

## The National Carer Organisations

### The Carers (Scotland) Bill - A briefing paper for carers

On the 9<sup>th</sup> of March 2015 The Carers (Scotland) Bill was introduced to Parliament. For the first time, the Scottish Government has introduced legislation specifically for unpaid carers.

The proposals set out a range of measures to improve the identification and provision of support to carers, including the introduction of a new duty on local authorities to support carers who are assessed as needing support and who meet eligibility criteria. This is a change from the current system where local authorities have a **power** to support unpaid carers, but not a **duty**.

1,587 people responded to the consultation on the Carers Bill and the majority of responses were from carers and young carers. In addition, 16 consultation events were held by the government and local and national carer organisations

In this briefing paper we have summarised the key points of the Carers (Scotland) Bill in relation to adult carers. Many of the proposals set out in Bill reflect the views expressed by carers during the consultation. However, there are some areas where we feel improvements could be made and a few areas where we feel significant changes need to be made to ensure the new legislation delivers new rights and real change for carers.

### Green – The proposals that got the green light from carers

	Carers Assessments will change their name to <b>Adult Carer Support Plans</b>	
	At the moment only carers providing care on a ' <b>regular and substantial</b> ' basis are legally entitled to a carers assessment. This test will be removed so that all carers can access an Adult Carer Support Plan	
	The requirement that the person being cared for must be someone to whom the local authority provides a community care service will be removed	
	There will be two routes to assessment – a carer can <b>request</b> one and the Local Authority can <b>offer</b> one	
	Emergency, anticipatory or future planning will be covered in regulations about other information that an Adult Carer Support Plan must contain.	
	The reference to a carer's <b>ability</b> to provide care will be removed. Instead it will refer to a carer being ' <b>able and willing</b> ' to provide care	
	Local Authorities will have a <b>duty</b> to prepare and publish a <b>Short Breaks Statement</b>	
	Local Authorities will have a <b>duty</b> to support carers who meet eligibility criteria and also a <b>power</b> to support carers in a preventative manner where they do not meet eligibility criteria	
	Guidance will be issued on Adult Carer Support Plans, which will include information on the <b>different stages of caring</b> and the need for a review to address periods of <b>transition</b>	

	There will be a <b>duty</b> on Local Authorities and Health Boards to involve adult carers, young carers, carer organisations and other relevant organisations in the planning, shaping, delivery and review of services. This duty will extend the provisions within the Public Bodies (Joint Working) Act	
	Local Authorities will be <b>required</b> to take into account the views of the carer when determining the needs of the person being assessed and deciding what services to provide and how to provide them	
	There will be a <b>duty</b> on Local Authorities to develop and publish local carer strategies and to involve carers in the development of review of strategies. Carer strategies must be reviewed every 3 years	
	Where the carer and the cared-for person live in a different local authority area, the local authority in which the carer resides should prepare the Adult Carer Support Plan and they will be responsible for the cost of providing any agreed support	
	Local Authorities will be <b>required</b> to take into account the care provided by an unpaid carer when conducting an assessment of the cared-for person. Where there is an Adult Carer Support Plan in place they must take account of this. Where there is not they must still take account of the care provided and ascertain that this is what the carer is ' <b>able and willing</b> ' to provide	

### Amber - proposals that need to be strengthened

	Instead of specifying a maximum waiting time for Local Authorities to carry out an Adult Carers Support Plan, they will be required to set out intended timescales in their local Carer Strategy.	If Local Authorities are required to set out timescales in their local carers strategy, they must be required to set out <b>reasonable</b> timescales so that carers can access a Support Plan in a prompt and reasonable timescale.	
	Emergency, anticipatory or future planning will be considered on an individual basis and will be covered in regulations about other information that an Adult Carer Support Plan must contain	Members of the Cross Party Group on Carers have called for emergency and anticipatory planning to be included as an explicit requirement within Adult Carer Support Plans. It is the position of the Cross Party Group that making provision for emergency planning within subsequent guidance does not go far enough.	
	Local authorities will have a Duty to <b>establish and maintain</b> an information and advice service	We think that emphasis should be placed on supporting and resourcing existing local carer support organisations and the wording should be changed to 'the local authority will	

		have a responsibility to <b>maintain</b> an information, advice and service for carers and young carers, or <b>establish</b> a service <b>where required.</b>
	<p>The requirement for Health Boards to submit a Carer Information Strategy will be repealed</p> <p>The Bill will establish that local authorities must set out their plans for identifying carers within the context of the local carer strategy.</p>	<p>We are concerned that with the withdrawal of Carer Information Strategies there is no longer any requirements on Health Boards to identify and signpost carers to support. We recognise that this will form part of the devolved function of integrated partnerships. However, we think that the section on identification could be strengthened and reference should be made to the crucial role of all health professionals to <b>identify</b> and <b>signpost</b> carers, to continue the good practice established by Carer Information Strategies.</p>
	There will be a <b>requirement</b> on local authorities to consider if the support provided should take the form of or include a <b>break from caring</b>	The government has decided not to introduce a <b>specific duty</b> on local authorities to <b>provide</b> short breaks. This duty was almost unanimously supported by carers

### **Red - Proposals missing from the Bill, or ones that got a red light from carers**

	Local Authorities must set <b>local eligibility criteria</b> which will determine whether a carer is eligible for support	Carers were clear in their response to the consultation that they believe the eligibility criteria must be <b>national</b> rather than <b>local</b> . They stated that this is the only way to avoid a postcode lottery and to ensure that carers have access to the same rights and entitlements across Scotland.
	Carer involvement in hospital admission and discharge procedures	The proposals do not include the duty which carers campaigned for which would place a responsibility on health boards to inform and involve carers in hospital admission and discharge procedures.

## What happens next?

The Carers (Scotland) Bill was introduced to the Scottish Parliament on 9th March 2015. Like all legislation it will go through a 3-stage process, allowing for debate, additional evidence to be gathered and amendments to be made. This allows opportunities for the Carers Bill to be further strengthened and we will be working closely with the Scottish Government, MSPs and other decision-makers, carers and carer support organisations to ensure this happens.

For more information about the parliamentary process and how you can be involved in influencing The Carers Bill you can download our Guide:

[Understanding how law is made – A guide for carers](#)

at: <http://www.carersnet.org/briefings/>

## Further information

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The National Carer Organisations are

Carers Scotland, the Coalition of Carers in Scotland, Minority Ethnic Carers of Older People Project (MECOPP), Crossroads Caring Scotland, Shared Care Scotland, the Scottish Young Carers Services Alliance and Carers Trust Scotland.