
To: **Social Work, Health & Wellbeing Policy Board**

On: **19 May 2015**

Report by: **Chief Officer Designate, Renfrewshire Health & Social Care Partnership**

Heading: **Carers (Scotland) Bill**

1. Summary

- 1.1. In October 2013 the Scottish Government announced plans to bring forward legislation intended to enhance the level of care and support available to carers and young carers in Scotland, through the publication of a Statement of Intent. Consultation on proposals for carer's legislation was published by the Government in early 2014 and a joint Social Work and Community Health Partnership response was homologated by the Social Work, Health and Well Being Policy Board on 6th May 2014.
 - 1.2. This report provides information on the Carers (Scotland) Bill which was introduced in Parliament on 9th March 2015. The Bill covers a range of areas relating to supporting carers including a number of new duties and requirements which impact on the Council.
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2. Recommendations

- 2.1. The Social Work, Health & Wellbeing Policy Board is asked to:
 - a) Note the main provisions of the Bill
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3. Background

Local Context

- 3.1 The Renfrewshire Carers Strategy 2013-16 acknowledges the significant role carers play in supporting people and recognises carers as partners in the delivery of care. According to the recent 'Scotland's Carers'¹ publication 17,760 (10%) people in Renfrewshire identify themselves as carers, however the figures demonstrate a considerable shift towards high intensity caring based on the number of hours each week that people provide unpaid care.

¹ <http://www.gov.scot/Publications/2015/03/1081>

3.1.1 The Strategy recognises the significant amount of work being driven locally by a partnership of carers, the Council, Renfrewshire CHP, NHS Greater Glasgow and Clyde, Renfrewshire Carers Centre and other local voluntary organisations through the Carers Joint Planning Performance and Implementation Group.

3.1.2 Key developments and achievements include:

- Increasing number of carers assessments completed
- Funding from both local health and social care services to enhance the support that this provided to young carers and young adult carers. As well as promoting the valuable role of young carers and working with schools to identify young carers, the funding to Renfrewshire Carers Centre supports young carers groups, participation in activities such as the Duke of Edinburgh awards scheme and support for young adult carers to access employment, training and education.
- Increase in the number of carers receiving training to ensure they have the knowledge and skills to continue in their caring role;
- Support for early identification and better information for carers;
- Support for specialised carer support groups;
- Increased respite provision

Carers (Scotland) Bill

3.2 The Carers (Scotland) Bill was introduced in the Scottish Parliament on 9th March 2015. The Bill covers a range of areas relating to supporting carers including a number of new duties and requirements which impact on the Council, the Bill:

- gives a broader definition of ‘carer’ and ‘young carer’;
- replaces the current carer’s assessment with a new adult carer support plan and provides a young carer statement for all young carers
- provides for the establishment of an information and advice service for carers in each local authority area which must include a short breaks services statement
- introduces a duty to support carers whose needs cannot be met by general services in the community (including the information and advice service). The carer’s needs must meet local eligibility criteria in order for the duty to apply;
- requires local authorities, in determining which support to provide carers, to consider in particular whether the support should take the form of, or include, a break from caring;
- requires local authorities to prepare local carer strategies for their areas; and
- requires local authorities and health boards to involve carers in carer services meaning services provided by the local authority or health board to carers and cared-for persons.

3.2.1 Accompanying the Bill is a Financial Memorandum setting out funding for relevant bodies to implement the proposals.

3.3 Part 1 – Key Definitions

Meanings of “carer”, “young carer” and “adult carer”

3.3.1 A **carer** is an individual who provides or intends to provide care for another individual.

- 3.3.2 'Carer' does not apply
- in the case of a cared-for person under 18 years old, to the extent to that the care is or would be provided by virtue of the person's age;
 - if the care is provided by virtue of a contract;
 - or as voluntary work.

3.3.3 A **young carer** is a carer under 18 years old or who has reached 18 years while a pupil at school and remains a pupil at that or another school.

3.3.4 An **adult carer** as a carer who is at least 18 years old but who is not a young carer.

Meaning of responsible authority: young carers

3.3.5 Where the young carer is a pre-school child, the responsible authority will be the health board for the area in which the child resides. In any other case, the responsible authority will be the local authority for the area in which the young carer resides.

3.4 **Part 2 – Adult Carer Support Plans and Young Carer Statements**

Duty to prepare Adult Carer Support Plan

3.4.1 An Adult Carer Support Plan is a plan prepared by a responsible local authority that sets out an adult carer's identified personal outcomes, identified needs and any support to be provided by the responsible local authority to meet those needs.

3.4.2 The responsible local authority is required to prepare an Adult Carer Support Plan for a person if the responsible local authority itself identifies the person as an adult carer, if an adult self-identifies as a carer and the responsible local authority agrees.

3.4.3 The responsible local authority is the local authority for the area in which the carer lives. This will still be the case where the adult carer lives in a different local authority area to one in which the cared-for person lives.

Content and review of Adult Carer Support Plan

3.4.4 An Adult Carer Support Plan must contain:

- the adult carer's personal circumstances;
- the extent to which the adult carer is able and willing to provide care;
- the adult carer's personal outcomes;
- the adult carer's needs for support;
- the support generally available;
- the support that the responsible local authority provides or intends to provide;
- whether support provided should take the form of a short break; and
- the circumstances for review.

The second and subsequent Adult Carer Support Plan prepared for a carer must contain information on the extent to which any support provided under a previous plan has assisted in achieving the carer's identified personal outcomes.

Provision of information about plan

3.4.5 The responsible local authority should provide the information contained in the Adult Carer Support Plan to the adult carer to whom the plan relates and where appropriate, to any other person(s) at the carer's request, as soon as practicable after the revised plan is prepared.

Duty to prepare Young Carer Statement

- 3.4.6 A Young Carer Statement is a statement prepared by the responsible authority that sets out a young carer's identified personal outcomes (with reference to the safe, healthy, achieving, nurtured, active, respected, responsible, included [SHANARRI] well-being indicators), identified needs and any support to be provided by the responsible local authority to the young carer to meet those needs. This will apply whether or not the young carer also requires a child's plan.

Content and review of young carer statement

- 3.4.7 A Young Carer Statement must contain:
- the young carer's personal circumstances, including the impact of caring;
 - the extent to which the young carer is able and willing to provide support;
 - the extent to which the care provided by the young carer is appropriate;
 - the young carer's personal outcomes;
 - the young carer's needs for support;
 - the support generally available;
 - the support which the responsible local authority provides or intends to provide;
 - whether support should be provided in the form of a break from caring for the cared-for person;
 - the circumstances for review.

Provision of information about statement

- 3.4.8 The responsible authority must provide the information contained in the Young Carer Statement to:
- the young carer to whom the young carer statement relates,
 - the young carer's named person, and
 - where appropriate, any other person the young carer requests.

Where the responsible authority, in relation to a young carer, is not the responsible local authority, the responsible authority must not provide the young carer statement to the young carer without the approval of the responsible local authority.

3.5 Part 3 – Provision of Support to Carers

Local eligibility criteria

- 3.5.1 The local authority is required to set the local eligibility criteria which it is to apply for its area. The local authority should consult with persons and bodies representative of carers and the eligibility criteria should be published. Scottish Ministers have the power to make regulations setting out national eligibility criteria.

Duty to provide support to carers

- 3.5.2 The responsible local authority has a duty to provide support to the carer to meet identified eligible needs.
- 3.5.3 The local authority should consider whether support should include support which provides a break from caring.
- 3.5.4 Scottish Ministers have the power to make regulations about the forms of support that would constitute a break from caring. Such regulations may make specific provision to deal with cases where the support is delivered through the provision of replacement care or other services or assistance to the cared-

for person. This includes provision about the role of the cared-for person in relation to how that care or those services or assistance are provided and whether that care or those services or assistance are to be regarded as support to the carer or to the cared-for person.

3.5.5 A local authority can make appropriate charges when providing services which support carers.

3.6 **Part 4 – Carer Involvement**

3.6.1 Local authority and health boards should involve carers and such persons and bodies representatives of carers in carer services.

3.6.2 The carer must have as much involvement as he or she wishes in relation to the preparation of the adult carer support plan or young carer statement.

3.6.3 The authority preparing care assessments should take into account the care which is provided, or to be provided by any carer.

3.7 **Part 5 – Local Carer Strategies**

3.7.1 Each local authority must prepare a local carer strategy, including information relating to the particular needs and circumstances of young carers in its area.

3.7.2 The strategy must include:

- the local authority plans for identifying carers in its area and how it will obtain information about the care they provide or intend to provide;
- the authority's assessment of the demand for support to carers in its area;
- the support which is available to carers in the authority's area, whether from the authority itself, the relevant health board or any other persons or bodies that the local authority deems appropriate;
- the authority's assessment of the extent of unmet need for support in the area;
- the authority's plans for supporting carers in its area;
- the authority's intended timescales for preparing adult carer support plans and young carers statements; and
- any other information that the authority considers to be appropriate.

3.8 **Part 6 – Information and Advice for Carers**

Information and advice service

3.8.1 Each local authority must establish and maintain an information and advice service for carers in its area.

Short breaks services statements

3.8.2 Each local authority to prepare and publish a short breaks services statement relevant to the persons who live in that area.

3.9 **Part 7 – General Provision**

3.9.1 Allows grants and loans to be made to voluntary organisations in connection with things they do which assist local authority in exercising their functions under this Bill.

3.9.2 Parts 2 to 6 of this Bill should be considered as part of provisions relating to the performance of functions by local authority for the purposes of that section. This will then allow local authority to make arrangements with voluntary organisations so that such organisations can provide assistance to local authority exercising functions under the Bill.

3.10 **Financial Memorandum**

- 3.10.1 The financial memorandum accompanying the Bill sets out the estimated costs associated with implementation of the Bill, including the duties on local authority.
- 3.10.2 The Government estimates that total funding of between a minimum £11 million in 2017-18 to £72 million in 2021-22 and a maximum of £12 million to £84 million in the same period will support carers, and includes funding for the Adult Carer Support Plan and Young Carer Statement, information and advice service (including a short breaks service statement), the duty to support carers, additional short breaks component and local carer strategies. However the Government does not give an indication of funding levels for individual Councils.

Waiving of charges for support to carers

- 3.10.3 The Government recently published regulations on the charging for support for carers which required local authority to waive charges for certain types of support, the regulations were published to clarify the position in respect of Self Directed Support. The regulations however are proving challenging for local authorities in relation to 'replacement care' as, "it is not always clear if replacement care is provided to the carer following a carer's assessment in order to meet the needs of the carer (where charges would be waived) or provided to the cared-for person in order to meet their assessed needs (and, therefore, chargeable)"². The Government expects to publish new regulations regarding this matter alongside a financial memorandum if there are cost implications.

² <http://www.scottish.parliament.uk/parliamentarybusiness/Bills/86987.aspx>

Implications of this report

- 1. Financial Implications**
The duties and requirements set out in the Bill will have financial implications, the accompanying financial memorandum sets out Government funding.
- 2. HR and Organisational Development Implications**
None.
- 3. Community Plan/Council Plan Implications**

Children and Young People	- The Bill sets out a range of duties and requirements aimed at supporting young carers.
Community Care, Health and Well-being	- The Bill sets out a range of duties and requirements aimed at supporting carers.
- 4. Legal Implications**
The Bill sets out new definitions of 'carer' and 'young carer' as well as a number of new duties.
- 5. Property/Assets Implications**
None.
- 6. Information Technology Implications**
None.
- 7. Equality and Human Rights Implications**
An Equality Impact Assessment has been carried out by the Government and the impact of the Bill locally will be monitored and reviewed and any implications will be reported as appropriate.
- 8. Health and Safety Implications**
None.
- 9. Procurement Implications**
None.
- 10. Risk Implications**
None.
- 11. Privacy Impact**
None.

List of Background Papers

(a) none

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