1. Do you support the Bill?

West Lothian Council is committed to supporting Carers and Young Carers and believe that this is demonstrated by the development and implementation of the West Lothian Carers and Young Carers Strategies.

We support the general principles of the Bill, however we are not clear about the need for primary legislation in this area and have concerns about how the proposed legislation would sit alongside existing legislation, in particular the Social Care (Self-directed Support) (Scotland) Act 2013 and the implementation of the Carers Charter.

We also have some concerns regarding the resourcing of the proposal detailed within the Bill and the potential risk of some of the proposal restricting our ability to evolve our approach to processes in the future to meet local needs.

2. What do you feel would be the benefits of the provisions set out in the Bill?

There is a range of benefits that could be derived from the provisions set out in the Bill including the potential to increase the uptake of Carers Assessments.

3. How do you feel the Bill could be amended or strengthened?

We believe that the Bill could be strengthened by ensuring that it sits well with current legislation, the implementation of the Carer’s Charter, acknowledges local structures and processes and is adequately resource.

We also believe that an amendment to the proposals detailed in Part 2 – ACSPs and YCSs: Section 17 – Responsible Authority – would be beneficial. We believe that this should be amended to read that the local authority where the cared for person resides will be responsible for arranging the ACSP (or YCS) and for meeting the cost of any support provided. We believe that this would provide both clarity and accountability in this area.

4. Is there anything that you would add to the Bill?

No

5. Is there anything that you would remove from the Bill?

West Lothian Council would like to see the removal of the proposal to delete the definition of regular and substantial and believe that insufficient funds have been identified in the Financial Memorandum to support the removal of this definition.
We are of the view that the increase in demand resulting from the removal of the regular and substantial definition has been underestimated.

We believe that the proposal to mandate that a formal assessment is undertaken for all carers, irrespective of the level of need, runs counter to the requirement to effectively target resources towards need should be removed from the Bill. This requirement would force Councils to invest scarce resources inappropriately and may result in carers having unrealistic expectations about the level and type of support that can be provided.

We believe that definition should continue to be limited to those who provide, or intend to provide ‘a substantial amount of care on a regular basis’.

We would like to see the removal of the proposal to change the terminology from Carers Assessment to Adult Carer Support Plan and Young Carers Statement. We believe that there is a clear distinction between an assessment’ and a plan, while an ‘assessment’ gives consideration to need, a ‘plan’ assumes it. We are concerned that the term ‘will raise expectations in this respect and does not allow for sufficient separation between the concepts of assessment and care and support planning. We are not clear that a change in terminology will achieve better outcomes for carers and instead believe that that solution lies in empowering carers to become equal partners in care.

**West Lothian Council**