



# Carers (Scotland) Act 2016

## Eligibility Criteria

# Introduction

Following a consultation period for the Carers (Scotland) Act 2016 Eligibility Criteria, a report was prepared and submitted to Argyll and Bute, Health and Social Care Partnership (HSCP) Integrated Joint Board (IJB) in March 2018. The proposed Eligibility Criteria was considered and approved at this meeting.

The Carers (Scotland) Act 2016 comes into effect on 1<sup>st</sup> April 2018. Within the Act it places a responsibility on local authorities to identify and set their own Eligibility Criteria. The Scottish Government has not set a National Eligibility Criteria as it identified carers in different local authorities may have different needs or differing complex ways in which the Carers (Scotland) Act 2016 will need to be implemented.

## Background

It has been recognised that unpaid in Scotland are the largest group of care providers. Argyll and Bute HSCP therefore acknowledge unpaid carers should be identified as equal partners in providing vital care and support. It is imperative carers should be supported in a manner which ensures they are not worse off due to their caring role.

When considering the Eligibility Criteria of carers, and the people they support, carers must be at the centre of care planning when completing an Adult Carer Support Plan (ACSP) or a Young Carer Statement (YCS). Carers should have the opportunity to express what contribution they wish to continue to provide to the care of the cared for person and which ways they want to have a life alongside their caring role. Carers should be given appropriate information so they know what to expect and be clear about the support they may be able to access.

In the case of young carers, they are entitled to be children first and foremost. Young Carers should be made aware of additional frameworks like 'Getting it Right for Every Child' and given information so they understand other frameworks are likely to be relevant to them.

The Carers (Scotland) Act 2016, implemented from 1 April 2018 is designed to support carers' health and wellbeing. It puts a duty on the Argyll and Bute Health & Social Care Partnership to provide support to carers, where identified needs meet the agreed eligibility criteria.

# What our Eligibility Criteria and Framework will achieve

Working alongside Partner Organisations in particular the various Carer's Centres throughout Argyll and Bute we propose to provide preventative support. This will become the norm and form a firm part of our policies and practice. The Framework along with the agreed Eligibility Criteria will create a fair and transparent process which will determine the thresholds for eligible supports carers with different needs will be able to access. Throughout the process all carers will be treated equally in accessing supports and services identified as part of their needs.

Assessment is the process we use to gather information to determine the eligible needs of individual carers. The supports identified during the assessment should identify steps to prevent deterioration in the carer's physical, mental health or their caring situation.

In using the Eligibility Criteria and Framework defining clear personal outcomes for carers at different levels of support will benefit carers from accessing both preventative and intensive support will be outcome focused.

Staff will work jointly with carers to complete a personal Adult Carer Support Plan or Young Carer Statement (ACSP/YCS) that identifies their individual needs and personal outcomes. These will then be assessed in line with the agreed local eligibility criteria to ensure that the right level of support is delivered at the right time. All questions during the assessment about needs and outcomes will have a clear purpose for carers.

A carer will retain the right to decline providing information and may also decline any support services which are subsequently identified as part of the completion of the ACSP/YCS whether the carer meets the Eligible Criteria or not.

The information which will be explored as part of the constructing of the ACSP/YCS will cover or provide advice or information regarding issues such as emergency plans or future care planning. In addition to information where a carer meets the threshold for statutory support from Argyll and Bute HSCP breaks from their caring role may be available. In addition to support services for carers, advocacy should be offered whether that be from formal advocacy support services or from family and friends, ensuring carers know where to go for help. Income maximisation and carers' rights will be explored and will be clearly recorded as part of their ACSP/YCS.

# Definitions

Within the Carers (Scotland) Act 2016 definitions are provided to ensure a consistent approach to the way carers are identified throughout Scotland has been provided as part of the Act and the Acts Guidance as follows;

## **Meaning of “carer”**

*(1) In the Carer (Scotland) Act 2016 “carer” means an individual who provides or intends to provide care for another individual (the “cared-for person”).*

*(2) But subsection (1) does not apply—*

*(a) in the case of a cared-for person under 18 years old, to the extent that the care is or would be provided by virtue of the person's age, or*

*(b) in any case, to the extent that the care is or would be provided—*

*(i) under or by virtue of a contract, or*

*(ii) as voluntary work.*

*(3) The Scottish Ministers may by regulations—*

*(a) provide that “contract” in subsection (2)(b)(i) does or, as the case may be, does not include agreements of a kind specified in the regulations,*

*(b) permit a relevant authority to disregard subsection (2)(b) where the authority considers that the relationship between the carer and the cared-for person is such that it would be appropriate to do so.*

*(4) In this Part “relevant authority” means a responsible local authority or a responsible authority (see section 41(1)).*

## **Meaning of “young carer”**

*In the Carers (Scotland) Act 2016 “young carer” means a carer who—*

*(a) is under 18 years old,*

*or*

*(b) has attained the age of 18 years while a pupil at a school, and has since attaining that age remained a pupil at that or another school.*

## **Meaning of “adult carer”**

*In this Act “adult carer” means a carer who is at least 18 years old but is not a young carer.*

To achieve this, a framework of eligibility criteria has been developed covering two aspects:

1. the definition of levels and types of need for support.
2. the thresholds that must be met to be eligible for support.

# Support Framework

By means of the Carers (Scotland) Act, Argyll and Bute HSCP have a duty to support carers who meet the threshold of the eligibility criteria framework. This process which forms the framework can be broken down into four steps:

## **Step One**

A carer who is identified and is offered, accepts or wishes to access support can request an ACSP/YCS.

This will involve conversations with the carer to jointly assess their caring situation, exploring their needs and personal outcomes and identify how best these supports can be achieved.

Not all carers who are initially assessed will have an eligible need, however, many carers will still be able to access universal and/or preventative services through the Carers Centres. In addition carers may be signposted to specific information and or advice centres within Argyll and Bute.

## **Step Two**

Once the assessment is complete the carer's outcomes and actions will be identified in their ACSP/YCS. The framework for eligibility criteria will identify the level of support the individual carer may access.

## **Step Three**

Based on the carer's eligibility, together with the carer decisions will be made in relation to what level of support the carer may be able to access.

## **Step Four**

Once the level of support has been agreed, the carer will then decide how they would prefer to arrange their support and choose from the four self-directed support options. Carers will be involved in each stage of the process and in all decision making. A review date will be set at this point.

# 5 Categories of Risk

## **No Impact**

Indicates that there are no quality of life issues resulting from the caring situation and at this moment there is no need for support or advice.

## **Low Impact**

Indicates that there may be some quality of life issues but low risk to a carer's capacity for independence or health and wellbeing. There may be a need for universal and/or preventative support or advice.

## **Moderate Impact**

Indicates that there is some risk to a carer's capacity for independent living and health and wellbeing. This may call for provision of some health and social care services.

## **Substantial Impact**

Indicates that there is a major risk to a carer's capacity for independent living and health and wellbeing. Likely to require urgent provision from health and social care services.

## **Critical Impact**

Indicates that there are significant risks to a carer's capacity for independent living and health and wellbeing. Likely to require immediate provision from health and social care services.

# Eligibility Threshold



# Table of Impact on Risk to a Carer's Outcome

The following table shows areas of risk and their possible impact on a carer's ability to continue in their caring role. Areas of a carer's life have been identified in the columns on the left with the category of risk identified across the row at the top of the matrix.

	<b>Caring has no impact NO RISK</b>	<b>Caring has low impact LOW RISK</b>	<b>Caring has moderate impact MODERATE RISK</b>	<b>Caring has substantial impact SUBSTANTIAL RISK</b>	<b>Caring has critical impact CRITICAL RISK</b>
<b>Health &amp; Wellbeing</b>	Carer in good health.  Carer has good emotional wellbeing.	Carer's health beginning to be affected.  Caring role beginning to have an impact on emotional wellbeing.	Carer's health at risk without intervention.  Some impact on carer's emotional wellbeing.	Carer has health need that requires attention.  Significant impact on carer's emotional wellbeing.	Carer's health is breaking/has broken down.  Carer's emotional wellbeing is breaking/ has broken down.
<b>Relationships</b>	Carer has a good relationship with the person they care for and is able to maintain relationships with other key people in their life.	Carer has some concerns about their relationship with the person they care for and/or their ability to maintain relationships with other key people in their life.	Carer has identified issues with their relationship with the person they care for that need to be addressed and/or they find it difficult to maintain relationships with other key people in their life.	The carer's relationship with the person they care for is in danger of breaking down and/or they no longer are able to maintain relationships with other key people in their life.	The carer's relationship with the person they care for has broken down and their caring role is no longer sustainable and/or they have lost touch with other key people in their life.
<b>Living Environment</b>	Carer's living environment is suitable posing no risk to the physical health and safety of the carer and cared for person.	Carer's living environment is mostly suitable but could pose a risk to the health and safety of the carer and cared for person in the longer term.	Carer's living environment is unsuitable but poses no immediate risk.	Carer's living environment is unsuitable and poses an immediate risk to the health and safety of the carer and/or cared for person.	Carer's living environment is unsuitable and there are immediate and critical risks to the health and safety of the carer and/or cared for person.

<b>Employment &amp; Training</b>	<p>Carer has no difficulty in managing caring and employment and/or education.</p> <p>Carer does not want to be in paid work or education.</p>	<p>Carer has some difficulty managing caring and employment and there is a risk to sustaining employment and/or education in the long term.</p> <p>Carer is not in paid work or education but would like to be in the long term.</p>	<p>Carer has difficulty managing caring and employment and there is a risk to sustaining employment and/or education in the medium term.</p> <p>Carer is not in paid work or education but would like to be in the medium term.</p>	<p>Carer has significantly difficulty managing caring and employment and there is a risk to sustaining employment and/or education in the short term.</p> <p>Carer is not in paid work or education but would like to be soon.</p>	<p>Carer has significant difficulty managing caring and employment and/or education and there is an imminent risk of giving up work or education.</p> <p>Carer is not in paid work or education but would like to be now.</p>
<b>Finance</b>	<p>Caring is not causing financial hardship e.g. carer can afford housing cost and utilities.</p>	<p>Caring is causing a risk of financial hardship e.g. some difficulty meeting housing costs and utilities.</p>	<p>Caring is causing some detrimental impact on finances e.g. difficulty meeting either housing costs OR utilities.</p>	<p>Caring is having a significant impact on finances e.g. difficulty meeting housing costs AND utilities.</p>	<p>Caring is causing severe financial hardship e.g. carer cannot afford household essential sand utilities, not meeting housing payments.</p>
<b>Life balance</b>	<p>Carer has regular opportunities to achieve the balance they want in their life.</p> <p>They have a broad choice of breaks and activities which promote physical, mental, emotional wellbeing.</p>	<p>Carer has some opportunities to achieve the balance they want in their life.</p> <p>They have access to a choice of breaks and activities which promote physical, mental, emotional wellbeing.</p>	<p>Due to their caring role, the carer has limited opportunities to achieve the balance they want in their life.</p> <p>They have access to a few breaks and activities which promote physical, mental, emotional wellbeing.</p>	<p>Due to their caring role, the carer has few and irregular opportunities to achieve the balance they want in their life.</p> <p>They have little access to breaks and activities which promote physical, mental, emotional wellbeing.</p>	<p>Due to their caring role, the carer has no opportunities to achieve the balance they want in their life.</p> <p>They have no access to breaks and activities which promote physical, mental, emotional wellbeing.</p>
<b>Future Planning</b>	<p>Carer is confident about planning for the future and has no concerns about managing caring.</p>	<p>Carer is largely confident about planning for the future but has minor concerns about managing caring.</p>	<p>Carer is not confident about planning for the future and has some concerns about managing caring.</p>	<p>Carer is anxious about planning for the future and has significant concerns about managing caring.</p>	<p>Carer is very anxious about planning for the future and has severe concerns about managing caring.</p>

**NB:** In determining a carer's eligibility for funded services, it is important to recognise that indicators will not always exist in isolation from one another. It is appropriate and desirable that indicators should be explored in relation to one another, as there may be a 'multiplier' effect when two or more indicators overlap or interact. For example, it would be appropriate to discuss the impact of insufficient household income in relation to the effect financial hardship can have on the emotional health and wellbeing of a carer. Similarly, some indicators may be overarching, such as the ability to have a life alongside caring, which may be affected by the cumulative impact of the caring role in several areas of a carer's life.