is satisfied that it would be in the young carer’s best interests for an assessment to be carried out.
383. There is no prescription about the age at which the local authority must assess. The local authority must consider in all cases whether there would be “significant benefit” to the young carer in undertaking the assessment, so that the authority is able to take all relevant circumstances into account in deciding whether to assess.
384. In judging whether a young carer is likely to have needs for support after they turn 18, this is intended to reflect any need for support, not just those needs that will be eligible after the young carer turns 18. This is similar to the trigger for assessments for carers of adults with care and support needs. When judging whether an assessment would be of ‘significant benefit’ to the young carer, this is intended to reflect when the assessment should take place.
385. A young carer does not have to be receiving any specific service under children’s legislation in order to request this assessment. Similarly, there is no restriction on the age of child for whom the request may be made, or their proximity to their 18<sup>th</sup> birthday. The local authority must consider in all cases whether there would be “significant benefit” in undertaking the assessment, so that the authority is able to take all relevant circumstances into account in deciding whether to assess.
386. The purpose of this assessment would be to consider what needs for support the young carer may have after their 18<sup>th</sup> birthday to support planning for transition to adult care and support. The local authority will therefore assess the child’s needs by reference to the adult care and support arrangements, and this power is not intended to be used to assess needs for children’s services.
387. Where an assessment is carried out the information provided to the carer should include an indication of whether they are likely to have eligible needs for support on their 18<sup>th</sup>

birthday, and advice and information about what can be done to meet eligible needs and what can be done to prevent or delay the development of needs.

388. If the local authority does not comply with a request for an assessment it must explain why in writing and provide information and advice about what can be done to prevent or delay the development of needs.