



# Care Act 2014

## 2014 CHAPTER 23

### PART 1

#### CARE AND SUPPORT

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

#### **58 Assessment of a child's needs for care and support**

- (1) Where it appears to a local authority that a child is likely to have needs for care and support after becoming 18, the authority must, if it is satisfied that it would be of significant benefit to the child to do so and if the consent condition is met, assess—
  - (a) whether the child has needs for care and support and, if so, what those needs are, and
  - (b) whether the child is likely to have needs for care and support after becoming 18 and, if so, what those needs are likely to be.
- (2) An assessment under subsection (1) is referred to in this Part as a “child's needs assessment”.
- (3) The consent condition is met if—
  - (a) the child has capacity or is competent to consent to a child's needs assessment being carried out and the child does so consent, or
  - (b) the child lacks capacity or is not competent so to consent but the authority is satisfied that carrying out a child's needs assessment would be in the child's best interests.
- (4) Where a child refuses a child's needs assessment and the consent condition is accordingly not met, the local authority must nonetheless carry out the assessment if the child is experiencing, or is at risk of, abuse or neglect.
- (5) Where a local authority, having received a request to carry out a child's assessment from the child concerned or a parent or carer of the child, decides not to comply with the request, it must give the person who made the request—

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- (a) written reasons for its decision, and
  - (b) information and advice about what can be done to prevent or delay the development by the child of needs for care and support in the future.
- (6) “Parent”, in relation to a child, includes—
- (a) a parent of the child who does not have parental responsibility for the child, and
  - (b) a person who is not a parent of the child but who has parental responsibility for the child.
- (7) “Carer”, in relation to a child, means a person, other than a parent, who is providing care for the child, whether or not under or by virtue of a contract or as voluntary work.
- (8) The reference to providing care includes a reference to providing practical or emotional support.

## **59 Child’s needs assessment: requirements etc.**

- (1) A child’s needs assessment must include an assessment of—
- (a) the impact on the matters specified in section 1(2) of what the child’s needs for care and support are likely to be after the child becomes 18,
  - (b) the outcomes that the child wishes to achieve in day-to-day life, and
  - (c) whether, and if so to what extent, the provision of care and support could contribute to the achievement of those outcomes.
- (2) A local authority, in carrying out a child’s needs assessment, must involve—
- (a) the child,
  - (b) the child’s parents and any carer that the child has, and
  - (c) any person whom the child or a parent or carer of the child requests the local authority to involve.
- (3) When carrying out a child’s needs assessment, a local authority must also consider whether, and if so to what extent, matters other than the provision of care and support could contribute to the achievement of the outcomes that the child wishes to achieve in day-to-day life.
- (4) Having carried out a child’s needs assessment, a local authority must give the child—
- (a) an indication as to whether any of the needs for care and support which it thinks the child is likely to have after becoming 18 are likely to meet the eligibility criteria (and, if so, which ones are likely to do so), and
  - (b) advice and information about—
    - (i) what can be done to meet or reduce the needs which it thinks the child is likely to have after becoming 18;
    - (ii) what can be done to prevent or delay the development by the child of needs for care and support in the future.
- (5) But in a case where the child is not competent or lacks capacity to understand the things which the local authority is required to give under subsection (4), that subsection is to have effect as if for “must give the child” there were substituted “must give the child’s parents”.
- (6) Where a person to whom a child’s needs assessment relates becomes 18, the local authority must decide whether to treat the assessment as a needs assessment; and if

the authority decides to do so, this Part applies to the child's needs assessment as if it were a needs assessment that had been carried out after the person had become 18.

- (7) In considering what to decide under subsection (6), a local authority must have regard to—
- (a) when the child's needs assessment was carried out, and
  - (b) whether it appears to the authority that the circumstances of the person to whom the child's needs assessment relates have changed in a way that might affect the assessment.
- (8) “Carer” has the same meaning as in section 58.

## **60 Assessment of a child's carer's needs for support**

- (1) Where it appears to a local authority that a carer of a child is likely to have needs for support after the child becomes 18, the authority must, if it is satisfied that it would be of significant benefit to the carer to do so, assess—
- (a) whether the carer has needs for support and, if so, what those needs are, and
  - (b) whether the carer is likely to have needs for support after the child becomes 18 and, if so, what those needs are likely to be.
- (2) An assessment under subsection (1) is referred to in this Part as a “child's carer's assessment”.
- (3) Where a child's carer refuses a child's carer's assessment, the local authority is not required to carry out the assessment (and subsection (1) does not apply in the carer's case).
- (4) Where, having refused a child's carer's assessment, a child's carer requests the assessment, subsection (1) applies in the carer's case (and subsection (3) does not).
- (5) Where a child's carer has refused a child's carer's assessment and the local authority concerned thinks that the carer's needs or circumstances have changed, subsection (1) applies in the carer's case (but subject to further refusal as mentioned in subsection (3)).
- (6) Where a local authority, having received a request to carry out a child's carer's assessment from the carer concerned, decides not to comply with the request, it must give the carer—
- (a) written reasons for its decision, and
  - (b) information and advice about what can be done to prevent or delay the development by the carer of needs for support in the future.
- (7) “Carer”, in relation to a child, means an adult (including one who is a parent of the child) who provides or intends to provide care for the child (but see subsection (8)).
- (8) An adult is not a carer for the purposes of this section if the adult provides or intends to provide care—
- (a) under or by virtue of a contract, or
  - (b) as voluntary work.
- (9) But in a case where the local authority considers that the relationship between the child and the adult providing or intending to provide care is such that it would be appropriate for the adult to be regarded as a carer, the adult is to be regarded as such (and subsection (8) is therefore to be ignored in that case).

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- (10) The references to providing care include a reference to providing practical or emotional support.

**61 Child’s carer’s assessment: requirements etc.**

- (1) A child’s carer’s assessment must include an assessment of—
- (a) whether the carer is able to provide care for the child and is likely to continue to be able to do so after the child becomes 18,
  - (b) whether the carer is willing to do so and is likely to continue to be willing to do so after the child becomes 18,
  - (c) the impact on the matters specified in section 1(2) of what the carer’s needs for support are likely to be after the child becomes 18,
  - (d) the outcomes that the carer wishes to achieve in day-to-day life, and
  - (e) whether, and if so to what extent, the provision of support could contribute to the achievement of those outcomes.
- (2) A local authority, in carrying out a child’s carer’s assessment, must have regard to—
- (a) whether the carer works or wishes to do so, and
  - (b) whether the carer is participating in or wishes to participate in education, training or recreation.
- (3) A local authority, in carrying out a child’s carer’s assessment, must involve—
- (a) the carer, and
  - (b) any person whom the carer asks the local authority to involve.
- (4) When carrying out a child’s carer’s assessment, a local authority must also consider whether, and if so to what extent, matters other than the provision of support could contribute to the achievement of the outcomes that the carer wishes to achieve in day-to-day life.
- (5) Having carried out a child’s carer’s assessment, a local authority must give the carer—
- (a) an indication as to whether any of the needs for support which it thinks the carer is likely to have after the child becomes 18 are likely to meet the eligibility criteria (and, if so, which ones are likely to do so), and
  - (b) advice and information about—
    - (i) what can be done to meet or reduce the needs which it thinks the carer is likely to have after the child becomes 18;
    - (ii) what can be done to prevent or delay the development by the carer of needs for support in the future.
- (6) Where, in the case of a carer to whom a child’s carer’s assessment relates, the child becomes 18, the local authority must decide whether to treat the assessment as a carer’s assessment; and if the authority decides to do so, this Part applies to the child’s carer’s assessment as if it were a carer’s assessment that had been carried out after the child had become 18.
- (7) In considering what to decide under subsection (6), a local authority must have regard to—
- (a) when the child’s carer’s assessment was carried out, and

- (b) whether it appears to the authority that the circumstances of the carer to whom the child’s carer’s assessment relates have changed in a way that might affect the assessment.

- (8) “Carer” has the same meaning as in section 60.

## **62 Power to meet child’s carer’s needs for support**

- (1) Where a local authority, having carried out a child’s carer’s assessment, is satisfied that the carer has needs for support, it may meet such of those needs as it considers appropriate.
- (2) Regulations may make provision in connection with the exercise of the power under subsection (1); the regulations may, in particular, provide for provisions of this Part to apply with such modifications as may be specified.
- (3) In deciding whether or how to exercise the power under subsection (1), a local authority must have regard to any services being provided to the carer under section 17 of the Children Act 1989.
- (4) “Carer” has the same meaning as in section 60.

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

- (1) Where it appears to a local authority that a young carer is likely to have needs for support after becoming 18, the authority must, if it is satisfied that it would be of significant benefit to the young carer to do so and if the consent condition is met, assess—
  - (a) whether the young carer has needs for support and, if so, what those needs are, and
  - (b) whether the young carer is likely to have needs for support after becoming 18 and, if so, what those needs are likely to be.
- (2) An assessment under subsection (1) is referred to in this Part as a “young carer’s assessment”.
- (3) The consent condition is met if—
  - (a) the young carer has capacity or is competent to consent to a young carer’s assessment being carried out and the young carer does so consent, or
  - (b) the young carer lacks capacity or is not competent so to consent but the authority is satisfied that carrying out a young carer’s assessment would be in the young carer’s best interests.
- (4) Where a young carer refuses a young carer’s assessment and the consent condition is accordingly not met, the local authority must nonetheless carry out the assessment if the young carer is experiencing, or is at risk of, abuse or neglect.
- (5) Where a local authority, having received a request to carry out a young carer’s assessment from the young carer concerned or a parent of the young carer, decides not to comply with the request, it must give the person who made the request—
  - (a) written reasons for its decision, and
  - (b) advice and information about what can be done to prevent or delay the development by the young carer of needs for support in the future.

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- (6) “Young carer” means a person under 18 who provides or intends to provide care for an adult (but see subsection (7)).
- (7) A person is not a young carer for the purposes of this section if the person provides or intends to provide care—
  - (a) under or by virtue of a contract, or
  - (b) as voluntary work.
- (8) But in a case where the local authority considers that the relationship between the adult 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 (7) is therefore to be ignored in that case).
- (9) The references to providing care include a reference to providing practical or emotional support.

#### **64 Young carer’s assessment: requirements etc.**

- (1) A young carer’s assessment must include an assessment of—
  - (a) whether the young carer is able to provide care for the person in question and is likely to continue to be able to do so after becoming 18,
  - (b) whether the young carer is willing to do so and is likely to continue to be willing to do so after becoming 18,
  - (c) the impact on the matters specified in section 1(2) of what the young carer’s needs for support are likely to be after the young carer becomes 18,
  - (d) the outcomes that the young carer wishes to achieve in day-to-day life, and
  - (e) whether, and if so to what extent, the provision of support could contribute to the achievement of those outcomes.
- (2) A local authority, in carrying out a young carer’s assessment, must have regard to—
  - (a) the extent to which the young carer works or wishes to work (or is likely to wish to do so after becoming 18),
  - (b) the extent to which the young carer is participating in or wishes to participate in education, training or recreation (or is likely to wish to do so after becoming 18).
- (3) A local authority, in carrying out a young carer’s 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.
- (4) When carrying out a young carer’s assessment, a local authority must also consider whether, and if so to what extent, matters other than the provision of support could contribute to the achievement of the outcomes that the young carer wishes to achieve in day-to-day life.
- (5) Having carried out a young carer’s assessment, a local authority must give the young carer—
  - (a) an indication as to whether any of the needs for support which it thinks the young carer is likely to have after becoming 18 are likely to meet the eligibility criteria (and, if so, which ones are likely to do so), and

- (b) advice and information about—
  - (i) what can be done to meet or reduce the needs for support which it thinks the young carer is likely to have after becoming 18;
  - (ii) what can be done to prevent or delay the development by the young carer of needs for support in the future.
- (6) But in a case where the young carer is not competent or lacks capacity to understand the things which the local authority is required to give under subsection (5), that subsection is to have effect as if for “must give the young carer” there were substituted “must give the young carer’s parents”.
- (7) Where a person to whom a young carer’s assessment relates becomes 18, the local authority must decide whether to treat the assessment as a carer’s assessment; and if the authority decides to do so, this Part applies to the young carer’s assessment as if it were a carer’s assessment that had been carried out after the person had become 18.
- (8) In considering what to decide under subsection (7), a local authority must have regard to—
  - (a) when the young carer’s assessment was carried out, and
  - (b) whether it appears to the authority that the circumstances of the person to whom the young carer’s assessment relates have changed in a way that might affect the assessment.

## **65 Assessments under sections 58 to 64: further provision**

- (1) Regulations under section 12—
  - (a) may make such provision about carrying out a child’s needs assessment as they may make about carrying out a needs assessment;
  - (b) may make such provision about carrying out a child’s carer’s assessment or a young carer’s assessment as they may make about carrying out a carer’s assessment.
- (2) A local authority may combine a child’s needs assessment or young carer’s assessment with an assessment it is carrying out (whether or not under this Part) in relation to another person only if the consent condition is met in relation to the child to whom the child’s needs or young carer’s assessment relates and—
  - (a) where the combination would include an assessment relating to another child, the consent condition is met in relation to that other child;
  - (b) where the combination would include an assessment relating to an adult, the adult agrees.
- (3) A local authority may combine a child’s carer’s assessment with an assessment it is carrying out (whether or not under this Part) in relation to another person only if the adult to whom the child’s carer’s assessment relates agrees and—
  - (a) where the combination would include an assessment relating to another adult, that other adult agrees, and
  - (b) where the combination would include an assessment relating to a child, the consent condition is met in relation to that child.
- (4) The consent condition is met in relation to a child if—
  - (a) the child has capacity or is competent to agree to the assessments being combined and does so agree, or

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- (b) the child lacks capacity or is not competent so to agree but the local authority is satisfied that combining the assessments would be in the child’s best interests.
- (5) Where a local authority is carrying out a child’s needs assessment, a child’s carer’s assessment or a young carer’s assessment, and there is some other assessment being or about to be carried out in relation to the person to whom the assessment relates or in relation to a relevant person, the local authority may carry out that other assessment—
- (a) on behalf of or jointly with the body responsible for carrying it out, or
  - (b) if that body has arranged to carry out the other assessment jointly with another person, jointly with that body and the other person.
- (6) A reference to an assessment includes a reference to part of an assessment.
- (7) A person is a “relevant person”, in relation to a child’s needs, child’s carer’s or young carer’s assessment, if it would be reasonable to combine an assessment relating to that person with the child’s needs, child’s carer’s or young carer’s assessment (as mentioned in subsections (2) and (3)).

## **66 Continuity of services under other legislation**

- (1) Before section 17A of the Children Act 1989 insert—

### **“17ZH Section 17 services: transition for children to adult care and support**

- (1) Subsections (2) to (4) apply where a local authority in England providing services for a child in need in the exercise of functions conferred by section 17—
- (a) are required by section 58(1) or 63(1) of the Care Act 2014 to carry out a child’s needs assessment or young carer’s assessment in relation to the child, or
  - (b) are required by section 60(1) of that Act to carry out a child’s carer’s assessment in relation to a carer of the child.
- (2) If the local authority carry out the assessment before the child reaches the age of 18 and decide to treat it as a needs or carer’s assessment in accordance with section 59(6), 61(6) or 64(7) of the Care Act 2014 (with Part 1 of that Act applying to the assessment as a result), the authority must continue to comply with section 17 after the child reaches the age of 18 until they reach a conclusion in his case.
- (3) If the local authority carry out the assessment before the child reaches the age of 18 but decide not to treat it as a needs or carer’s assessment in accordance with section 59(6), 61(6) or 64(7) of the Care Act 2014—
- (a) they must carry out a needs or carer’s assessment (as the case may be) after the child reaches the age of 18, and
  - (b) they must continue to comply with section 17 after he reaches that age until they reach a conclusion in his case.
- (4) If the local authority do not carry out the assessment before the child reaches the age of 18, they must continue to comply with section 17 after he reaches that age until—



- (a) they decide that the duty under section 9 or 10 of the Care Act 2014 (needs or carer’s assessment) does not apply, or
  - (b) having decided that the duty applies and having discharged it, they reach a conclusion in his case.
- (5) Subsection (6) applies where a local authority in England providing services for a child in need in the exercise of functions conferred by section 17—
  - (a) receive a request for a child’s needs assessment or young carer’s assessment to be carried out in relation to the child or for a child’s carer’s assessment to be carried out in relation to a carer of the child, but
  - (b) have yet to be required by section 58(1), 60(1) or 63(1) of the Care Act 2014 to carry out the assessment.
- (6) If the local authority do not decide, before the child reaches the age of 18, whether or not to comply with the request, they must continue to comply with section 17 after he reaches that age until—
  - (a) they decide that the duty under section 9 or 10 of the Care Act 2014 does not apply, or
  - (b) having decided that the duty applies and having discharged it, they reach a conclusion in his case.
- (7) A local authority reach a conclusion in a person’s case when—
  - (a) they conclude that he does not have needs for care and support or for support (as the case may be), or
  - (b) having concluded that he has such needs and that they are going to meet some or all of them, they begin to do so, or
  - (c) having concluded that he has such needs, they conclude that they are not going to meet any of those needs (whether because those needs do not meet the eligibility criteria or for some other reason).
- (8) In this section, “child’s needs assessment”, “child’s carer’s assessment”, “young carer’s assessment”, “needs assessment”, “carer’s assessment” and “eligibility criteria” each have the same meaning as in Part 1 of the Care Act 2014.

#### **17ZI Section 17 services: provision after EHC plan no longer maintained**

- (1) This section applies where a local authority in England providing services for a person in the exercise, by virtue of section 17ZG, of functions conferred by section 17 are required to carry out a needs assessment in that person’s case.
  - (2) If the EHC plan for the person ceases to be maintained before the local authority reach a conclusion in the person’s case, they must continue to comply with section 17 until they do reach a conclusion in his case.
  - (3) The references to the local authority reaching a conclusion in a person’s case are to be read with section 17ZH(7).
  - (4) In this section, “needs assessment” has the same meaning as in Part 1 of the Care Act 2014.”
- (2) In section 17ZG of that Act (continued provision of services under section 17 where EHC plan maintained), in subsection (2), after “after the EHC plan has ceased to

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be maintained” insert “, except in so far as the authority is required to do so under section 17ZH or 17ZI”.

(3) After section 2 of the Chronically Sick and Disabled Persons Act 1970 insert—

**“2A Welfare services: transition for children to adult care and support**

- (1) Subsections (2) to (4) apply where a local authority in England making arrangements for a disabled child under section 2 are required by section 58(1) of the Care Act 2014 to carry out a child’s needs assessment in relation to the child.
- (2) If the local authority carry out the assessment before the child reaches the age of 18 and decide to treat it as a needs assessment in accordance with section 59(6) of the Care Act 2014 (with Part 1 of that Act applying to the assessment as a result), the authority must continue to comply with section 2 after the child reaches the age of 18 until they reach a conclusion in his case.
- (3) If the local authority carry out the assessment before the child reaches the age of 18 but decide not to treat it as a needs assessment in accordance with section 59(6) of that Act—
  - (a) they must carry out a needs assessment after the child reaches the age of 18, and
  - (b) they must continue to comply with section 2 after he reaches that age until they reach a conclusion in his case.
- (4) If the local authority do not carry out the assessment before the child reaches the age of 18, they must continue to comply with section 2 after he reaches that age until—
  - (a) they decide that the duty under section 9 of the Care Act 2014 (needs assessment) does not apply, or
  - (b) having decided that the duty applies and having discharged it, they reach a conclusion in his case.
- (5) Subsection (6) applies where a local authority in England making arrangements for a disabled child under section 2—
  - (a) receive a request for a child’s needs assessment to be carried out in relation to the child, but
  - (b) have yet to be required by section 58(1) of the Care Act 2014 to carry out the assessment.
- (6) If the local authority do not decide, before the child reaches the age of 18, whether or not to comply with the request, they must continue to comply with section 2 after he reaches that age until—
  - (a) they decide that the duty under section 9 of the Care Act 2014 does not apply, or
  - (b) having decided that the duty applies and having discharged it, they reach a conclusion in his case.
- (7) A local authority reach a conclusion in a person’s case when—
  - (a) they conclude that he does not have needs for care and support,
  - (b) having concluded that he has such needs and that they are going to meet some or all of them, they begin to do so, or

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- (c) having concluded that he has such needs, they conclude that they are not going to meet any of those needs (whether because those needs do not meet the eligibility criteria or for some other reason).
- (8) In this section, “child’s needs assessment”, “needs assessment” and “eligibility criteria” each have the same meaning as in Part 1 of the Care Act 2014.”