

Health & Care Bill: Committee Stage

[HoL] Parliamentary Briefing – January 2022

Summary

- The Health and Care Bill provides an **opportunity to improve the integration** of health and social care services **so they can meet the needs of children and young people.**
- Barnardo's is supporting three key amendments to the Bill:
 - To **protect the needs of young carers** when discharging patients from hospital.
 - To mandate that a **Child Impact Assessment** is undertaken by the Government within two years of the Bill's implementation to assess its impact on children.
 - To clarify and prioritise how the **Better Care Fund** can be used to achieve service integration for children.

Improving identification and support for young carers Amendment 269

- **Barnardo's has been concerned** about **the poor identification of Young Carers for a number of years** but believes that the **Bill risks making the situation worse.**
- **Clause 80** removes the 'discharge to assess' requirement, which requires the NHS to identify and consult the carer, if known. Best practice is that young carers are identified at this point, but it doesn't always happen.
- **Amendment 269 will:**
 - Make NHS bodies responsible for identifying and sharing data about young carers with local authorities to ensure they do not fall through gaps.
 - Ensure better integration between NHS and local authorities when patients are discharged from hospital into the care of children and young people.

Introducing a Child Impact Assessment 142

- There are over 12.6 million children (18 and under) living in England compared to just under 10.5 million of 65-year-olds and older.¹ As drafted this Bill risks being written by adults for adults and does not explicitly recognise the health needs of children and young people.
- The success of this Bill should be measured by the practical and tangible impact it has in ensuring children and young people's access to timely and appropriate health and care services, and ultimately in improving health outcomes.
- **Amendment 142 will:**
 - Ensure that after two years of the Act, all 42 Integrated Care Systems evaluate the impact of changes on children and young people in their local area.
 - Require the Government to report on the impact of changes in the Health and Care Bill and give an opportunity for Parliament to debate the impact.
 - Ensure that best practice can be quickly shared.

Applying the Better Care Fund to children's services Amendment 20

- The Better Care Fund (BCF) supports local systems to deliver integrated health and care services, however it is primarily focused on addressing adult health and care. Amendment 20 led by the [National Children's Bureau](https://www.nationalchildrensbureau.org/) will:
 - Ensure that the Better Care Fund can be used to support the integration of children's health and care services.

¹<https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/bulletins/annualmidyearpopulationestimates/mid2020>

1. Recognising the needs of young carers when discharging patients from hospital.

- A young carer is a child under the age of 18 who provides care, often to a relative who is unwell or disabled.
- The 2011 census reported almost 166,000 young carers between the ages of 5 and 17 in England.²
- Research from 2018 estimated **800,000 children in England provide regular care. That's 1 in 5 children estimated to be a young carer.**³
- And **nearly 260,000 young carers are likely to be providing high levels of care.**⁴
- **180,000 young carers** in England are thought to be missing out on support because they are unknown to their local authority.⁵
- The Care Act 2014 gave young carers under the age of 18 the right to a needs assessment and placed a duty on local authorities to take reasonable steps to identify young carers in their area who may have support needs.

The case for Amendment 269:

- Clause 80 removes the requirement on the NHS to identify and consult the carer, if known before hospital discharge. This is likely to reduce the number of children who are identified as carers and offered support.
- Barnardo's report, [Still Hidden, Still Ignored](#), found that young carers are still slipping through the net. Over 70% of Barnardo's frontline workers agreed that NHS services needed to do more to identify young carers.⁶
- Hospital staff are in a vital position to ask questions and identify young carers when an adult is discharged. Children are often reluctant to identify as young carers as they don't want to get their parents into trouble. If the responsibility sits with hospital professionals to ask patients who will be their primary carer on discharge from hospital it will stop children feeling responsible for involving services in family life.
- Amendment 269 would not delay discharge but would ensure that hospital staff ask if a child under 18 will be the primary carer and for the hospital to contact the patient's local authority.
- The Government has provided assurances that the statutory guidance to accompany the Bill will ensure young carers will be protected, but without a clear duty on hospitals to establish whether a patient is being discharged into the care of a child, more young carers will slip through the net.

Young carer case study – November 2021

Following a short hospital stay after a stroke, a mother and her 13-year-old son were sent home with little information upon discharge beyond being told she would be referred to a stroke clinic. Immediately becoming a young carer led to her son being worried about his mother's safety and reluctant to go to school in case she needed him. There was no sign posting by the hospital for a young carer needs assessment or wider support. There was no sign posting by the hospital for a young carer needs assessment or wider support.⁷

² [ONS summary of unpaid care by 5 to 17-year-olds in England and Wales](#)

³ [BBC and Nottingham University research into Young Carers, 2018](#)

⁴ Ibid

⁵ <https://www.bbc.co.uk/news/uk-59222288> - Their analysis found some councils reported having less than 50 young carers, whilst others reported over 2,000 young carers

⁶ <https://www.barnardos.org.uk/sites/default/files/uploads/still-hidden-still-ignored.pdf>

⁷ Case study provided by a young carer supported by Barnardo's in November 2021.

2. Legislating for a Child Impact Assessment after two years of the new legislation

"The use of children's rights impact assessments is widely promoted across the Department and wider Government."⁸

Nadhim Zahawi MP, when Children's Minister in the Department for Education.

- Child Impact Assessments (CIAs) prior to legislation ensure that the impact on children and young people is considered by policy and decision makers which provides an opportunity to avoid or mitigate negative impacts on children.
- Children have specific needs and entitlements, due in part to their age but also their evolving capacities, which should be a key focus in policy making.
- While a CIA has not been undertaken for this Bill, there is an opportunity for a one to be carried out to evaluate the intended and unintended impacts of the Bill on children and young people's health and care outcomes.

The case for Amendment 142:

- This addition to the Bill would ensure that all 42 Integrated Care Boards (ICBs) within two years of the Act prepare an annual report on the impact of the changes for children and young people.
- This would provide an opportunity for each ICB to demonstrate how their local area is meeting children and young people's needs and enable good practice to be quickly shared.
- It will also enable both Houses of Parliament to hold the Government accountable for the impact of the legislation on children and young people's health and social care outcomes.
- It would provide a safety net to ensure children are not forgotten, as they so often are in decision making, whilst maintaining local discretion.
- Investing in children's health and care to meet local needs should help to improve outcomes and reduce health inequality in adulthood.

3. Extending the Better Care Fund to focus on children and young people's health and care services

The case for Amendment 20:

- The Better Care Fund (BCF) supports local systems to deliver integrated health and care services that support person-centred care, sustainability and better outcomes for patients and carers.
- Across the four metrics that determine how the Fund is used, there is no reference to children and two of the four are specifically focused on adults over the age of 65.⁹
- In a Government review of the BCF, 93% of areas said that the fund had improved joint working in their locality. Yet the review recommended more clarity is required around the Fund's policy aims and objectives.¹⁰
- Given the importance of effective integrated local systems for children and young people, this should be made explicit in the purpose of the Fund.

About Barnardo's

Barnardo's is the UK's largest national children's charity. In 2020-21 we supported 382,872 children, young people, parents and carers, through nearly 800 services and partnerships. For more information contact Ceri Finnegan, Policy and Public Affairs Lead, on ceri.finnegan@barnardos.org.uk.

⁸ <https://hansard.parliament.uk/Commons/2019-06-24/debates/C07550C9-C069-4AE7-93BC-5EB65270CB91/UNConv>

⁹ <https://www.england.nhs.uk/wp-content/uploads/2021/09/B0898-300921-Better-Care-Fund-Planning-Requirements.pdf>

¹⁰ <https://www.gov.uk/government/publications/better-care-fund-policy-framework-2021-to-2022/2021-to-2022-better-care-fund-policy-framework#national-condition-4>