

To: Education and Children's Services Policy Board

On: 2 November 2017

Report by: Director of Children's Services

Heading: Carers (Scotland) Act 2016 – Implementation of Young Carer Requirements

1. Summary

- 1.1. The Carers (Scotland) Act 2016 aims to improve support for carers to enable them to continue to care, if they wish to do so, in better health and to have a life away from their caring role. The Act recognises fully the role of young carers and places a number of duties on local authorities and health boards to support them.
 - 1.2. A number of elements of the Act come into force in April 2018 and build upon previous legislation and national strategy documents such as 'Caring Together: The Caring Strategy for Scotland 2010-2015' and 'Getting It Right for Young Carers' (2010).
 - 1.3. The new duties on local authorities in respect of young carers are to:
 - prepare and review Young Carer Statements;
 - establish local eligibility criteria for services for young carers;
 - provide support for young carers;
 - involve young carers in carers' services;
 - to prepare a carers' strategy;
 - establish and maintain an information service for carers; and
 - produce a short breaks service statement.
 - 1.4. A Young Carers Working Group is preparing for the implementation of the Act. An evaluation of our readiness set against the main provisions of the Act has shown that Renfrewshire are already compliant with most of the new requirements. A comprehensive plan is in place to ensure readiness for the Act's commencement.
 - 1.5. The Scottish Government is providing some additional funding to support local authorities and health boards in their implementation of the Act. Officers from Children's Services and the HSCP are currently considering how to make best use of this limited resource.
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2. Recommendations

- 2.1. Members of the education and children's services policy board are asked to note:
- [a] the implications of the new Act for Renfrewshire's Children's Services; and
 - [b] that an implementation plan is in place to ensure compliance with the Act and delivery of supports for local young carers.

3. Background

- 3.1. Carers (Scotland) Act 2016 recognises the value of the unpaid care provided nationally by Scotland's carers, as well as the impact that caring can have on individual carers. The Act emphasises the importance of supporting carers to have a life outside of caring.
- 3.2. The Act defines young carers as carers aged under the age of 18 years or older provided they remain a pupil at school. The responsibility for young carers rests with local authorities for school age children and with health boards for pre-school children. It would be a concern if very young children were undertaking a caring role and we would anticipate this would promote a fuller assessment of the circumstances.
- 3.3. The key changes introduced by the Act are as follows:
- a) The definition of carer has been broadened to include individuals who intend to provide care as well as those who are already providing care. There is no longer a requirement for carers to provide 'substantial and regular' care, which has never had a legal definition.
 - b) The responsible authority where a carer lives has a duty to prepare a Young Carer Statement (YCS) for anyone identified, or identifying themselves, as a carer and willing and able to undertake the role. This duty is irrespective of whether they are deemed eligible for support.
 - c) The YCS must identify personal outcomes and detail any support to be provided in order to meet needs in accordance with local eligibility criteria. It must also assess the young person's personal circumstances and the extent to which the caring role is appropriate having regard to the young person's age and maturity. The YCS must include assessment of whether any support should take the form of a short break from caring and the circumstances in which the plan should be reviewed. Subsequent plans must record the extent to which the personal outcomes were achieved. Functions under this section of the Act must be exercised in a manner which encourages equal opportunities and takes account of protected characteristics under equalities legislation.
 - d) The local authority and health board must, in consultation with carers and their representatives, develop local eligibility criteria for access to carer services. The Act does not preclude development of separate criteria for adult and young carers. The local authority has a duty to provide support to carers who meet the eligibility threshold and may also provide support for young carers at a preventative or early intervention stage irrespective of the threshold. The eligibility criteria require to be published by 31 March 2018. Regulation from Scottish Ministers is expected as regards the process for reviewing eligibility criteria.

- e) When a young carer does not meet the eligibility criteria, the local authority must detail in the YCS the child or young person's needs and how the outcomes will be met. In these circumstances, the young carer should be signposted to information and advice services and universal and community-based resources. Local authorities have a power to provide support below the threshold set in the eligibility criteria.
 - f) The Act creates a duty on local authorities to produce a 'short break statement' which sets out how carers will be supported to access appropriate breaks from their caring role, with consideration also given to the cared-for person and how care is provided to them.
 - g) The local authority and health board have a duty to produce a joint three year local strategy for adult and young carers. The first of these is to be produced by 31 March 2019. The strategy must set out how the responsible authorities will identify local carers, how the needs of local carers will be assessed and met, timescales for development of Young Carer Statements and monitoring arrangements. A strategy for young carers is already in development and should be published by 31 March 2018. This strategy is likely to be adopted into the joint strategy, in due course.
 - h) The Act requires that local authorities maintain an information and advice service for local carers, which is accessible and proportionate to their needs, including those who have one or more protected characteristics.
 - i) In addition, the Act requires that the Scottish Government produce a Carers' Charter. The Charter is currently in the process of consultation and Renfrewshire is preparing its response.
- 3.4. A joint Children's Services and HSCP Carers Strategic Implementation Group has been operational for several months and is overseeing the implementation of both the adult and young carer requirements. Children's Services and partners are working to a comprehensive project plan to ensure readiness for the young carer provisions by 31 March 2018.
- 3.5. A desk-top readiness self-assessment was conducted recently. It found that Renfrewshire is already compliant with most of the new requirements and that progress towards necessary adaptations to practice and process are on track for completion before commencement of the Act.
- 3.6. The Getting It Right for Every Child approach is embedded across Renfrewshire and partner agencies. It provides a strong basis upon which to develop our young carer activities and provides a coherent practice framework for ensuring that children and young people with caring responsibilities have their needs met.
- 3.7. The recent children's wellbeing survey found 227 children and young people aged nine to 15 years who identified themselves as young carers. It is estimated that there are another 237 young carers aged 16 to 19 years. The planned service response to the new Act is sufficient to meet demand on this scale however the level of resource that maybe required to meet the level of identified needs is currently unknown
- 3.8. Children's Services are currently collaborating with Renfrewshire Carers' Centre to update their contract and ensure alignment with Renfrewshire's strategic objectives for young carers.

Implications of this report

1. Financial Implications

Additional funding is being provided by the Scottish Government to support the implementation of the new Act. The level of funding might not be sufficient to meet the costs of implementing the new duties in relation to support needs identified.

2. HR and Organisational Development Implications

None.

3. Community Plan/Council Plan Implications

None.

4. Legal Implications

New duties are placed on the local authority both in respect of young carers and adult carers.

5. Property/Assets Implications

None.

6. Information Technology Implications

None.

7. Equality and Human Rights Implications

The Act explicitly requires responsible authorities to have regard to young carers with one or more protected characteristics.

8. Health and Safety Implications

None.

9. Procurement Implications

None.

10. Risk Implications

It is essential that staff across Renfrewshire and the HSCP are able to identify potential young carers and signpost them to appropriate services to ensure we are compliant with the requirements of the Act.

11. Privacy Impact

None.

12. Cosla Policy Position

None.

List of Background Papers

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The Carers (Scotland) Act 2016 can be found here: <http://www.gov.scot/Topics/Health/Support-Social-Care/Unpaid-Carers/Implementation/Carers-scotland-act-2016>

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