

## Carers (Scotland) Act 2016

**The intention of the Carers (Scotland) Act** is to ensure carers & young carers are better supported on a more consistent basis enabling them to continue caring, if they want in good health and having a life alongside caring and young carers, having a childhood similar to their non-carer peers. It sits the wider context of the Scottish Government's intention to build a fairer Scotland.

The provisions in the Act includes:

- a duty on the LA to provide support based on carers identified needs which meet the local eligibility criteria
- a specific Carer Support Plan (CSP) and Young Carer Statement (YCS) to identify carers' needs and personal outcomes
- a requirement for each LA to have its own information. advice service for carers which provides information/advice on emergency & future care planning, advocacy, income maximisation and carers' rights.

**The intention of the Carers' Charter** is to set out the rights of carers as provided for under the Carers (Scotland) Act 2016 in an understandable format.

**N.B.** The closing date for this consultation is **22 October '17**. **The link to it is:**

[Consultation on the draft carer's charter of the Carers \(Scotland\) Act 2016 - Scottish Government - Citizen Space](#)

### Questions:

- 1)** Is the information in Chapter 1 – “Am I a carer?” clear? Is there anything to be added, removed, or presented differently?
- 2)** Is the information in Chapter 2 – “Adult carer support plan” clear? Is there anything that needs to be added, removed, or presented differently?
- 3)** Is the information in Chapter 3 – “Young carer statement” clear? Is there anything that needs to be added, removed, or presented differently?
- 4)** Is the information in Chapter 4 – “Support as a carer” clear? Is there anything that needs to be added, removed, or presented differently?
- 5)** Is the information presented in Chapter 5 – “Carer involvement in services” clear? Is there anything that needs to be added, removed, or presented differently?
- 6)** Is the information in Chapter 6 – “Hospital discharge” clear? Is there anything that needs to be added, removed, or presented differently?
- 7)** Are there any rights of carers under the Carers (Scotland) Act 2016 not captured in the draft of the charter that should be included? Yes / No

## Carers (Scotland) Act 2016

### CHAPTER 1 – Am I a carer?

**Meaning of carer** - You are a 'carer' if you provide or intend to provide care for another person – but not if:

- this is only because of that person's age (where they are under 18); or
- you are caring because you have a contract or as voluntary work.

(The previous requirement for a carer being someone providing a substantial amount of care on a regular basis to someone will no longer apply.)

**Meaning of young carer** - You are a 'young carer' if you are a carer (as above) and are also:

- under the age of 18; or
- 18 or over, but still attending school.

**Meaning of adult carer** - You are an 'adult carer' if you meet the criteria for a carer above and are aged 18 or over, and not attending school.

**Kinship carers** – You are a 'kinship carer' if you are looking after a child in place of their parents). But this is only for kinship carers who meet the other requirements of the meaning of 'carer' above, so not where the care is simply because of the child's age.

### CHAPTER 2 - Adult carers have a right to an 'adult carer support plan'. (CSP)

The LA must offer a CSP to anyone they identify as an adult carer. A CSP must be completed for anyone who accepts this offer. They must also prepare a CSP for anyone who appears (to them) to be an adult carer if that person requests one.

#### **What is a CSP?**

The CSP will contain a variety of information about a carer's own circumstances and caring role. It should include, amongst other things, information about:-

- the extent to which a carer is able and willing to provide care
- what 'personal outcomes' matter in order to help them carry out their caring responsibilities, to have a life alongside caring, and to look after their own health and wellbeing
- support available to adult carers locally and
- any support which the responsible LA intends to provide.

#### **Who is responsible?**

The LA of the person being cared for is responsible for offering the carer a CSP. They will agree when and how the CSP conversation is to take place. (In some areas, the LA may decide to arrange this through another local organisation such as a local carer centre.)

The LA responsible for the CSP should normally provide a copy of the plan to the carer and any other person the carer requests, unless there is a reason that the LA decides this would not be appropriate.

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### CHAPTER 3 - Young carers have a right to a 'young carer statement'. (YCS)

The responsible authority must offer a YCS to anyone they identify as a young carer. They must prepare a YCS for anyone who accepts this offer.

They must also prepare a YCS for anyone who appears (to them) to be a young carer if the young carer requests one.

#### **What is a young carer statement?**

The YCS will contain a variety of information about the young person's own circumstances and caring role. It should include, amongst other things, information about:-

- the extent to which the young carers able and willing to provide care
- how far the type and extent of the care provided is appropriate
- what 'personal outcomes' matter to the young person in order continue to provide care, where that is appropriate, to have a life alongside caring, and to look after their own health and wellbeing
- support available to young carers locally and
- any support which the responsible authority intends to provide.

When the young person turns age 18, any YCS will continue until a CSP is completed or they are no longer a carer.

#### **Who is responsible?**

The LA will normally be responsible for offering a YCS. They will agree with the young person when and how the YCS conversation is to take place.

It may not always be the LA that prepares the YCS. The 'responsible authority' can also be:-

- the health board – where a young carer is a pre-school child
- another LA – where a young carer attends a local authority school away from the area they would otherwise live; or
- the young carers school where he or she attends s a grant-aided or independent school.

The responsible authority should normally provide a copy of the YCS to the young person and any other person the YC requests, unless there is a reason that they decide this would not be appropriate.

### CHAPTER 4 – Support as a carer

#### **Carers have a right to support to meet any 'eligible needs'.**

The responsible LA must provide support to any carer who has identified needs which cannot be met through support provided to the cared-for person or through general local services - but only where those identified needs meet the local eligibility criteria.

This means the CSP or YCS will identify the needs as a carer. The LA will decide if any (or all) of these support needs meet the local eligibility criteria it has set. The LA must provide support to meet these 'eligible needs'. (It should do this in a way that gives as much choice and control as the carer would like.

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If a carer's identified needs do not meet the LA's eligibility criteria, then the LA may still provide support to meet any other needs identified in the CSP or YCS. This support might include information and advice; and/or support available in the LA.

If you have eligible needs, the LA must consider whether breaks from caring should be part of the support received.

### Who is responsible?

The LA of the person being cared for is responsible for providing support to the carer.

The LA may ask another organisation to provide support to you on its behalf. This could be, for example:-

- a local carer centre
- a LA organisation or
- other local or national services.

### CHAPTER 5 - Carers have a right to be involved in services.

- LAs and health boards must involve carers in planning the carer services they provide.
- LAs must involve carers in assessing their needs for support and providing that support.
- LAs must take carers into account in assessing the needs of the person being cared for.

### This means

- a) The LA and health board must 'take such steps as they consider appropriate' to involve carers and carer representatives in the planning and evaluation of services that support carers. This includes the LA preparing the local carer strategy. It also includes planning services for people being cared for where those services are related to the care that carers provide.
- b) The LA must involve carers in assessing their needs for carer support and decisions about how any such support is to be provided. These issues should normally be included in the conversation as part of the CSP or YCS.
- c) The LA must take the views of carers into account in assessing the needs of the person being cared for, as far as that is 'reasonable and practical'. They must also take account of the care that the carer is providing or willing or intending to provide.

### Who is responsible?

- a) All LAs and health boards have responsibility to involve carers in the strategic planning of carer services.
- b) The LA of the person being cared for is responsible for involving the carer in decisions about support for them and the cared-for person.

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### CHAPTER 6 – hospital discharge

Carers have a right to be involved in the hospital discharge process of the person they are caring for or are going to be caring for.

Each health board must ensure that, before a cared-for person is discharged from hospital, it involves any carer of that person in the discharge.

#### **This means**

If the person being cared for is admitted to hospital, the health board must take appropriate steps to:-

- inform the carer as soon as it can about when the person being cared for is to be discharged;
- consider the carer views about the discharge; and
- take the carers views into account when planning the discharge (as far as 'reasonable and practical').

This can be for either a planned or unscheduled admission to hospital.

It is important that carers have the opportunity to be involved in the hospital discharge process which will help plan for appropriate support to be made available for the carer and the person being cared for.

A carers involvement in the hospital discharge process must happen whether or not the person being cared for moves from hospital to their normal home. There may be circumstances where they move from hospital to, for example:-

- a care home;
- another NHS facility for further treatment or rehabilitation; or
- in the case of mental health patients, to a lower security hospital.

**N.B.** the requirement to involve carers in hospital discharge only applies in circumstances where the cared for person is likely to require care from the carer after they have been discharged.

#### **Who is responsible?**

It is the responsibility of the health board discharging the person to keep the carer informed and to take steps to have conversations with the carer.