
To: Renfrewshire Integration Joint Board

On: 15 September 2017

Report by: Chief Officer

Heading: Preparation for Implementation of the Carers (Scotland) Act

1. Summary

1.1 The Carers (Scotland) Act will commence on 1 April 2018. The Act relates to both adult and young carers.

1.2 This paper provides an update on the range and provisions to be delivered under the Act and the preparations underway including:

- Local governance arrangements in place and implementation approach;
 - Assessment of Renfrewshire HSCP and Renfrewshire Council's readiness for the introduction of the Act;
 - Timeline for approval of Local Eligibility Criteria; and
 - Management of the key risks identified.
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2. Recommendation

It is recommended that the IJB:

- Note the content of the report; and
 - Agree a further report is brought to the IJB in November to update on Renfrewshire's position in terms of readiness against the key provisions required in advance of the Act's implementation on 1 April 2018.
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3. National Policy Context

3.1 The Carers (Scotland) Act received Royal Assent on the 9th March 2016. The Act covers a range of areas relating to supporting carers including a number of new duties and requirements which impact on the IJB. The Act:

- changes the definition of a carer to a carer as "an individual who provides or intends to provide care for another individual".
- gives IJBs and Local Authorities a duty to prepare an adult care and support plan (ACSP) or young carer statement (YCS) for anyone they identify as a carer, or for any carer who requests one. The ACSP and YCS replace the existing Carer Assessment.
- gives IJBs and Local Authorities a duty to provide support to carers that meet local eligibility criteria.
- requires IJBs and Local Authorities to involve carers in carers' services.
- requires IJBs and Local Authorities to establish and maintain advice and information services for carers.

- introduces the requirement for a timescale for preparing a support plan for the carer of a terminally ill person.
- provides a joint duty for both health boards and local authorities to create local carer strategies.
- introduces the requirement for carers to be involved in the hospital discharge procedures of the person they care for.
- provides a requirement for an adult carer support plan or young carer statement to include emergency plans.
- provides a requirement that the IJBs and Local Authorities when determining whether to provide support to a carer, must consider whether the support should take the form of or include a break from caring.
- provides a requirement for Scottish Ministers to prepare a Carers Charter.

4. Local Governance Arrangements and Implementation Approach

4.1 Renfrewshire HSCP and Renfrewshire Council Children’s Services have set up a Strategic Steering Group to oversee the implementation of the Act in Renfrewshire.

4.2 In addition, four working groups have been established which report into the Strategic Steering Group:

Workstream	Remit
1 Adult Carers Group	To ensure all aspects of the legislation in relation to Adult Carers is in place by 1 April 2018
2 Young Carers Group	To ensure all aspects of the legislation in relation to Young Carers is in place by 1 April 2018
3 Training and Development Group	To ensure organisational readiness across Renfrewshire Council, Renfrewshire HSCP, local carers organisations and other partners through: <ul style="list-style-type: none"> • Communication and awareness raising; • Stakeholder engagement and consultation; • Training and development.
4 Financial Group	To establish a financial model to support the implementation of the Act.

4.3 The Carers’ Centre Manager represents Carers on the Strategic Steering Group. Through the Carers’ Forum we will offer further places for carers to participate in the Steering Group and working groups.

4.4 Renfrewshire has been allocated £69.6k by the Scottish Government to support implementation preparations for the commencement of the Act. It is unclear at this point how this funding will be spent. The Strategic Steering Group will agree how the funding will allocated to support the work.

4.5 The Scottish Government is developing and issuing statutory guidance on the Carers' Act. Rather than waiting until all of the guidance has been prepared, it will be distributed as and when available. Two sets of draft statutory guidance are now available, relating to the local carers' strategy and eligibility criteria.

4.6 Pilots to test some of the provisions in the Act are underway in nine HSCPs. The Scottish Government will consider the feedback from the pilot sites in the Autumn and this will be widely shared in due course. Four areas will soon begin to test provisions in relation to carer involvement in hospital discharge.

5. Readiness for Implementation

5.1 Renfrewshire HSCP and Children's Services are currently undertaking a desktop exercise to determine the readiness of Renfrewshire HSCP and Renfrewshire Council Children's Service against the Act's provisions to fully determine the work that needs to be done in advance of 1 April 2018.

5.2 The findings of the exercise will be brought to the next meeting of the IJB in November 2017.

6. Eligibility Criteria

6.1 This is an important aspect in the work required for the Act's commencement on 1 April 2018.

6.2 There are three aspects to setting an eligibility framework

- the criteria that determine it;
- the thresholds that must be passed to trigger it; and
- the services that follow it.

6.3 While the Scottish Government has decided against setting national eligibility criteria, it is desirable for local eligibility criteria to reflect nationally agreed definitions of levels of need/risk, in order to promote consistency of response across Scotland. The Carers' Act does not preclude the use of different eligibility criteria in relation to young carers.

6.4 The Scottish Government issued guidance on eligibility criteria in August 2017 which will be taken into account in the development of local criteria for Renfrewshire HSCP.

6.5 To better reflect the different needs of our Adult Carers and Children's Carers, the Strategic Steering Group has agreed that it will develop local eligibility criteria for each. Renfrewshire HSCP and Children's Services will develop these in close collaboration to ensure consistency in approach wherever possible.

6.6 As the timeline at Appendix 2 sets out, Renfrewshire HSCP would expect both Adult and Children's draft eligibility criteria to be developed and consulted upon by December 2017. The Strategic Steering Group will work with local carer organisations to ensure the consultation approach is open and transparent. The Group will also consider how it can reach those carers who may feel more marginalised and not always included within consultation exercises.

6.7 In line with Scottish Government guidance the finding of the consultation and final drafts of the Adult and Children's Eligibility Criteria will be presented to both the IJB and Renfrewshire Council's Education Policy Board for approval in early 2018.

6.8 Subject to approval, the Adult and Young Carers' local eligibility criteria will be published, and subject to regular review, as required under Section 22 of the Act.

7. Risks

7.1 There are a number of risks which may impact on the successful implementation of the Carers' Act. These are detailed in the table below with supporting mitigation activities identified by the Strategic Steering Group.

Risk	Identified mitigation
1 Delays in receiving guidance could negatively on impact on planning activity	Renfrewshire has representation on national groups and has an early indication on direction of travel, in advance of formal guidance being issued.
2 The financial impact of waiving of charges for carers has not been quantified. There is a risk this may place significant pressure on Renfrewshire HSCP and/or Renfrewshire Council.	A financial working group has been established which will further explore the potential impact of waiving of charges
3 Additional resources required to undertake carers' assessments, Self-Directed Support and care management	This is being regularly monitored by the Strategic Steering Group and will be reported into the Children's Services Directorate and HSCP SMT. Any additional capacity requirements identified.
4 There is risk that the expectations of carers around eligibility criteria cannot be supported by available resources and / or allocated funding.	There will be a formal consultation with carers on the eligibility criteria to create a greater shared understanding on how their needs can be best met.
5 Scottish Government has indicated that this will be the final year of the Carers' Information Strategy Fund to be replaced by Financial Framework of Carer Scotland Act	This will be modelled by the financial works group to create a better understanding of how this change could impact the current planned commitments.

Implications of the Report

1. **Financial** – Scottish Government has indicated that this will be the final year of Carer Information Strategy Fund to be replaced by Financial Framework of Carer Scotland Act
2. **HR & Organisational Development** – additional staff training planned to support staff through change.
3. **Community Planning – Nil**
4. **Legal – Nil**
5. **Property/Assets – Nil**
6. **Information Technology** – managing information and making information available may require ICT input.
7. **Equality & Human Rights** – Specific investment to reach hard to reach carers. Carers Strategy requirement of Carers (Scotland) Act will require full EQIA.
8. **Health & Safety – Nil**
9. **Procurement – Nil**
10. **Risk** – as highlighted within the report.
11. **Privacy Impact – Nil**

List of Background Papers - None

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Timeline and work plan outline for Implementation

Appendix 1

Up to Oct 2017	<ul style="list-style-type: none"> • Report to IJB and Council setting out legislative background to establishing eligibility criteria for carers, and other requirements, duties and powers from the Act • Consider requirements for local eligibility criteria for Adult and Young Carers. • Review any existing criteria, consider relationship to current eligibility criteria for adult social care and children with disabilities • Consider government guidance as made available • Plan the local timetable for the work on eligibility, including the consultation, and the involvement of people and bodies representing carers • Consider any changes required to information systems to collect better data on carers
November 2017	<ul style="list-style-type: none"> • Finalising draft Adult and Young Carers' eligibility criteria ready for consultation, • Plan consultation process including resources for receiving and analysing the responses. • Publish draft eligibility criteria • Plan and organise range of methods for consultation with carers, their organisations and wider stakeholders including general public
December 2017	<ul style="list-style-type: none"> • Closure date for consultation responses • Complete analysis of consultation responses and meetings • Draft carers' strategies for Adults and Young Carers consulted on.
January – February 2018	<ul style="list-style-type: none"> • Report to IJB and Council on consultation responses and proposed final Adult and Young Carers' eligibility criteria • IJB and Council agree final first Adult and Young Carers eligibility criteria, taking into account consultation responses • Draft Carers' strategies for Adults and Young Carers presented for approval • Deliver changes to information systems, • Plan and deliver communications and training to staff, • Develop Operational Guidance, • Develop public information including FAQs • Council agrees 2018-19 budget, including available IJB budget to support the implementation of the Act and will agreed by NHS Board.
March 2018	<ul style="list-style-type: none"> • Carers' strategies for Adults and Young Carers finalised and published
April 2018	<ul style="list-style-type: none"> • Commence Act in line with eligibility criteria