

Young Carers Alliance evidence to House of Lords Select Committee on the Children and Families Act 2014

Summary

This evidence is submitted by the Young Carers Alliance in response to the question as to whether the Children and Families Act 2014 has improved the lives of young carers and their families.

Whilst the inclusion of young carers and creation of distinct statutory rights for them within the legislation has helped to raise awareness of this group of children and young people, there is still a great deal of inconsistency as to what difference it has made for them and their families. Some local authorities have taken a proactive multi-agency approach to ensuring their obligations to young carers are being met, but there are still areas where pathways for assessments are not clear and local authorities have little awareness as to how many young carers there are in their area.

The 2014 Act had all of the necessary provisions to ensure that the lives of children and young people aren't negatively impacted upon by caring responsibilities, but the lack of clear guidelines or monitoring around the implementation is what needs to be addressed if the situation for this group of children and young people is going to improve.

Research has shown that there remains a significant variation between the number of young carers known to local authorities and the numbers it is predicted there could be. And young carers themselves have raised questions as to how well assessments are happening in practice.

Some local authorities have still not yet implemented systems to record assessments having been completed, or what the outcome of the assessments were, and some rely on their local young carers' organisation to provide a figure for the number of young carers in the area.

When asked about support for young carers, the government quite rightly points to the duties placed on local authorities under this legislation to ensure that children and young people are not taking on inappropriate and excessive caring responsibilities. We believe that the Committee should ask the Government what provision is in place to ensure this happens in practice.

The Government need to make it clear whose role it is to ensure that local authorities are meeting their statutory duties towards young carers. Currently it is being left to local carers' charities to ensure that the rights of young carers are being upheld. The Government also needs to ensure that local authorities have sufficient resource (both financial and staffing) to meet their duties to young carers. Across the Alliance we have seen reductions in services and provision for young carers because of budget pressures.

Without this accountability, and the required resource to ensure assessments lead to support, we are concerned that young carers will continue to go unidentified and unsupported.

Young Carers Alliance

A young carer is someone under the age of 18 who looks after a family member or friend who has a physical or mental health condition, or misuses drugs or alcohol.

The Young Carers Alliance is a network of over 70 organisations committed to improving the identification, assessment, and support of young carers and young adult carers and ensuring their voices are heard and acted upon. The network is made up of organisations and individuals from across research, policy and practice.

We are submitting evidence because more than five years on from the creation of these new rights for young carers, there is still a postcode lottery as to whether young carers are being proactively identified and receiving meaningful assessments which improve the situation for them and their families. These rights should have significantly reduced the extent to which children and young people's health, wellbeing and opportunities are being negatively affected by their caring responsibilities. But in practice, the lack of accountability for local authorities in relation to these duties mean it is being left to young carers and voluntary sector organisations to try and secure these rights.

The Children and Families Act 2014 and young carers

The Children and Families Act 2014 introduced specific legal rights for young carers. Section 96 placed a duty on local authorities to assess whether a young carer has needs for support – this being done through a Young Carer's Needs Assessment.

The legislation also places a duty on local authorities to take 'reasonable steps' to identify the extent to which there are young carers in the area in need of support

To what extent has the Act improved the situation for young carers?

Has the Act improved identification of young carers?

Whilst the legal rights for young carers introduced through this legislation did help to raise awareness of young carers, there is still a postcode lottery as to whether the local authority is proactively trying to identify young carers.

We are still finding that young carers are going years without any support because they haven't been identified as young carers. A Caring Together snapshot survey of young carers earlier this year found that it took on average 3 years for young carers to be identified and linked into support.¹ There were some young carers who had been caring for over 10 years before they were offered support as a young carer.

¹ <https://www.caringtogether.org/wp-content/uploads/2022/02/From-caring-to-support-we-still-need-to-close-the-gap-for-young-carers-PDF-158kB.pdf>

In local authorities who are doing this well, there are strategic multi-agency meetings which bring together the local authority, health, education and the voluntary sector to identify opportunities to improve identification and support for young carers.

In Norfolk, there is a Young Carers Multi-Agency steering group which is chaired by a carers' organisation, but has membership from social care, education and a variety of health organisations. The local authority membership crosses both children's' and adults' services. There are specific sub-groups around education, health and assessment/support and the group has worked with young carers to develop emergency planning tools for young carers, and awareness-raising across a broad spectrum of health organisations, including hospitals, school nurses and the ambulance service.

Similarly, in Leicestershire, there is a local strategy board involving the local authority and Barnardo's. They have got a Memorandum of Understanding in place; and worked with young carers to develop a young carers card to help raise awareness.

This multi-agency model is one which we believe should be recommended as a model of best practice. Currently, there is no consistency and so more needs to be done to remove this postcode lottery. Implementation is the key issue – young carer organisations who are members of the Young Carers Alliance are regularly calling for better multi-agency work around identification, but they report not getting the required buy-in from the local authority, or colleagues in education and particularly health. Often carers' organisations don't have the required 'clout' or capacity to challenge this lack of engagement; national guidance needs to be clear with examples of best practice around identification and local authorities need to evidence how they are meeting this statutory duty.

"I'm not aware of any measures taken to proactively identify young carers other than a reactive approach" **Young Carers Alliance member organisation**

Despite the duties on local authorities to identify young carers and provide Young Carers Needs' Assessments, there is still lack of awareness of how many young carers there are. Analysis by the BBC suggests that as many as 75% of young carers in England are not known to their local council.² This Freedom of Information request found that local authorities were aware of around 58,000 young carers – this equates to just over a third of the number of young carers identified in the 2011 Census, the last official calculation of young carers. The Census figure is widely regarded to be a significant underestimate, with other studies suggesting the number of young carers could be as high as 800,000, which would make the percentage known to local authorities as low as 7%. Some local authorities including Leeds, Bolton, Tower Hamlets and Derby responded to the Freedom of Information request saying they had less than 50 young carers, while others including Suffolk,

² <https://www.bbc.co.uk/news/uk-59222288>

Lincolnshire and West Sussex said they had over 1,000. Six local authorities said it would cost too much to retrieve the data, while 11 councils couldn't give data for the year April 2019 to March 2020. Two councils only provided census information dating back to 2011, while another council claimed it was unable to release the numbers as it was personal information.³

In contrast, there are areas such as Lincolnshire, Suffolk and West Sussex who have over 1000 young carers identified. In West Sussex, they have an in-house Young Carers team within the local authority. In addition to completing the Young Carer Assessments and support plans, the team also lead on awareness-raising activities and projects as part of a wider strategic multi-agency network which focus on helping to identify more young carers. The local authority also keeps a register of young carers known to them, with it currently having over 2000 young carers on it.

When the Freedom of Information request was submitted, several local authorities went to members of the Young Carers Alliance to ask them how many young carers they had known to them and used this as the figure for the number of young carers in the area.

We are also concerned that without proactive identification of young carers, there will be groups of young carers who will continue to be unidentified and unsupported, such as those supporting family members with mental health or substance misuse issues, young carers from minoritised communities or those providing support to siblings.

Has the introduction of a legal right to Young Carers Assessments improved the situation for young carers?

The Children and Families Act 2014 introduced clear statutory rights to assessments for young carers and made clear that young carers should not be taking on inappropriate or excessive levels of caring. However, our concern is that very little has been done to ensure that these assessments are happening, or that they are improving the lives of young carers and their families.

In Caring Together's snapshot survey⁴, only 54% of young carers reported having received a young carer's needs assessment. Whilst 12% said they hadn't had an assessment, more than a third did not know if they had received one or not. This suggests more still needs to be done to ensure that not only are assessments consistently happening, but that they are involving young carers and that the young person gets a copy of it so that they know the outcome.

There are also still areas where the process for accessing an assessment is a barrier in itself. Some local authorities have embedded Young Carers Needs Assessments into their multi-agency referral process, and so that requires

³ <https://www.bbc.co.uk/news/uk-59222288>

⁴ <https://www.caringtogether.org/wp-content/uploads/2022/02/From-caring-to-support-we-still-need-to-close-the-gap-for-young-carers-PDF-158kB.pdf>

young carers to go through often lengthy multi-agency referral paperwork to get a Young Carers' Assessment.

In addition, whilst some local authorities have produced clear information as to how to access young carers assessments, in other areas there is still a lack of clarity as to who is responsible for doing the assessments.

There is also a lack of consistency around what constitutes '*inappropriate and excessive*' – particularly for certain ages, and so this is resulting in young carers not being able to access support. For example, in one local authority, a young person caring for mum with Type 1 diabetes, anorexia and alcohol misuse issues was deemed not eligible for a young carers' assessment. Similarly, we also know of local authorities where young people supporting a disabled brother or sister are also not eligible for assessment. This is despite the legislation not imposing any requirement as to who the young person is caring for, or how much care they are providing. We feel that the committee should call for clearer guidance on what constitutes '*inappropriate and excessive*' particularly in terms of the age of the child or young person.

There are some areas where there have been good examples of local authorities working with young carers and carer organisations to implement the duties. In Sheffield, the assessment tool was developed with young carers before the Act came into force, but its use has been patchy. The Council and local young carers service are currently undertaking a joint review of the young carers assessment and implementation of the legislation. In Cumbria, a full Young Carers assessment process is carried out through the All-Age Carers contract between the local authority and the Carers support organisations across the county asking all the relevant and appropriate questions. The process also maps the Young Carer's journey through support structures and there is provision for regular reviews. And in Cambridgeshire and Peterborough – until August 2020, young carer assessments were done within the respective local authorities - there were two different processes and assessments. Despite continued promotion of the assessments, and regular links between the carer organisations and the local authorities, uptake wasn't as high as expected. With the new young carers' support contract, this was built into the commissioned young carers service from August 2020. As a result of having a single pathway for Young Carers Needs Assessments, there has been a significant increase in the number of Young Carer Needs Assessments completed and it links into the support that is then offered to the young carer and their family.

What difference have Young Carers Needs Assessments made?

Our biggest concern is that not enough is known about what difference having a Young Carers Needs Assessment has made for the young carer and their families and that no-one appears to be requiring local authorities to account for this.

Despite the assessments coming into force in 2015, there are still some local authorities who are unable to say how many assessments have taken place,

or what the outcomes of assessments have been. This was evidenced by the FOI request last year which showed multiple local authorities reporting having less than 50 young carers, with one local authority saying they only have nine.⁵

“As it stands - Children's services have responsibilities for children and have not established a co-ordinated approach with adult services as guided by the Children and Families Act 2014 or in line with the Care Act 2014. I have been told that a conversation with the young carer takes place but no young carers assessment in adult MH services. We have no factual evidence that this has taken place or for how many families because of the lack of data” **Young Carers Alliance member organisation**

There are also still local authorities who haven't implemented the required systems to record assessments having taken place.

“I have discovered that the practitioners have received training on how to have a conversation with young carers that can inform the care of the adult they support. This cannot however be translated into a young carers assessment within the adult team because there is nowhere in the electronic records system where a young carers assessment can be recorded or verified. I have no idea - again from the limitations of recording data re young carers what the outcomes of the "conversation" with the young carers is” **Young Carers Alliance member organisation**

We believe that there should be a comprehensive review of how local authorities are complying with their duties in relation to Young Carers Needs Assessments and there needs to be clarity as to who will be holding local authorities to account in relation to the provision of assessments. This accountability needs to ensure that assessments are available, but that they are also improving the lives of young carers and their families.

2. If there were to be a Children and Families Act 2022, what should it include and what might be the barriers to implementation?

On paper, the Children and Families Act 2014 created clear, tangible rights for young carers to improve their lives, and the lives of their families. The issue has been the lack of accountability in relation to the implementation of these rights.

If there were to be a Children and Families Act 2022, the Young Carers Alliance would want to see some of the duties placed on education, health and social care providers in relation to children with special educational needs or a disability, mirrored for young carers. This includes adult and children's services consistently working collaboratively to support the whole family.

⁵ <https://www.bbc.co.uk/news/uk-59222288>

Section 23 of the 2014 Act places a duty on health bodies to bring children who have (or probably have) special educational needs or a disability to the attention of the local authority. Mirroring this for young carers would ensure that if a health professional, such as a GP, adult mental health practitioner, or hospital staff, identifies a potential young carer then they would have a duty to ensure these young carers are offered a Young Carers Needs Assessment. This duty would complement the proposed duties in the Health and Care Bill in relation to young carers and hospital discharge (which place a duty on hospital trusts to consult with young carers if the person they care for is going to require care and support following discharge from hospital)

Section 25 promoted integration between education, health and social care and section 28 requires local authorities to co-operate with local partners in relation to children and young people with special educational needs or disabilities (Part 3). By extending the coverage of these duties beyond the duties in Part 3 and to the duties in the rest of the legislation, this would increase the likelihood of more consistent joined up working in relation to young carers.

The challenge of making these changes is that it would still rely on the extent to which these rights are implemented by local authorities. We would therefore welcome:

1. Making clear reference to statutory guidance and a requirement for local authorities to have regard to it; and
2. Placing a clear duty on Ofsted to monitor the implementation of these statutory duties during inspections of local authority children's services.

An alternative option would be to broaden the statutory powers of the Children's Commissioner in the 2014 Act and give them the explicit power to monitor the implementation of children's statutory rights such as those for young carers brought in by the Children and Families Act 2014.