Carers (Scotland) Bill

Scottish Youth Parliament

Introduction to the Scottish Youth Parliament

The Scottish Youth Parliament is the democratically elected voice of Scotland’s young people. Our vision is of a stronger, more inclusive Scotland that empowers young people by truly involving them in the decision-making process.

Among the strongest youth representative structures of its type, the Scottish Youth Parliament provides young people with a democratic platform to affect change, based on a mandate from young people, by facilitating engagement with key decision makers.

Our 2014 national campaign, Care.Fair.Share., highlighted the financial difficulties often faced by young carers and young adult carers and was successful in securing additional support for young carers in education through strengthened guidance for the administration of the Education Maintenance Allowance and through increased flexibility in the eligibility for the Lone Parents Grant and Dependent’s Grant from SAAS, making it easier for young carers to attend college or university.

As part of our national campaign, we undertook significant consultation with young carers. More than 1,000 young carers were involved in our consultation activity, which included 900 responses to our consultation on proposals for Carers Legislation from the Scottish Government, a focus group with 160 elected Members of the Scottish Youth Parliament, and a consultation day with over 50 young carers undertaken in partnership with the Scottish Government.

Therefore, these views are grounded in primary evidence which detail the genuine views of young carers and young adult carers, and are grounded in a children’s rights approach.

Do you support the Bill?

The Scottish Youth Parliament welcomes the opportunity to respond to the Health and Sport Committee’s call for evidence. We note the significant contributions unpaid carers make to society, as well as the significant challenges and barriers they face, and as such, are broadly supportive of the Bill, as it addresses the problem of patchy provision of services for young carers and young adult carers across Scotland and seeks to increase the support available to carers.

We also welcome the inclusion of Young Carers Statements, and provisions in the Bill that specifically seek to support young carers.

Due to their caring responsibilities, the rights of many young carers can be denied. Under the United Nations Convention on the Rights of the Child, all children have the right to rest, leisure, and play (Article 31); the right to a
quality education (Articles 28 and 29); the right to a high standard of health (Article 24); and the right to an adequate standard of living (Article 27). In our view, protecting the rights of young carers through a child right’s framework should be at the heart of this legislation.

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

The Scottish Youth Parliament believes the Young Carer Statement will be a beneficial provision in the Bill, as many young carers and young adult carers with whom we engage have expressed a desire to have a Young Carer Statement or similar to properly identify and support the very particular needs and challenges they face.

The Scottish Youth Parliament is widely supportive of the provisions of the Bill, but notes that there are aspects of the Bill that could be further strengthened to ensure the rights of young carers and young adult carers are respected and protected.

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

The Scottish Youth Parliament believes the following provisions in the Bill could be amended or strengthened:

- **Meaning of “carer”** – Throughout the Bill, the term “carer” is used, but it is unclear whether this term includes both adult carers and young carers. Part 1 of the Bill should clearly state that “carer” pertains to both adult carers and young carers, unless specified differently.

- **Meaning of “young carer”** – The Bill states that carers may be considered young carers if they are over the age of 18, but still a pupil at school. This definition should be extended to account for young carers who are 18 but in a different education setting, e.g. in further education, in a modern apprenticeship, or on an activity agreement.

- **Meaning of “personal outcomes”** – The Bill defines personal outcomes for carers in relation to their ability to provide care. Recognition should be given to a carer’s personal outcomes and needs outwith their caring role, as carers and young carers are entitled to a life beyond caring. Young carers in particular should be able to be children and young people first, and should not assume caring roles that significantly impact their wellbeing, development, and ability to have a life outside of caring. In accordance with Article 3 of the UNCRC, the best interests of the young carer must be at the centre of all decisions that affect them in this regard.

- **Young Carer Statement** – The Bill assigns the term “young carer statement” to the support plan available to young carers, while adult carers receive an “adult carer support plan.” While we understand that this difference is intended to remove any confusion between the young carer statement and the child’s plan, we support the assertion from
Abelour that the term is insufficient to convey the level of support a young carer may need from the responsible authority. A “young carer’s support package” as suggested by Abelour, for instance, may better reflect the support young carers can hope to receive, and may encourage them to seek assessment. This may also improve coherency in the transition from a young carer statement to an adult carer support plan.

- **Adult Carer Support Plans and Young Carer Statement** – The Bill notes that support plans and statements must contain information about the impact of caring on the carer’s wellbeing and day-to-day life. The young carers with whom we engage have noted the particular effect of financial strain on their wellbeing and their ability to provide care, and believe that the financial aspect of wellbeing should also be considered. Support plans and statements should signpost carers to benefits and entitlements for which they may be eligible.

- **Duty to prepare a young carer statement** – The Bill notes that young carer statements should be available to young carers who do not require a Child’s Plan, but that some young carers will also have a Child’s Plan. Consideration must be given to the interplay between the Child’s Plan and wider provisions of the Children and Young People’s Act and GIRFEC, and the young carer statement to ensure the best interests of the young carers are protected and that adequate, seamless support is provided where required. While the face of the Bill may not be the appropriate place for this, the guidance should make this interplay clear to the practitioners who will need to understand this framework. Furthermore, a child rights approach must be taken in the assessment process in accordance with Article 2 of the UNCRC, which requires state parties to respect and ensure the rights of children without discrimination.

- **Provision of information** – The Bill also notes that the young carer, the young carer’s named person, and any other person the young carer requests must be provided with the information located within the statement. Consideration should be given to information sharing between services to ensure that the privacy of the young carer is respected, and that information is not shared without the consent of the young carer. Information will have to be shared about the young carer in the development of a statement, and due care should be given to respect the young carer’s right to confidentiality, and to ensure that information sharing is relevant and proportionate, and considers the best interests of the young carer.

- **Continuation of young carer statement** - The Bill states that the young carer statement continues to be in effect until the carer is provided with an adult carer support plan. Efforts should be made to ensure there are not delays in this process, and that carers are being supported through the correct plans. The carer should be kept informed about the progress of the development of the adult carer support plan,
and their views should be taken into account in relation to the transition to adult services. Young carers have highlighted difficulties associated with transitioning from young carer services to adult services, and may feel they have become too old for young carer services and too young for adult services, which may cater to older adults looking after older people. Consideration for this, as well as transitions from school to work and further or higher education, should be given.

- **Eligibility Criteria** – The Bill places a duty on local authorities to provide support for carers who meet local eligibility criteria. While we are supportive of the concept of local variation to meet varying needs, as services carers need in rural areas may differ from services needed in urban areas and the like, the young adult carers and young carers we engage with believe that there should not be variation in the level of need that can trigger the entitlement of support. This will ensure a “postcode lottery” does not determine the quality of and access to support. Defining national standards of eligibility will ensure all carers are able to access the same level of support when they have a similar caring role, regardless of where they live.

- **Duty to prepare local carer strategy** – The Bill requires that a local authority take steps as it considers appropriate to involve carers in the development of the local strategy. The language should reflect a presumption in favour of consultation with all carers, including young carers to fully involve them in the development of the local strategy.

- **Duty to prepare local carer strategy** – The Bill notes that a local carer strategy must contain information relating to the needs and circumstances of young carers. Whether a separate young carer strategy is developed, or whether it is integrated into the local carer strategy, information pertaining to the needs of and support for young carers must be in a young-person-accessible format, and, under Article 12 of the UNCRC, must take the views of young carers into consideration in the development of proposals and strategies.

- **Duty to prepare local carer strategy** – The Bill states that the strategy should set out intended timescales to prepare adult carer support plans and young carer statements. Timescales should be reasonable to ensure carers are not kept waiting; a national minimum standard could be set to ensure there are not significant differences across local authorities.

- **Information and advice service** – The Bill requires local authorities to establish and maintain an information and advice service. As many such organisations exist in local authorities, emphasis could instead be placed on supporting and providing resources for local carer and young carer support organisations, and establishing a service only where one does not exist. Young carers are often more confident contacting services marketed specifically towards young carers and greatly value their young carers’ groups and support workers; this should be taken
into consideration in the support and development of services. During our national consultation day, the young carers emphasised how crucial young carers services are, and stressed that it is vital that they continue to be supported.

- **Short breaks service statements** – The Bill requires local authorities to publish a short break service statement. This statement should be developed in consultation with young carers and adult carers, and should provide flexibility for those who are eligible. A creative and tailored approach to breaks and respite could be more valuable to young carers, depending on their individual needs. The views of young carers must be listened to and taken into account in the planning and delivery of breaks, reflecting Article 12 of the UNCRC.

**Is there anything that you would add to the Bill?**

The Scottish Youth Parliament believes the following could be added to strengthen the Bill:

- **Equality statement** – Evidence from young carers and carers suggests that there are differential levels of access to services from carers from minority groups, and that carers are disproportionately women. An equalities statement and action plan within the Bill would ensure those providing services and support to carers encourage equality of opportunity for those with protected characteristics, as suggested by our colleagues in the third sector.

- **Impact on the third sector** – Increased identification of carers and a duty to provide support for carers will cause additional demand on carer organisations and other third sector groups. Acknowledgement of third sector services, and the requirement to support these services and ensure appropriate finance is in place for proper and consistent support, should be recognised as part of the duty to provide support to carers.

- **Equality and human rights & child rights impact assessments** – To ensure the Scottish Government’s proposals for the Bill are fully assessed in regards to their impact on the rights of children and young people, an equality and human rights impact assessment and a child rights impact assessment should be undertaken on the proposals in the Bill. This will guarantee the impact of the Bill is predicted and monitored, and is in line with the Scottish Government’s commitment to children’s rights and human rights.

- **Identification** – Following extensive consultation with young carers and evidence gathered from Freedom of Information requests to local authorities, the Scottish Youth Parliament notes that identification is a significant concern to young carers. Figures from our FoI requests reveal that a majority of local authorities do not maintain identification records of young carers. Young carers are not able to access support until they are identified, and self-identification can be challenging. The
Bill offers an opportunity to seriously consider addressing this. For instance, the duty to prepare local carers strategies could include an action plan to identify young carers and adult carers.

**Is there anything that you would remove from the Bill?**

- **Carer Information Strategy** – The current requirement to submit Carer’s Information Strategies should be retained, as it will remove the requirement for Health Boards to identify and signpost carers to support. Even if local authorities must provide more information, we believe this safeguard and the good practice associated with it should not be moved. If this is the case, there will also be a need for coordination between local information strategies and a duty on local authorities to prepare local strategies.

Louise Cameron MSYP  
Chair of the Scottish Youth Parliament  
Rebecca Marek  
Parliamentary and Campaigns Officer  
Scottish Youth Parliament