



CÙRAM IS SLÀINTE NAN EILEAN SIAR

WESTERN ISLES HEALTH AND SOCIAL CARE PARTNERSHIP

CARERS (SCOTLAND) ACT 2016

Report by Chief Officer, Health and Social Care

PURPOSE

1. To provide an update on progress made towards the implementation of the Carers (Scotland) Act 2016.

COMPETENCE

2. The financial resourcing of the legislation has yet to be finalised by the Scottish Government. A transitional allocation of £50k has been received in 2017/2018 for the implementation the Act.

SUMMARY

3. The role of carers is widely recognised as being fundamentally important in supporting people to continue living within their own homes and communities. Carers very often live with the consequences of caring, which can mean for some that they have poor health and well-being, financial hardship and an inability to participate in daily living activities such as working, learning, social and family life. The provision of unpaid care is a key indicator of care needs and has implications for the planning and delivery of health and social care services.
4. Recognising the importance of carers and the contribution they make in supporting the delivery of care, the Scottish Government has established a legislative framework to strengthen in law the principle of carer involvement in the development and delivery of services for both the carer and the cared-for person.
5. The intention of the Act is to support carers to continue in their caring role, should they wish to do so, and be able to access support to have a fulfilling life alongside their caring responsibilities. In addition, for young carers the intention is to ensure that they have a childhood similar to their non-carer peers. The challenge for the Scottish Government and, ultimately, Integration Joint Boards, will be to increase the resources to be made available for carers' support. Local eligibility criteria will be used to determine service access and this will be set by Integration Authorities to make best use of the level of resource available.

BACKGROUND

6. The Carers (Scotland) Act 2016 ("the Act") will come into force from April 2018 and discussions have been underway at national level to address the issues identified during the legislative programme. The Act relates to both adult and young carers.
7. Communication received from Scottish Government in relation to the Act's implementation outlines its main provisions and the work required ahead of commencement of the Act in April 2018. A letter was circulated to Chief Officers which identified the legislative and regulatory programme (see Appendix 1).





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8. Health and Social Care Partnerships will have a pivotal role in the successful implementation of the Act at local level. A local Working Group will be established to oversee the requirements for commencement of the Act and to further develop the implementation plan (see Appendix 2).
9. The Act will place significant responsibilities on public bodies. There will be financial, organisational and planning implications and statutory guidance to accompany the Act is currently in draft format and being consulted upon. To support the implementation work, the Scottish Government has allocated £50k to the IJB to cover associated costs. Further detail has still to be considered in relation to the criteria for utilising this funding.

CARERS ACT

10. The Act has a range of new provisions to identify, assess and support carers. The definition of a carer has broadened beyond someone who carries out regular or substantial care, meaning self-identification will be relied on more into the future. The Carers Act is enshrined in a rights based approach – the right of every carer to have an Adult Carer Support Plan or Young Carer Statement which aims to support their health and well-being by identifying their needs for support and personal outcomes; and the right to access an appropriate balance of information, advice and support to meet these needs and to achieve their personal outcomes.
11. The main areas of change are listed below:
 - Requirement to Develop local Eligibility Criteria;
 - Statutory duty to offer an Adult Carer Support Plan (ACSP) or a Young Carer Statement (YCS) to anybody identified as a carer, and, to provide a support plan if the offer is accepted.
 - A duty to provide support to carers whose needs meet local eligibility criteria. If the needs are eligible then the four Self-directed Support options must be offered including whether the support should be offered in the form of a short break.
 - The waiving of charges in respect of support provided to carers.
 - A duty to involve carers in hospital discharge planning.
 - Power to provide support and information and advice to carers whose needs do not meet the eligibility criteria. An ACSP must be prepared, even if the carer is not deemed eligible for support (according to local eligibility criteria). In these circumstances, the ACSP should include signposting and access to any relevant supports, for example, universal or community-based services.
 - A duty to establish and maintain, or where a service already exists, continue to provide an information and advice service to carers.
 - Publishing of short breaks statements by local authorities.
 - A duty to prepare and consult on a local Carers' Strategy.
 - A duty to prepare and publish a local Short Breaks Services Statement.



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DUTY TO SET LOCAL ELIGIBILITY CRITERIA

14. Whilst the Scottish Government has decided against establishing national Eligibility Criteria, it has issued draft guidance on setting local eligibility criteria. This will enable partnerships to provide support to carers in different caring situations. It is expected that local guidance will reflect nationally agreed definitions of need and risk which will ensure consistency across the country. The local criteria will be designed to fit with budgetary constraints.

CHALLENGES AND OPPORTUNITIES

15. In June 2017, there were an estimated 788,000 people in Scotland who were caring for a relative, friend or neighbour. This figure included 44,000 who are under the age of 18. The new legislation will help ensure better and more consistent support for both adult carers and young carers so that they can continue to care, if they wish, in better health and to have a life alongside caring.
16. The Act is most likely to result in an increase in demand for assessment and support. Scottish Government expectations are that this demand will increase slowly – but were this not to be the case, it could generate significant financial and reputational risk to local partners. The Act is founded on a preventative approach. Work with the local Care Information Strategy Group has raised the matters of increasing the identification of carers and early acceptance of support by local carers as key challenges expected to continue despite the introduction of the legislation.
17. Preparation for implementation of the Act will require resources to ensure that services are in a position to meet the statutory requirements and the development of a local Carers' Strategy. The most effective use of the £50k transitional funding is subject to discussion with stakeholders to enable capacity issues to be addressed and best used made of the resource.
18. Several well established initiatives are already in place to support the implementation such as the Western Isles Community Care Forum, the Carer Information Strategy Group, and Third Sector support for carers which will allow for further expansion of support for carers.
19. The Act will likely have financial implications in direct service delivery costs and also through indirect costs related to the Carers (Waiving of Charges for Support) (Scotland) Regulations 2014. The detail of this has still to be calculated and the impact of eligibility criteria will be included in budget projections. For example, where support is provided to carers, including replacement care to enable the carer to take a break, charges for such support must be waived.



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RECOMMENDATION(S)

20. It is recommended that the Integration Joint Board notes the planning for the implementation of the Carers (Scotland) Act 2016.

Emma Macsween
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APPENDIX 2

WORKPLAN FOR CARERS (SCOTLAND) ACT 2016

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| July – November 2017 | <ul style="list-style-type: none"> • Complete readiness self-evaluation toolkit and submit to Scottish Government • Establish a workplan with the Carer Information Strategy Group and co-opt any additional members to take forward duties identified within the Act • Consideration of statutory guidance as it becomes available • Review the ways of collecting data to identify carers |
| November – December 2017 | <ul style="list-style-type: none"> • Produce draft Eligibility Criteria based on consideration of requirements for local Eligibility Criteria for carers • Consultation process to be identified including those with protected characteristics and how we engage effectively • Plan with carer groups how we will target carers and stakeholders and consultation methods to be used • Creation of Adult Carer Support Plan in line with dataset |
| January-February 2018 | <ul style="list-style-type: none"> • Finalise draft Eligibility Criteria in consultation with carer groups • Closure for responses on consultation about local Eligibility Criteria • Analysis of consultation and reporting • Revisit readiness self-evaluation toolkit and resubmit to Scottish Government |
| February – March 2018 | <ul style="list-style-type: none"> • Report to IJB on consultation and proposed final Eligibility Criteria • Operational guidance to be developed locally • Plan and deliver training to staff affected by legislation • Update IJB and parent bodies webpages • Publish local Eligibility Criteria by 31st March 2018 |
| 1 st April 2018 | <ul style="list-style-type: none"> • Commence Carers (Scotland) Act 2016 in line with agreed local Eligibility Criteria |



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