
CARERS (SCOTLAND) BILL

1.0 EXECUTIVE SUMMARY

1.1 The Scottish Government introduced a Carers (Scotland) Bill to parliament on the 9 March 2015. The Bill sets out the legislative provisions which, once implemented, will further support both adult and young carers in Scotland. Specifically, the Bill does the following, amongst other things:

- replaces the current carer's assessment with a new adult carer support plan (ACSP) and provides a young carer statement (YCS) 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

1.2 The Bill presents potential financial risk to the Council arising from the inclusion of new universal entitlements for carers. This could create a demand for a service which, if coupled with reducing resources, would cause pressure on existing budgets and capacity.

1.3 It is recommended that the Community Services Committee:

- a) Note the publication of the Carers (Scotland) Bill and the likely impact on Argyll and Bute Council
- b) Note that the Council through COSLA Leaders raised concerns during the consultation on the proposals for a Carers Bill. COSLA Leaders will continue to raise these issues with the Scottish Government as the Bill passes through the Parliament.

CARERS (SCOTLAND) BILL

2.0 INTRODUCTION

- 2.1 The Scottish Government introduced a Carers (Scotland) Bill to parliament on the 9 March 2015. It is the intention of the Scottish Government that Scotland's estimated 745,000 adult carers and 44,000 young carers should be better supported on a more consistent basis so that they can continue to care, if they so wish, in good health and to have a life alongside caring. In relation to young carers, the intention is similar to that for adult carers but also that young carers should have a childhood similar to their non-carer peers. The objective of the Bill is to make real this ambition by furthering the rights of both adult and young carers.
- 2.2 The Bill is seen as an important opportunity to extend and enhance the rights of both adult and young carers in Scotland. This means empowering carers themselves to exercise their rights. It also means enabling professionals to make this happen. In relation to young carers, this complements the provisions in the Children and Young People (Scotland) Act 2014 requiring the Scottish Ministers to promote public awareness and understanding of the rights of children and young people.
- 2.3 The Bill sets out the legislative provisions which, once implemented, will further support both adult and young carers in Scotland. Specifically, the Bill does the following, amongst other things:
- replaces the current carer's assessment with a new adult carer support plan (ACSP) and provides a young carer statement (YCS) 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

3.0 RECOMMENDATIONS

It is recommended that the Community Services Committee:

- 3.1 Note the publication of the Carers (Scotland) Bill and the likely impact on Argyll and Bute Council
- 3.2 Note that the Council through COSLA Leaders raised concerns during the consultation on the proposals for a Carers Bill. COSLA Leaders will continue to raise these issues with the Scottish Government as the Bill passes through the parliament.

4.0 DETAIL

- 4.1 The Scottish Government published, on 22 January 2014, its formal consultation for proposed legislation to support carers and young carers in Scotland. The consultation was open for 12 weeks and closed on 16 April 2014. The Bill introduced on 9 March 2015 makes provision in relation to the planning and provision of support for carers, about information and advice for carers and to facilitate carer involvement in certain services.
- 4.2 The Bill introduces a duty on the local authority to prepare an adult carer support plan. It also gives power to the Scottish Ministers to make regulations about the identification of adult carers' personal outcomes and needs for support, for the purpose of preparing adult carer support plans, and about the review of adult carer support plans.
- 4.3 The Bill also places a duty on the local authority to prepare a young carer statement. Provision is also made to allow for any existing young carer statement to continue having effect until the carer is provided with an adult carer support plan.
- 4.4 There is a duty for the local authority to set out the local eligibility criteria by which it must determine whether it is required to provide support to a carer to meet the carer's identified needs. The section places a duty on the local authority so that they must consult and involve carers and bodies representative of carers before setting the local eligibility criteria. The section also places a duty on the local authority to publish the local eligibility criteria and review it every three years.
- 4.5 The Bill proposes a duty on local authorities to support carers whose identified needs cannot be met by general services in the community and which meet the eligibility criteria. The local authority also has power to provide support to meet other identified needs. When determining which support to provide to a carer,

the local authority must consider whether the support should take the form of a break from caring.

- 4.6 The Bill would require each local authority and each health board to take appropriate steps to involve individual carers and bodies representative of carers in the design, development, delivery and review of carer services provided by that local authority or health board. There is also a duty to prepare a local carer strategy, in consultation with the health board and any other persons and bodies representative of carers and involving carers in such ways as the local authority considers appropriate.
- 4.7 Officers in Adult Care along with colleagues in NHS Highland and the Carers Network are currently preparing a draft Carers Strategy for Argyll and Bute. It is the intention of this service to present the Carers Strategy to members at the Community Services Committee in September 2015.
- 4.7 According to the Scottish Health Survey 2013, there are 759,000 carers in Scotland, providing hundreds of thousands of care hours every year. Over the past few years, there have been advances in support to carers, with improved outcomes across many partnerships. Through the Carers and Young Carers Strategies, the Scottish Government have introduced a range of measures to help identify and support carers. The Older People's Change Fund, has also helped to create opportunities to redesign support arrangements and a minimum of 20% of the Change Fund was invested in carer support.
- 4.8 However, some of the developments have caused concern particularly where they would restrict the Council's ability to support carers flexibly, and/or would skew resources in a way that invests in bureaucratic processes at the expense of direct support. With this in mind, the Council through COSLA have previously expressed concerns regarding proposals for a Carers Bill which would place significant new duties on local authorities in respect of supporting carers. Indeed, there is a real risk that introducing new universal entitlements for carers, coupled with insufficient funding, will jeopardise the Councils' ability to ensure social care needs are adequately met.

Key issues

- 4.9 The Bill introduces new universal entitlements for carers which could unless appropriately funded could place pressure on existing local authority budgets to support it. The Financial Memorandum supporting the Bill acknowledges that it is not known on a Scotland wide basis what funding is currently supporting carers. The Bill potentially presents financial risk to the Council arising from the inclusion of new universal entitlements for carers. This could create a demand for a service which, if coupled with reducing resources, would cause pressure on existing budgets and capacity. This carries the associated risk of reputational damage to the Council if the additional investment to improve the 'offer' to carers does not meet the heightened expectations of carers themselves.
- 4.10 The Bill also extends the definition of who is a carer, which, along with the duty to prepare an adult carer support plan, establishes a universal entitlement to

assessment for all carers (irrespective of the level of care they provide). These measures would restrict the Council's ability to target assessment and care management resources according to local priorities and needs as defined in the Argyll and Bute prioritisation of need framework. The requirement to assess all carers, irrespective of whether they are likely to be eligible for support, will consume resources that could otherwise have been invested in direct support services.

- 4.11 The Bill prescribes the form and content for key processes such as assessment, support planning and review. Including this level of detail in primary legislation is unusual and could restrict the Council's ability to focus on outcomes and take support to carers forward in-line with local arrangements for self-directed support.

5.0 CONCLUSION

- 5.1 The development of a Carers Bill may cause issues for the Council if not adequately funded. However the importance of carers to the health and social care system, and the importance of recognising them as equal partners in care is strongly recognised and welcomed. COSLA is supportive of the position that we should be investing more as a society in supporting carers. The Council recognises the importance of this community and the need to invest more heavily in prevention over time. The Council will continue to focus on co-production, building community capacity to develop preventive measures and target support to ensure that carers are well supported in their role.
- 5.2 The Bill has been considered by the Scottish Government's lead committee the Health and Sport Committee and also by the Finance Committee. Stage 1 of its passage through the parliament is expected to be completed by 2 October 2015.

6.0 IMPLICATIONS

- 6.1 Policy – Carers Strategy will be finalised by September 2015 and any other policy development will follow the implementation of the Bill
- 6.2 Financial – potential for financial pressures if the Bill is not adequately financed
- 6.3 Legal – none
- 6.4 HR - none
- 6.5 Equalities – will be considered as part of the emerging legislation
- 6.6 Risk – financial risk for the Council
- 6.7 Customer Service - none

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