

MAKING IT REAL FOR YOUNG CARERS

NEW LEGAL RIGHTS

CASE STUDY EXERCISE WITH SAMPLE ANSWERS

Case Study 1

A fifteen year old young girl called Jenny lives with her mum in the local area.

Mum suffers from episodes of depression and at these times will often take to her bed, often up to a couple of days at a time. When Mum starts to feel low she will start to drink and at these times can become verbally abusive. Mum has in the past been involved with the Community Mental Health Recovery Team, although at this time is refusing to engage with the service. Jenny often is left to look after herself, which includes cooking her own meals and doing the weekly shopping.

The school have raised concerns with regards to Jenny as she has now only attended school for 60 % of the time and when she is at school she seems to be struggling with the work. It has also been observed that Jenny is keeping to herself and in the class can be disruptive and has been involved in fights with other pupils.

The school have tried to arrange to talk with Mum although have found it difficult to get hold of her, as well as offering Jenny counselling at the school which Jenny has refused.

Questions to think about in your group:

- 1. What does the law say we should be doing to support this young carer?**

Jenny must be identified as a young carer in her school and then action taken to support her.

In accordance with the amendments to Section 17 of the Children Act, the local authority must undertake a young carer's assessment as she clearly appears to be in need. It does not depend on Jenny requesting an assessment.

Consideration should be given to whether Jenny is a 'child in need' ie. Is she unlikely to achieve or maintain or have the opportunity to achieve or maintain a reasonable standard of health or development without provision from the LA OR is her health or development likely to be significantly impaired, or further impaired without the provision of services from the LA. Note: 'Development' can mean physical, intellectual, emotional, social or behavioural development, and 'health' can be physical or mental health.

If identified as a 'child in need' Jenny is entitled to a joined up response from both Children's and Adult Services so that her assessment is aligned with her Mum's assessment.

It is worth noting that the local authority will have a responsibility towards Jenny as she approaches 18 to undertake a transition assessment under the Care Act 2014 – this must happen at the right time for Jenny and at a time when the LA can be reasonably confident as to the nature of the care that her Mum needs, that Jenny will be likely to have needs beyond 18 and the transition assessment will of 'significant benefit' to her.

2. Who from which organisation needs to do what?

Mental Health Practitioner from Mental Health Recovery Team working with Mum is responsible for identifying Jenny as a potential young carer as early on as possible.

As it would appear Jenny has not been identified as a young carer at this early stage then it is the responsibility of teaching staff and/or the school nurse to identify Jenny as a young carer and make a referral to the LA.

The starting point should be for the Mental Health Practitioner to assess the needs of the mother taking into account her parenting responsibilities and the functioning of the family. Her assessment should ascertain why her daughter is undertaking excessive or inappropriate caring

responsibilities which are impacting on her welfare, education and social development. Appropriate support to the mother needs to be put in place to meet her eligible needs in relation to her parenting role.

Whilst Jenny may not need specialist support from a Child Protection Team she is a vulnerable 'child in need' and is therefore likely to require Early Help support.

('Early Help means providing support as soon as a problem emerges, at any point in a child's life, from the foundation years through to the teenage years. Providing Early Help is more effective in promoting the welfare of children than reacting later' *Working Together 2013*)

Social Worker from Children Services and Practitioner from Mental Health Services will need to work closely together with both Mum and Jenny. Joint assessment with both Mum and Jenny (+ others in the family if identified) might be considered, depending on confidentiality issues.

Local Young Carers Services could give Jenny individual support.

Case Study 2

Millie is aged 13 and lives with her mother and younger brother Adam. Adam is 11 years old and has been diagnosed with Autism and severe learning difficulties. He attends a special school. Susie is very fond of her brother and has willingly helped look after him on many occasions over the years, particularly during the school holidays when her mother has had to work. Her grandmother used to help in the past but has been unwell recently and is now no longer able to do so.

As Adam has grown older his behaviour has become more challenging. He will hit Millie or pull her hair if he can't get his own way and tries to bite her. Millie has become quite frightened of Adam but is worried that her mother may lose her job if she has to stay at home to look after him.

Millie doesn't see her friends much during the holidays because she has to look after Adam. She is worried that if she invites friends to her house, Adam may try to hurt them.

Questions to think about in your group:

1. What does the law say we should be doing to support this young carer?

As a young carer who appears to be in need, Millie has the right to an assessment in accordance with the amendments to Section 17 of the Children Act 1989. The starting point should however, be to assess/reassess the needs of Adam and his mother as his main carer, then see what remaining needs Millie in the family has. A whole family assessment is central to ascertaining why Millie is caring and what needs to change in order to prevent her from taking on excessive or inappropriate caring responsibilities which are having an adverse effect on her friendships and education. This will include an opportunity for her mother to share her views and to be assessed (including the impact on her wellbeing in relation to employment) as a

parent carer. Exploring their wider support network and ascertaining the views of any other family members is important. This whole family approach will allow all views to be expressed with a view to getting a picture of how these interrelate.

Consideration must be given to Millie being a 'child in need' under the Children Act 1989 as there would appear to be safeguarding issues at the current time. However safeguarding is part of a continuum where prevention and early intervention is crucial. If appropriate support is provided to her and the family as a whole then it is likely Millie will be protected from harm.

2. Who from which organisation needs to do what?

Responsibilities for identifying and supporting Millie's needs as a young carer rest with the local authority as a whole. However assuming Adam is known already to Children with Disabilities Services, the social worker with responsibility for Adam's case will be responsible for ensuring Millie's assessment is undertaken as part of whole family approach.

Consideration might need to be given to Millie being given the right support to engage properly in the assessment process. This may be a family member outside the immediate family circle, but if there is no one appropriate then arrangements made for an independent advocate. The independent advocate can then represent the young carer through the process of assessment, support planning and review.

If Millie is identified as a young carer by her school then it is the responsibility of teaching staff and/or the school nurse to make a referral to the Local Authority.

Support for Millie and the family might be sought from the voluntary sector eg. National Autistic Society and/or Young Carers Support organisation.

Case Study 3

Billy is a 5 year old boy who lives with his parents. His father has neuropathy as a result of diabetes and over the past year has experience a marked deterioration in his mobility. He is currently wheelchair dependent and is reliant upon the support of his wife who also deals with the school run along with working full time.

Billy assists his father by fetching and bringing drinks when his mum is out. He will also do more to help himself than an average 5 year old would, due to Mum and Dad being less able to dedicate time to their parental roles.

On a Saturday, Dad is at home alone with Billy all day while Mum is at work. Billy gets bored as dad cannot take him out and has difficulty entertaining him at home on his own. On one occasion Billy let himself out of the flat to play with his friends which caused a lot of worry. Billy has also on occasion attempted to prepare hot drinks and food which worries Mum and Dad.

Mum works long hours as the family bread winner. When at home she has to divide her attention between caring for her husband and being a mum. She describes feeling very stressed. The main area of assistance the family have identified at the moment is support with the school run. This would help ensure Billy gets to school and would relieve some of the burden from Mum. Billy's school is six miles away as the family live in a remote area.

Questions to think about in your group:

1. What does the law say we should be doing to support this young carer?

The identification of a young carer in the family should result in the offer of a needs assessment for the adult requiring support and their carer under the Care Act 2014. Therefore, the local authority must assess both the father as an adult in need and the mother as an adult

carer. When carrying out these assessments, the local authority must consider the impact of the father's needs on Billy's wellbeing, education and development and whether any of the tasks he is carrying out are inappropriate. When making an eligibility decision in relation to both Mum and Dad under the Care Act 2014, the local authority must consider the extent to which they are unable to carry out their parenting responsibilities towards Billy and whether this is having an impact on their own wellbeing.

The Local Authority must also consider a young carer's assessment for Billy taking into account his own views using age appropriate assessment tools. Billy may be a 'child in need' under the Children Act 1989 and his welfare and development may suffer if appropriate support is not given to him and the family as a whole.

2. Who from which organisation needs to do what?

At the first point of contact Adult Social Care Services will have a key role in assessing the support needs for Mum and Dad and their ability to maintain their parenting role. This may include referring for specialist assessments eg. occupational therapy assessment for Dad. The practitioner should ask them both if they have children and having established they do find out what the impact has been on them in relation to their parenting role and what impact they feel it has had on Billy. The practitioner should go on to identify what additional support might help so that Billy is not relied upon to provide excessive and inappropriate care. The practitioner will need to work closely with the family as a whole to ensure the right steps are taken to deal with likely problems and emerging difficulties as Billy gets older.

The primary responsibility for responding to the needs of young carers and ensuring an appropriate young carers assessment is carried out rests with the service responsible for the adult in need. Therefore the responsibility for responding to Billy's needs also rests with Adult Social Care. The practitioner will need to seek advice and support from Children's Services to establish if Billy is indeed a 'child in need'. A joint assessment might be considered appropriate and

this will need to be discussed with Billy's parents. The assessment should be carried out in a way which is appropriate his age using age appropriate assessment tools. If both parents consent then Billy's assessment can be combined with their assessments to give a whole family picture.

Only once the support needs has been identified for his Dad and his Mum as the main carer, should the adult social care practitioner and Children's social worker consider the remaining support for Billy eg. breakfast and after school clubs along with school holiday provision.

Education will have a role in relation to the provision of adequate transport for Billy to and from his school and to be alerted to any impact his caring role may have on his education and development.

The voluntary sector may have a role in relation to providing guidance and advice to Mum in relation to her employment rights and help to remain in work, benefits etc. A local young carers service may provide support to Billy.