Carers (Scotland) Bill

Scottish Disability Equality Forum

The Scottish Disability Equality Forum (SDEF) works for social inclusion in Scotland through the removal of barriers to equality and the promotion of independent living for people affected by disability.

We are a membership organisation, representing individuals affected by disability, and organisations and groups who share our values. Our aim is to ensure that the voices of people affected by disability are heard and heeded within their own communities and at a national and political level.

In our response to the consultation on the Draft Carers Bill last year, SDEF and our members made the following points:

- SDEF, alongside the other Disabled Persons Organisations, welcomes and supports legislation for carers.

- Changes in legislation affecting carers inevitably impact on disabled people and other service users who are ‘cared for’. They cannot, therefore, be made in isolation; they must be co-produced with disabled people and other service users.

- We ask that terminology is aligned with the Social Care (Self-directed Support) (Scotland) Act 2013 and that the pejorative term ‘cared for person’ is replaced by ‘supported person’.

1. Do you support the Bill?

SDEF and our members welcome and support the principles of the Carers (Scotland) Bill. Carers providing unpaid support have an essential role to play in the way we provide social care and support as a society and any legislation to guide them may have a substantial positive impact on disabled people. The progression of social care and support in Scotland must be co-produced with disabled people and carers.

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

For those individuals who use social care and support is a good example of the essential practical assistance and support needed to take part in society and lead an ordinary life. Without such support, disabled people and other social care users cannot enjoy their human rights on an equal basis to non-disabled people. Social care is an important infrastructure for the equality and human rights of disabled people and others who use social care and support.

In some cases the cared for person will choose to get care from their partner or relative. However, it is also the case that the partner or close relative has to take on the functions of a carer because there is no adequate or affordable
social care package available, therefore unpaid care does not become a choice. It can be difficult to know when the balance between choosing to have support from somebody or close relative, who willingly provides some support, switches to reliance on them as a full-time carer. We believe that the carer/cared for relationship must be a free choice by both parties.

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

It is important, that the carers support plan, whilst addressing the needs of the carer, also takes account of the needs of the “cared for person”. To achieve this, is to ensure that social care and support packages are adequately funded and that their direct provision to disabled people/cared for people is an option. It is also important to ensure that carer support plans are developed together in co-production with the carer, the “cared for person” and the statutory authorities, with the aim of supporting independent living and real choice and control over whether unpaid care is the best choice for both parties.

Although there is national guidance on eligibility criteria, each local authority can set its own definition of these criteria and the level of support it will provide. This has led to inconsistency in the support and care packages available to disabled people in different local authority areas.

We recognise that there may be good reasons to provide support in different ways to meet local needs and circumstances; however there is no reason why the eligibility criteria for support should vary from area to area. We believe the Bill should be amended to require the Scottish Government to set national eligibility criteria – for both carers and the cared for person.

As stated in our previous response, the term “cared for persons” can imply that the person receiving care is a passive recipient of that care, rather than an equal partner, with the carer and the statutory authorities. We note that there is no consistency of language between Health and Social Care Integration (service users) Self-directed Support (supported persons) and this Bill (cared for persons) which could lead to confusion.

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

It is important that the continued care and support for disabled people who relocate to another local authority changes. However, at present the principles that determine who can pay for care and support when someone moves from one local authority area to another can be confusing and the roles and responsibilities are unclear.

To be in line with the policy intentions for a joined up, seamless and efficient system of health and social care support, disabled people believe that most health and social care legislation (including the Carers Bill) should be amended to position duties on local authorities to work together to ensure that when both carers and disabled people move, they have equivalent care and support in place on arrival.
5. Is there anything that you would remove from the Bill?

No.

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