

No wrong doors: working together to support young carers and their families

A template for a local memorandum of understanding between statutory Directors of Children's and Adult Social Services – March 2015.

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About this Paper

The template in this paper is a resource to help promote working together between Adult's and Children's social care services and enhanced partnership working with health and third sector partners. The final local text may be varied to reflect local circumstances and policies.

Nothing in this paper seeks to amend or replace statutory or accepted best practice guidance. Whilst every attempt has been made to ensure accuracy and promote best practice, this document does not represent a formal statement of the law or Government policy. Statutory Directors should obtain further information or legal advice, as necessary. The Associations cannot accept any responsibility for loss or liability occasioned as a result of people acting or not acting on any information contained in this paper.

All references to *children* in this paper include *young people under the age of 18*.

Acknowledgements

The development of the template was made possible through the invaluable contributions of colleagues within both Associations, the ADASS Carers Policy Network, the support and advice of the Department for Education and Department of Health. Thanks are also due to the SE ADASS Network who kindly arranged funding to support development of this shared resource.

Joint foreword to template

Young carers tell us of the importance of joint working and the real difference that timely and effective support services make. To help support this, a model local Memorandum of Understanding was published jointly by ADCS and ADASS in December 2009 and updated in 2012.

The revised template in this third edition reflects the important new duties and powers placed on local authorities by the Care Act 2014 and the Children and Families Act 2014. These obligations are reinforced in the Young Carers Assessments Regulations 2015, the Guidance related to both of these Acts and "Working Together to Safeguard Children" (DfE – 2015). We are delighted to note that many of things highlighted as good practice in earlier versions of the Memorandum of Understanding are now incorporated into law.

Our starting point is that children and young people who are carers have the same rights as all children and young people. Young Carers should be able to learn, achieve, develop friendships and enjoy positive, healthy childhoods; just like other children. Where services are working with families we should try to ensure that the needs of children in the family, including those who may be assisting with caring, are recognised. This means taking account of their hopes, aspirations, strengths and achievements; and the need for advice and support for all the family.

Young carers and families are experts on their own lives. It falls to professionals across all sectors to include them in shaping the personalised and integrated responses that best respond to their needs. This applies equally whether care needs arise as a result of mental or physical illness or disability, substance misuse and whether a parent, a sibling or a family member is the focus of support.

The updated template offers a framework which professionals can use to provide personalised and joined up support for young carers and their families. This should apply equally when working in partnership with colleagues in health and the third sectors and include where local authorities delegate portions of their assessment processes. This might, for example, include mental health services hosted within NHS Trusts or Carers Centres contracted to undertake carers' assessments.

Where one person holds both statutory roles the memorandum template may still be relevant for use by their operational leads for adults and children's social care within the organisation.

Finally, this revised template jointly agreed between our four organisations reflects our shared commitment and we hope that widespread adoption and use of the template can help us all to build on national policies, support local progress and achieve better outcomes for young carers and their families.

Issued jointly by the Association of Directors of Children's Services, the Association of Directors of Adult Social Services, The Children's Society and the Carers Trust - March 2015

No wrong doors: working together to support young carers and their families

A memorandum of understanding

1. Key principles

Young Carers have said that there should be “no wrong doors” for young carers and their families. Young carers should be identified, assessed and their families supported regardless of which service is contacted in the first place. Children and Adult Social Services therefore commit through this memorandum to work together locally, adopting a whole system, whole council, whole family approach to providing support for young carers and their families. This will be achieved through working across systems, in partnership with health and with local carers’ organisations. Children and Adult Social Services will work together to fulfil duties in law¹ and ensure that the following key principles² underpin practice:

- *The starting point should be to assess the needs of the adult or child who needs care and support and then see what remaining needs for support a young carer in the family has.*
- *The presence of a young carer in the family should always constitute an appearance of need and should trigger either an assessment or the offer of an assessment to the person needing care.*
- *A whole family approach is key when assessing an adult needing care where there are children in the family providing care to the adult or undertaking wider caring responsibilities. The adult’s assessment and eligibility for support should take into account their parenting responsibilities and the functioning of the family.*
- *Assessments should ascertain why a child is caring and what needs to change in order to prevent them from undertaking excessive or inappropriate caring responsibilities which could impact adversely on their wellbeing, education, or social development. It will be good practice to seek the views of children and adults separately, as it may be very difficult for children to say how they really feel in the presence of an adult who may also be the person they care for.*
- *Consideration must be given to whether a young carer is a ‘child in need’ under the Children Act 1989. The assessment must establish if they are unlikely to achieve or maintain a reasonable standard of health or development without the provision of services and whether their health or development may be impaired if they or their family are not provided with support.*

¹ Responsibilities for identifying and supporting young carers are placed on the local authority as a whole. These responsibilities are set out in the Children’s Act 1989 (as amended by the Children and Families Act 2014) and under the Care Act 2014. Section 96 of the Children and Families Act 2014 introduces new rights for young carers to ensure young carers and their families are identified and their needs for support are assessed. From April 2015 all young carers will be entitled to an assessment of their needs from the local authority. This new provision works alongside measures in the Care Act 2014 for transition assessment for young carers as they approach adulthood, and for assessing adults to enable a “whole family approach” to providing assessment and support. These obligations further explained in The Young Carers (Needs Assessments) Regulations 2015 and in Guidance related to both of these Acts and “Working Together to Safeguard Children” (DfE – 2015).

² Joint statement on key principles for supporting young carers made by DH and DfE (updated 2015)

These principles apply equally to all children up to the age of 18, recognising that young carers may require more focused support during the period they will be making the transition to adulthood. It is also intended that a consistent and coordinated approach is taken to identifying and supporting young adult carers aged 18 to 24.

2. A Shared Understanding

The definition of a young carer is taken from section 96 of the Children and Families Act 2014; "...a person under 18 who provides or intends to provide care for another person (of any age, except where that care is provided for payment, pursuant to a contract or as voluntary work). For the purposes of this Memorandum, this relates to care for any family member who is physically or mentally ill, frail elderly, disabled or misuses alcohol or substances. This memorandum also applies to young adult carers aged up to 25 and the transition from children's services to adult care and support.

3. Identifying young carers and promoting well being

At the first point of contact, all those undertaking or receiving referrals or with responsibility for undertaking assessments will have a key role in identifying young carers. At the point of assessing the cared-for person, it is important to ask whether there are children in the same household as the person they are assessing and, if they do, to establish how much care and support is undertaken by any children through discussions with any adult who is being assessed and other family members, including the child(ren) concerned. Practitioners responsible for assessing people with care needs should identify how it will be possible to support the person in need of care so that children and young people are not relied on to provide excessive or inappropriate care. It will be essential that the particular vulnerabilities and needs of children and young people are recognised. Practitioners responsible for assessing adults with care needs must be able to recognise and respond to risks to children's safety and welfare. They must know how to respond where they have concerns that children are, or may be, suffering significant harm.

4. Assessment

4.1 Responsibilities for assessment provision

There will be provision for an assessment of needs for support for all young carers under the age of 18 on request from them or their parent or on the appearance of need. This will be available regardless of who they care for, what type of care they provide or how often they provide it. Young carers, the person cared for and, if different, the parents of the young carer will be informed about the assessment process and we will ensure they are able to participate in the process as effectively as possible.

The primary responsibility for responding to the needs of young carers and young adult carers and ensuring an appropriate assessment rests with the service responsible for assessing the person they support, rather than the age of the carer. This means that:

- Young carers of disabled children are the responsibility of the Children's Service which will also need to undertake carers' assessments for any young adult carers who look after disabled children.
- Adult Services will identify children in the household / family network and ensure that young carers are not left with excessive and inappropriate levels of caring responsibilities that risks them becoming vulnerable. They will also need to undertake

carers' assessments for young adult carers. Adult Services will refer to Children's services where the child is thought to be a child in need or to young carers services or Early Help where other preventative services are needed.

(**Note;** In each area a decision should be made concerning in which circumstances it would be reasonable for adult workers or voluntary sector partners to undertake young carers assessments and when, in more complex cases, to refer to Children's Services. What is appropriate will vary based on local circumstances).

4.2 Whole family approach to assessment

A whole family approach will be embedded into local assessments. This means making sure any assessment takes into account and evaluates how the needs of the person being cared for impacts on the needs of the child who is identified as a possible young carer, or on any other child or on other members of the household. A thorough assessment centred on the family should result in appropriate support being provided for the person in need of care and support. This may result in the young carer being relieved of part or all of his or her caring role. Any remaining unmet support needs for the young carer should then be considered and responded to.

Further information and practice guidance is available in "**The Care Act and Whole Family Approaches**". This was published by ADASS March 2015 in association with several partners and was commissioned by the Department of Health. (See link to LGA website [Needs assessments and carers' assessments](#))

4.3 Principles of practice in undertaking a young carers needs assessment

No care or support package for a parent, other adult or sibling should rely on excessive or inappropriate caring by a young carer to make it sustainable.

When carrying out a young carer's needs assessment we will work to determine:

- the amount, nature and type of care which the young carer provides;
- the impact of the caring role on the young carer's wellbeing, education and personal and emotional development;
- whether any of the caring tasks the young carer is performing are excessive or inappropriate having regard to all the circumstances
- whether a needs assessment of the cared for person (be they a child or adult) has been carried out, and if not, to request one;
- whether any of the young carer's needs for support could be met by providing support or services to:
 - the person cared for [by the young carer]; or
 - another member of the young carer's family.
- what the young carer's needs for support would be likely to be if he or she were relieved of part or all of his or her caring role and whether the young carer has any remaining unmet needs.

When carrying out a young carer's needs assessment, we will:

- ensure that the assessment is carried out in a manner which is appropriate and proportionate (in the light of the young carer's age, needs and wishes and feelings;

- adopt a whole family approach;
- ensure that any person who is to carry out a young carer's needs assessment has sufficient competence, knowledge, skills and training to be able to carry out that assessment and be an appropriate person to carry out the assessment in the light of the young carer's age, sex and understanding
- where considered appropriate or necessary to do so, consult persons with expertise and knowledge relevant to the young carer; and also to consult any person the young carer or their parent wishes to involve
- ensure that the young carer, the person cared for and, if different, the parents of the young carer are informed about the assessment process, usually prior to the assessment, and are helped to be able to participate in the process as effectively as possible.
- We will provide young carers, their parents and any person at the request of the young carer or their parent with a copy of the assessment with information about the actions to be taken including whether the young carer has been assessed as a "child in need" and confirming arrangements for review.

Where a young carer a "child in need" needing protection and support or needs early help support, adult workers will discuss the case with the Children's Services to decide if further action is needed. Further action might include:

- a referral to an independent Young Carers' service;
- accessing preventative support through the "Early Help Network"
- a joint assessment where appropriate (there is provision in the Care Act Guidance and in Section 17 of the Children Act to combine a young carers assessment with that of the adult); or
- further investigation by Children's Services about safeguarding concerns if there is a likelihood of significant harm to the child.

Where there are any aspects of a situation that indicates there are concerns about children's and/or vulnerable adults' safety and they require protection from harm these will be responded to swiftly and in line with local safeguarding procedures. Typically, children's services will undertake the provision of services or support to children in need and adult social services will undertake services and support to the adult. These may be directly provided or commissioned from other providers.

5. Information, advice and advocacy

Together with our partners, we will work towards a position where services are available to all young carers and their families offering information, advice, advocacy, representation and support. This includes, where appropriate, support through local young carers' services, young adult carers projects or parenting groups. We will work with partners in the local community to ensure that information and advice for young carers is available in a range of appropriate settings and formats that are accessible by children and young people.

6. Transition to Adulthood

We will assess the needs of young carers as they approach adulthood wherever it appears that there may be 'significant benefit' to the individual in doing so. Young adult carers often find their education, training and employment prospects are challenged by their caring role. We will therefore consider how to support young carers to prepare for adulthood and to raise and fulfil their aspirations. This is regardless of whether the young carer currently receives

any services and includes young carers whose parents have needs below the local authority's eligibility threshold.³

Where young carers are not eligible for services, the transition assessment will be followed up with good information and advice about support in the community.

We recognise that the power to join up assessments can be important at transition and where appropriate we will consider combining any existing Education Health and Care plans with transition plans and plans for the adult carer. When assessments are combined, we will as appropriate designate a named person to coordinate transition assessment and planning across agencies.

7. Information Sharing

Effective and timely information sharing between agencies, including health, is critical to empowerment, preventative work, supporting transitions and promoting the welfare of young carers. Within the framework of existing local information sharing protocols our aim is to ensure specific recognition of the position of young carers and their identification and support.

8. Safeguarding

8.1 Joint responsibility

We will ensure that practitioners are aware of local safeguarding policy and practice and accept a joint responsibility to work in partnership to identify and respond to any young carers who are suffering, or likely to suffer, significant harm.

Early sharing of information is key if there are emerging concerns. No professional should assume that someone else will pass information on that they think maybe critical to the safety or wellbeing of any child or adult. If a professional has concern about a child's or adult's welfare and believes they are suffering or likely to suffer harm or neglect then they should share the information with the local authority and, or, the police if they believe or suspect a crime has been committed. Information sharing should be in line with local agreements and Caldicott principles.

8.2 Local Safeguarding Boards

Local Safeguarding Children and Adults Boards will be made aware of issues surrounding young carers and of this Memorandum of Understanding. This is to ensure consistency with local multi-agency policies and procedures. This will also raise awareness of the way in which safeguarding work forms part of a continuum of person-centred and proportionate risk-based responses. We can all use these to ensure that those adults and children at risk of harm are kept safe and their welfare is promoted.

9. Putting these intentions into action.

Actions arising from this agreement will form part of our commissioning plan for carers and of a more detailed action plan. We will put in place arrangements for periodic audit and the provision of reasonable assurance to the Council, partners, young carers, their families and

³ Paragraph 16.18 Care and Support Statutory Guidance; Issued under the Care Act. DH 2014

the community on how this memorandum of understanding is being implemented. Feedback from young carers and their families will be an essential element of audits.

Programmes for learning and development will be put in place to raise awareness and understanding of young carers and their families. Training will be designed to support those undertaking young carers' assessments to have the necessary knowledge and skills. This should include ensuring that practitioners in the local authority and partner agencies are aware of the specific requirements concerning young carers of the Care Act and amendments to the Children Act and accompanying Guidance and Regulations.

10. Local Partnerships

There should be no "wrong doors" for young carers and their families. Young carers should be identified, assessed and their families supported in ways that prevent excessive or inappropriate caring and support parenting roles regardless of which service or agency is contacted first. Partnership working is key to providing joined up seamless services. This will include working with the NHS, voluntary organisations, education (including further education), public health, housing and local communities to support young carers.

Work through the local Health and Wellbeing Board and the Joint Strategic Needs Assessment (will include identification of the needs of young carers and young adult carers in the local area. The local Joint Health and Wellbeing Strategy will include shared strategies for meeting these identified needs, setting out arrangements for working together and the actions that each partner will take individually and collectively.

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Director Children's Services

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Director Adult Social Services

Commencement Date: To be inserted **Review Date:** To be inserted
(Review Date: normally 3 years from the date of commencement)

Note: Variations may be agreed to reflect changing legislative, policy and local evidence of what works best for young carers and their families.

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Further information: can be obtained from the background notes for this paper and also from "The Care Act and Whole Family Approaches" 2015. . (See link to LGA website [Needs assessments and carers' assessments](#))