STATUTORY INSTRUMENTS

2015 No. 305

SOCIAL CARE, ENGLAND

The Care and Support (Children's Carers) Regulations 2015

Made - - - - 11th February 2015

Coming into force in accordance with regulation 1(1)

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 62(2) and 125(7) and (8) of the Care Act 2014(**1**).

In accordance with section 125(4)(i) of the Care Act 2014, a draft of these Regulations was laid before Parliament and was approved by a resolution of each House of Parliament.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Care and Support (Children's Carers) Regulations 2015 and come into force immediately after section 62(1) of the Care Act 2014 comes into force.

(2) In these Regulations, "the Act" means the Care Act 2014.

Application of Part 1 etc. in relation to the exercise of the power to meet a child's carer's needs for support

2.—(1) The following apply, subject to any modifications specified in regulations 4 to 14, to the exercise of the power to meet a child's carer's(**2**) needs for support under section 62(1) of the Act insofar as they apply to the exercise of the power to meet a carer's(**3**) needs for support under section 20(6) of the Act—

(a) the provisions of Part 1 of the Act, insofar as they do not already apply to the exercise of the power under section 62(1) of the Act, except for the provisions listed in paragraph (2); and

(b) the Regulations specified in paragraph (3).

(2) The excepted provisions referred to in paragraph (1)(a) are—

(a) section 30 (cases where adult expresses preference for particular accommodation);

(b) section 41 (financial adjustments between local authorities); and

(c) section 74 and Schedule 3 (discharge of hospital patients with care and support needs).

(**1**) 2014 c.23. The powers to make regulations are exercisable by the Secretary of State, *see* section 125(1). Section 62 was brought into force on 1 October 2014 by S.I. 2014/2473 for the purposes of making regulations.

(**2**) *See* section 60(7) to (9) of the Act for the meaning of "carer" in relation to a child.

(**3**) *See* section 10(3) of the Act for the meaning of "carer".

(3) The Regulations referred to in paragraph (1)(b) are—

(a) the Care and Support (Independent Advocacy Support) (No. 2) Regulations 2014(**4**);

(b) the Care and Support (Charging and Assessment of Resources) Regulations 2014(**5**);

(c) the Care and Support (Personal Budget: Exclusion of Costs) Regulations 2014(**6**); and

(d) the Care and Support (Direct Payments) Regulations 2014(**7**).

Prohibition on providing support to a carer by providing care and support to a child

3. A local authority(**8**) may not meet a child's carer's needs for support under section 62(1) of the Act by providing care and support to the child.

Modification of section 8 (how to meet needs)

4. Section 8 of the Act applies as if, after "sections 18 to 20", wherever occurring, there were inserted "or section 62(1)".

Modification of section 14 (power of local authority to charge)

5. Section 14 of the Act applies as if, in subsection (1)(a), after "sections 18 to 20" there were inserted "or section 62(1)".

Modification of section 17 (assessment of financial resources)

6. Section 17 of the Act applies as if, after subsection (3), there were inserted—

"(3A) Where a local authority thinks that, if it were to meet a child's carer's needs for support, it would charge the child's carer under section 14(1) for meeting at least some of the needs, it must assess—

(a) the level of the child's carer's financial resources, and

(b) the amount (if any) which the child's carer would be likely to be able to pay towards the cost of meeting the needs for support.".

Modification of section 22 (exception for provision of health services)

7. Section 22 of the Act applies as if, in subsections (1) and (3), after "sections 18 to 20", there were inserted "or section 62(1)".

Modification of section 23 (exception for provision of housing etc.)

8. Section 23 of the Act applies as if, in subsection (1), after "sections 18 to 20", there were inserted "or section 62(1)".

Modification of section 24 (the steps for the local authority to take)

9. Section 24 of the Act applies as if, in subsection (1), after "20(6)", there were inserted "or 62(1)".

(**4**) S.I. 2014/2889.
(**5**) S.I. 2014/2672.
(**6**) S.I. 2014/2840.
(**7**) S.I. 2014/2871.
(**8**) *See* section 1(4) of the Act for the meaning of "local authority"; the definition is limited to local authorities in England.

Modification of section 25 (support plan)

10. Section 25 of the Act applies as if—

(a) in subsection (1), after "in the case of a carer", there were inserted "or child's carer";

(b) in subsection (1)(a), after "carer's assessment", there were inserted "or child's carer's assessment";

(c) in subsection (1)(b), at the beginning, there were inserted "except in the case of a child's carer,";

(d) in subsection (1)(d), after "section 10(5) and (6)", there were inserted "or (in the case of a child's carer) section 61(1) and (2)";

(e) in subsection (4)(a), after "carer", there were inserted "or child's carer";

(f) in subsection (4)(b), at the beginning, there were inserted "in the case of a carer,";

(g) after subsection (4)(b), there were inserted—

"(ba) in the case of a child's carer, the child the child's carer cares for, if the child's carer asks the authority to do so, and";

(h) in subsection (4)(c), after "carer", there were inserted "or child's carer";

(i) in subsection (5), after "carer", there were inserted "or child's carer";

(j) in subsection (6)(b), after "section 10(5) and (6)", there were inserted "or (in the case of a child's carer) section 61(1) and (2)";

(k) in subsection (8)(b), after "carer", there were inserted "or child's carer" and after "adult needing care", there were inserted "or child the child's carer cares for";

(l) in subsection (10)(a), after "carer", there were inserted "or child's carer";

(m) in subsection (10)(b), at the beginning, there were inserted "in the case of a carer,";

(n) after subsection (10)(b), there were inserted—

"(ba) in the case of a child's carer, the child the child's carer cares for, if the child's carer asks the authority to do so, and"; and

(o) in subsection (10)(c), after "carer", there were inserted "or child's carer".

Modification of section 27 (review of support plan)

11. Section 27 of the Act applies as if—

(a) in subsection (1)(b), after "carer", there were inserted "or child's carer";

(b) in subsection (3)(a), after "section 10(5) and (6)", there were inserted "or (in the case of a child's carer) section 61(1) and (2)";

(c) in subsection (3)(b)(i), after "carer", there were inserted "or child's carer";

(d) in subsection (3)(b)(ii), at the beginning, there were inserted "in the case of a carer,";

(e) after subsection (3)(b)(ii), there were inserted—

"(iia) in the case of a child's carer, the child the child's carer cares for, if the child's carer asks the authority to do so, and";

(f) in subsection (3)(b)(iii), after "carer", there were inserted "or child's carer";

(g) in subsection (4), after "or a support plan", there were inserted "in respect of a carer";

(h) after subsection (4), there were inserted—

"(4A) Where a local authority is satisfied that circumstances have changed in a way that affects a support plan in respect of a child's carer, the authority must—