Carers (Scotland) Bill

North Lanarkshire Carers Together

Organisation Profile

North Lanarkshire Carers Together is a company limited by guarantee with charitable status (Scottish Charity No, SCO33795), and (Company No. SC284126). The charity is a member organisation open to carers, professionals and anyone who supports carers. The charity operates from offices/carer centre at 51 Hope Street Motherwell, North Lanarkshire.

North Lanarkshire Carers Together pledges to improve the lives of carers by actively linking carers and professionals in meaningful relationships. The charity works in partnership with North Lanarkshire Council, NHS Lanarkshire and the third sector to influence policy development and service provision that affects carers and the people they care for.

The charity aims to:

- raise the profile of carers’ issues and needs locally and nationally
- influence policy development and service provision at the strategic planning stage
- establish innovative and meaningful consultation processes with carers and service providers
- represent the views of all carers, including the many young carers in North Lanarkshire
- provide accurate, relevant information and signposting for carers
- promote the inclusion of all carers

Background

New legislation to improve the identification and provision of support to carers was promised by the then First Minister, Alex Salmond at the 2nd Carers Parliament in Edinburgh on 1st October 2013. The Carers (Scotland) Bill was subsequently introduced to the Scottish Parliament on 9th March 2015. Like all new legislation it will go through a three-stage process, allowing for debate, additional evidence to be gathered and amendments to be made.

The Health and Sport Committee at the Scottish Parliament is looking for views from carers on The Carers (Scotland) Bill. It is the role of the Committee to scrutinise the Carers Bill and to make recommendations to the government on how it should be strengthened. The closing date for carers to submit their views is the 22nd April 2015

The Carers Bill

The Carers Bill (9th March 2015) contains a number of proposals about a range of measures. North Lanarkshire Carers Together worked with carers, partners and national carer organisations to help shape the Bill so far. However, as things stand, we feel that there is considerable scope for improving the Bill before it moves to the next stage in the legislative process.
The Management Committee of North Lanarkshire Carers Together met in seminar on Monday, 13th April 2015 to discuss the Carers Bill and how it might be improved. This paper reports the outcomes of those discussions.

Comments on Proposals

Proposal 1:

Carer Assessments will change their name to Adult Carer Support Plans.

Comment on Proposal 1:

We agree that ‘Carer Support Plan’ is a better descriptor of the end product of the assessment process. It also ensures that ‘assessment’ is not viewed as an end in itself.

Proposal 2:

At the moment only carers providing care on a ‘regular and substantial’ basis are legally entitled to a carer assessment. This test will be removed so that all carers can access an Adult Carer Support Plan.

Comment on Proposal 2:

We support the development and implementation of a national framework of eligibility criteria to determine whether a carer is eligible for support. We would expect any consideration of criteria such as ‘regular’ and ‘substantial’ to be an agreed part of the development of the national framework. We would also expect all such criteria to be clearly defined, which was never the case in respect to ‘regular and substantial’.

Proposal 3:

The requirement that the person being cared for must be someone to whom the local authority provides a community care service will be removed.

Comment on Proposal 3:

We believe that the quality and quantity of care provided by many carers not only ensures that the cared for person is able to remain in the community, but often negates the need for social care support to the cared for person i.e. it is not unusual for unpaid carers to provide 100% of the social care needed.

Parent carers often continue to provide 100% of the care required as the cared for person makes the anticipated transitions from childhood through adolescence to adulthood.
Proposal 4:
There will be two routes to assessment – a carer can request one and the local authority can offer one.

Comment on Proposal 4:
We believe that the important issue in either scenario is that the conversation takes place with the carer and that it is formally recorded as having taken place, so that the assessment process kicks off. We feel that at this stage carers should be advised about their rights, and that the expected timescale for completing the assessment and implementing a Carer Support Plan is communicated in writing.

Proposal 5:
Emergency, anticipatory or future planning will be covered in regulations about other information that an Adult Carer Support Plan must contain.

Comment on Proposal 5:
Making provision for emergency planning within subsequent guidance does not go far enough. Emergency and anticipatory planning should be included as an explicit requirement within Adult Carer Support Plans.

Proposal 6:
The reference to a carer’s ability to provide care will be removed. Instead it will refer to a carer being ‘able and willing’ to provide care.

Comment on Proposal 6:
We believe it is more appropriate to refer to a carer being ‘able’ and ‘willing’ to provide care. This provides a direct link to a carer’s right to decide whether or not - and to what extent - they are willing to provide care. This should be determined at the earliest opportunity i.e. when the initial conversation takes place between the (potential) carer and the professional.

Proposal 7:
Local authorities will have a duty to prepare and publish a Short Breaks Statement.

Comments on Proposal 7:
We are extremely disappointed that a specific duty to provide short breaks has not been included in the Carers Bill because carers had campaigned so hard for its inclusion. We feel there is the potential to address this through a national framework of eligibility criteria to ensure that carers with the greatest need get the breaks from caring they need. North Lanarkshire Carers together believes that the Adult Carer Support Plan should identify if a carer requires a
short break and appropriate actions taken to ensure that a short break is provided.

We welcome a duty on local authorities to prepare and publish a Short Breaks Statement. We want this to set out clearly both strategy and available service provision. The Statement must also set out relevant eligibility criteria and access routes e.g. through Carer Support Plan and Self Directed Support assessment processes.

Proposal 8:

Local authorities will have a duty to support carers who meet eligibility criteria and also a power to support carers in a preventative manner where they do not meet eligibility criteria.

Comment on Proposal 8:

We agree that local authorities should have a duty to support carers who meet eligibility criteria within a national framework of eligibility criteria. We also agree there should be a discretionary power for local authorities to support carers and young carers in a preventative way where they do not meet the agreed eligibility criteria.

Proposal 9:

Guidance will be issued on Adult Carer Support Plans, which will include information on the different stages of caring and the need for a review to address periods of transition.

Comment on Proposal 9:

We welcome guidance to support the implementation of Adult Carer Support Plans. However, we need to get the scope and content of such guidance right. It needs to cover, for example, how transitions should be managed and how reviews will be monitored and reported.

Proposal 10:

There will be a duty 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.

Comment on Proposal 10:

This proposal is consistent with accepted best practice and available guidance on stakeholder engagement, participation, and involvement, and goes some way to acknowledging and working with carers as ‘equal partners in care’.

Proposal 11: Local authorities will be required 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.
Comment on Proposal 11:

This proposal is consistent with accepted best practice and available guidance on stakeholder engagement, participation, and involvement, and goes some way to acknowledging and working with carers as ‘equal partners in care’.

Proposal 12:

There will be a duty on local authorities to develop and publish local Carer strategies and to involve carers in the development of review of such strategies. Carer strategies must be reviewed every 3 years.

Comment on Proposal 12:

The scope of the local Carer Strategy must, however, be extended to include the themes of carer identification, information and signposting currently embedded in NHS Carer Information strategies. This is the model we have successfully implemented in North Lanarkshire. In consideration of the Integration of Health and Social Care agenda, a key difference under this proposal would be that the requirements to identify, inform and signpost apply equally to Health and Social Care staff.

Proposal 13:

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.

Comment on Proposal 13:

This is a pragmatic approach. There are no advantages but many potential drawbacks to a carer being supported by a local authority other than the one in which they reside.

Proposal 14:

Local authorities will be required 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 ‘able and willing’ to provide.

Comment on Proposal 14:

This proposal is consistent with carers being accepted as equal partners in care as well as recognising the carer’s right to decide whether or not and to what extent they are willing to provide care.
Proposal 15:

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 Carers’ Strategy.

Comment on Proposal 15:

If local authorities are required to set out timescales in their local Carers’ Strategy, they must be required to set out reasonable timescales so that carers can access a Carer Support Plan in timely fashion.

North Lanarkshire Carers Together believes that it is absolutely crucial that local authorities set out reasonable timescales in relation to the completion of a Carer Support Plan and equally as important to set out a reasonable timescale for reviewing them.

Local Context: North Lanarkshire Council in partnership with carer organisations and carers has developed the Carers Journey, a process that enables early identification of a carer’s needs and the actions that need to be put in place to achieve good outcomes. North Lanarkshire Carers Together has supported this development and believes that the Carers Journey is an early preventative engagement tool that is much more effective than the more formal carer’s assessment. However, we feel that more needs to be done at the review stage. While Social Work staff and Lanarkshire Carers Centre staff are carrying out Carers journeys, limited resources means that few reviews are being carried out, therefore evidence on outcomes for carers is not available. North Lanarkshire Carers Together believes that reasonable timescales should be set to review Carer Support Plans and resources made available to ensure that local authorities have the capacity to carry them out.

Proposal 16:

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.

Comment on Proposal 16:

Making provision for emergency planning within subsequent guidance does not go far enough. Emergency and anticipatory planning should be included as an explicit requirement within Adult Carer Support Plans. There should be a requirement to identify a Lead Person to ensure that the plan is actioned and reviewed.

Proposal 17:

Local authorities will have a duty to establish and maintain an information and advice service.

Comment on Proposal 17:
Emphasis should be placed on supporting and resourcing existing local carer support organisations and the wording in the Carers Bill should be changed to 'the local authority will have a responsibility to maintain an information, advice and service for carers and young carers, or establish a service where required.

Local context: The North Lanarkshire Carers Strategy seeks to identify, inform, engage and support carers by developing in partnership a wide range of actions and interventions that will assist them achieve their aims. The North Lanarkshire Carers Strategy Implementation Group has developed a strong and effective partnership with North Lanarkshire Carers Together and commissions the charity to provide information and signposting to carers, which as a result, has achieved significant outcomes for carers over many years. North Lanarkshire Carers Together believes that the local authority is committed to maintaining this partnership.

Proposal 18:

The requirement for health boards to submit a Carer Information Strategy will be repealed. The Bill will establish that local authorities must set out their plans for identifying carers within the context of the local carer strategy.

Comment on Proposal 18:

We are concerned that with the withdrawal of NHS Carer Information Strategies there is no longer any requirement on health boards to identify and signpost carers to sources of support. We recognise that this will form part of the devolved function of Integrated Health and Social Care Partnerships. However, the section on identification could be strengthened and reference should be made to the crucial role of all health professionals to identify and signpost carers, to continue the good practice established by NHS Carer Information Strategies.

Local Context: North Lanarkshire Carers Together believes that the well-established NHS Carer Information Strategy in Lanarkshire has resulted in significant developments in relation to the identification, signposting and support of carers. The NHS Carer Support Team that works within acute and primary care settings has greatly advanced carer awareness amongst health professionals resulting in much needed support for carers. North Lanarkshire Carers Together believes that the NHS Carer Support Team is an integral part of the wider Carers Strategic Framework and should be recognised and supported within the devolved function of the Integrated Health and Social Care Partnership.

Proposal 19:

There will be a requirement on local authorities to consider if the support provided should take the form of or include a break from caring.
Comment on Proposal 19:

The government has decided not to introduce a specific duty on local authorities to provide short breaks. This duty was almost unanimously supported by carers.

Proposal 20:

Local authorities must set local eligibility criteria which will determine whether a carer is eligible for support.

Comment on Proposal 20:

Carers are clear that the eligibility criteria must be national rather than local. 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.

North Lanarkshire Carers Together will campaign together with the Coalition of Carers in Scotland and other carer organisations for a change at Stage 2 of the Carers’ Bill for this change from a ‘local’ to a ‘national’ framework to be reflected.

Carers were clear in their response to the consultation on the Carers Bill that they wanted new rights linked to national eligibility criteria. There needs to be equality across the board – everyone assessed using the same eligibility criteria with the same entitlements to support and resources. There is clear evidence from around the world that adopting a universal approach to care provision is the fairest approach. Both England and Wales have recently introduced national eligibility criteria for social care services, including support for carers. Most developed countries have universal social care arrangements, accessible to all those with defined levels of care and support needs. National eligibility criteria would be a fair system. It would put an end to the frustration carers feel when they are not able to access the same level of support as other carers living in a different local authority area. We don’t want people having to move area to get a better service. Eligibility Criteria is ALSO the gateway to new rights for carers. They must be clear rights available to all, equally, fairly and consistently across Scotland.

Additional Comment

The proposals do not include the duty that carers campaigned for which would place a responsibility on health boards to inform and involve carers in hospital admission and discharge procedures.

North Lanarkshire Carers Together believes that the Carers Bill needs to recognise carers, in hospital admission and discharge planning. The lack of carer involvement in these processes is creating undue pressures and major issues for carers.

North Lanarkshire Carers Together welcomes the invitation from the local authority to take part in a RAID (Reduce Admissions Increase Discharge)
week. North Lanarkshire Carers Together is currently negotiating membership of the recently established Delayed Discharge Board. North Lanarkshire Carers Together continues to campaign for the inclusion of this proposal in the Carers Bill.

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