Carers (Scotland) Bill

Aberdeenshire Council

1. Do you support the Bill?

There is some support from Aberdeenshire Council for the intent behind the Bill, however on balance we remain unconvinced that legislation is required in this instance. The Scottish Government continues to be consistent in supporting carers through a range of policy initiatives and while we acknowledge that there is always room for improvement, we would want to be able to continue to support carers flexibly, developing the principles established by the Christie Commission by focusing on co-production, building community capacity and targeting support to ensure that carers are well supported in their role. We are aware that COSLA remains unconvinced that a sufficient case for legislation has been made and we are supportive of many of the arguments put forward in their response to the Health and Sport Committee.

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

Regarding adult carers, the “regular and substantial test” from the definition of a carer has become meaningless over the years with very little guidance as to what this actually means in practice when individual caring situations vary so greatly. There is concern however that removal of this results in a universal entitlement for all carers to an adult carers support plan. We envisage that there will be a significant increase in the number of carers that will be eligible for this and that insufficient resources have been identified to meet that demand.

We are pleased that emphasis is more on the provision of preventative services and support and enabling carers to achieve personal outcomes however 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.

Adult Carer Support Plan (ACSP)

We are supportive of the change from the carers’ assessment to the ACSP. The carers’ assessment has very negative connotations, is not liked by carers and the change in focus to identification of personal outcomes is welcome.

We are also supportive of the inclusion of emergency plans for carers in the ACSP.

We would also want to make sure however that the change to the process is accompanied by a change to practice and culture, empowering carers to become equal partners in care rather than altering the description of the process.
The Young Carers Statement (YCS)

Having a document specific for young carers will hopefully lead to more young carers being fully assessed in a way that is appropriate to their age and stage rather than the current statutory carers assessment which is applied to young and adult carers. Currently many young people receive an assessment by their young carer’s service but do not receive the full statutory young carer’s assessment. One would expect that this can lead to huge variations in the assessment process and so the consistency that the Young Carers Statement will bring nationally is to be welcomed. It reduces concerns relating to when families move between authorities and it also sends out a clear message about the value Scotland places on its young carers.

The fact that every identified young carer will require to have a Young Carers Statement regardless of the extent of their caring role and whether they have subsequent wellbeing needs should ensure that those who do then go on to require further support will have their wellbeing needs identified early and are more likely to engage as they have been supported from the outset. This will hopefully be a preventative measure which will reduce the likelihood of situations escalating into a crisis.

This document will ensure that the full impact of a caring role is taken into consideration. The required information outlined for the statement will strengthen the GIRFEC assessment process. Having this in addition to the GIRFEC assessment process and the development of a Child’s plan where necessary, will ensure that the totality of a caring role and the complexities which surround it are fully catered for. This is particularly important in cases where there may be other contributing factors which has triggered a GIRFEC assessment for a child/young person, as caring roles can become overshadowed. However, please see comments under question 3 regarding this. This document will ensure that the monitoring and assessment of the caring role is given the priority it deserves. It is essential that the information in the Young Carers Statement is shared with the named person, regardless of whether they also require a child plan. This is important as part of the ongoing monitoring process and sits well with the Children and Young Peoples Act.

The information required to prepare the statement will ensure the child’s/young person’s views are kept at the centre particularly regarding whether they wish to take on or continue with a caring role. While the child’s/young person’s views are clearly sought in a GIRFEC assessment this specific question is extremely important and so this will ensure it is always kept at the forefront.

The focus on the appropriateness of the caring role will also ensure that children/young people are not taking on roles which they are uncomfortable with or which would be deemed unsafe or beyond their years. This is extremely important for the child/young person’s wellbeing and is also an important factor in maintaining positive relationships within the family.
It also promotes a holistic approach to support provision for young carers where all options are considered and co-ordinated. (This ties in with the duty to provide information and advice)

The stipulations regarding the review of the statement will also ensure that the erratic and volatile nature of caring roles is addressed and constantly monitored.

The fact that the statement will also hold firm until an Adult Carer Support Plan is in place should also greatly assist with transition procedures and ensure that young carers moving on to become young adult/adult carers are not lost during this process. There can be many factors which play a part in young carers slipping through the net as they move into the role of being an adult carer and this should reduce the risk of this. It is not clear however whether local authorities would be under a duty to continue to provide support attached to the YCS, given that once a young carer reaches the age of 18 they may no longer be eligible for those services. There is concern that the Bill provision will result in an expectation of continued access to children’s services which we will be unable to meet without freeing up resources form other care groups.

**Local Carers Strategies**

There is support for the development of local carers’ strategies although there is a need to ensure that these fit with other high level strategic plans that are required through statute such as the Health and Social Care Strategic plan. It is recognised that it is unusual to prescribe the form, content and review arrangements for a strategy in primary legislation. This would normally be covered in guidance or regulation. The local carers’ strategies will strengthen the position of carers as they will be involved in determining the priorities and how to achieve these. There is a concern about the local strategy setting out the intended timescales for preparing ACSP’s and YCS’s – this is a practice issue and will be influenced by other demands. While there is support for the proposal by the national carers’ organisations that reasonable timescales need to be set so that carers can access a Support Plan in a prompt and reasonable timescale, there will be a need to ensure that there is sufficient staffing available to undertake this – especially as the new plans will be undertaken in an outcome focused manner and are likely to take longer to complete than the current carers assessments.

The requirement for local authorities to produce carer’s strategies which take young carers into account is extremely important. This will ensure that young carer’s views are considered in the planning and shaping of services and the proposal for guidance on this is essential to reduce concerns that this may become tokenistic. This is the only way we can ensure we are meeting the needs of our young carers as well as our adult carers. It potentially puts them on a more even playing field as often young carers are overlooked and again shows the value we place on our young carers.
Young Carer involvement in determining the needs of the ‘cared for’ person

This is again essential as the role that these young people play is vital and the knowledge and understanding they have is all too often underestimated. In many cases they are the main carer. They may in some cases have a clearer insight into the needs of the ‘cared for’ person than the ‘cared for’ person themselves. By including them in this discussion and particularly in the discussion around support provision, this allows every opportunity to ensure that the role that the young carer takes on is one that they are comfortable, able and willing to provide. It also increases the likelihood that all support needs will be addressed and hopefully met and again by including them in this process we are actively engaging them in discussions which will in turn increase the chances that they will speak up when situations become more challenging, again reducing the risk of escalation to crisis point.

Information and advice to carers

We agree that the Third Sector organisations are best placed to provide an information and advice service and this is currently provided through the commissioned carer support services for both adult and young carers. We do however acknowledge that there could be improvement to the range, quality and sources of information being provided to carers but are ambivalent about the need for this to be a duty on local authorities. There could certainly be improvement to the co-ordination of information between health, social care and the Third sector organisations so perhaps making this a duty will ensure that carers remain high on the agenda and that all carers can access information. We would be supportive of the proposal to change the wording to “the local authority will have a responsibility to maintain an information and advice service for carers and young carers or establish a service where required”

Provision of support to carers: eligibility criteria

The Bill makes provision for local authorities to set local eligibility criteria and while we are aware of the strength of feeling from carers through the consultation that they believe the eligibility criteria should be national rather than local, we are supportive of the duty to set local eligibility criteria and would like to see the Ministerial power to make regulations setting out national eligibility criteria removed from the Bill as it takes away local democratic accountability for the use of resources and could potentially lead to inequity of entitlement between carers and cared for.

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

The definition of a young carer needs to be strengthened. It would be appropriate to get some differentiation between a young carer and a young person affected by a caring role. The Bill also makes reference to under 5’s being considered a young carer and therefore perhaps requiring a Young Carer Statement. We would have serious concerns about children under the age of 5 being considered a young carer, if these roles are genuinely being
undertaken should immediate action not be taken to remove this. By giving the opportunity for children under 5 to be considered a young carer and to be considered for a Young Carer Statement, we are accepting of this role at such a young age.

This would be an ideal opportunity to get a national baseline for the definition which is required for the legislative requirements and would ensure young carers statements are prepared for those who truly need it, rather than allowing for the variation which may be present in a local criteria. The local eligibility criteria, if this goes ahead, must be underpinned by robust national principles which provide guidance for setting their criteria.

**The Young Carer Statement**

Clear guidance is needed on how/where the Young Carer Statement fits within the GIRFEC assessment process as this could cause some confusion given the move to a single ‘child’s plan’. Is it possible for the content of the Young Carer Statement to be incorporated in as a very structured approach to a GIRFEC assessment and subsequent Child’s Plan when dealing with a young carer? It would also be expected that if a child is identified as a young carer then they are going to have wellbeing needs which need to be monitored closely and are likely to require support. It would therefore seem likely that all young carers will require a Child’s Plan.

Guidance is also required regarding the production of Young Carer Statements for all existing identified young carers and resources will be required to achieve this. Consideration to maximum timescales for carrying out young carers statements should be included within this. This is important to ensure that young carers can access a support plan in a prompt and reasonable timescale

Further guidance will be needed surrounding the issue of ‘appropriate caring roles’ to promote a consistent approach to this aspect of the Young Carer Statement.

Where local authorities commission third sector services to carry out the preparation of young carers statements there will need to be really robust contracts in place for this to prove successful. Would the commissioned service provide this for all young carers or only those that they give input to, as again the criteria for the commissioned services varies from authority to authority.

Could the links between the Young Carer Statement, the Adult Carer Support Plan and the cared for persons plan be built in and made clearer to ensure they do all speak to/reflect each other.

**Local Carers Strategies**

Concerns regarding the suggestions that there could be a separate young carers’ strategy from the adult carers’ strategy. This could result in two quite distinct work streams and would miss the opportunity for a very proactive,
joined up approach. That said, having young carers taken into account within one strategy may still lead to them being overshadowed by their adult counterparts. Could consideration be given to one core strategy which contains a common approach for all, with opportunity for matters specific to the two groups to be addressed in a structured manner? This could ensure the two groups are given equal weighting and that the work is clearly linked and partnerships are strengthened between the work of adult and young carer support provision within all services.

Information and advice to carers

This provision is already well established within many local authorities and through joint work with the NHS. The wording used here needs to be considered as perhaps the duty should more be about local authorities supporting, resourcing and maintaining the local information and advice services? Also does this extend to the requirement of having a local, dedicated young carers support service or just information and advice services as this is not clear?

Carer and cared-for residing in different local authority areas

We are not supportive of the provision in the Bill that the local authority where the carer resides will be responsible for arranging the ACSP or the YCS and for meeting the cost of any support provided. We anticipate that there will be circumstances where it makes most sense for the cared for person’s authority to be the responsible authority and we would therefore be supportive that flexible arrangements should be able to be made between the local authorities concerned. We would support a position however that removed more of the opportunity for disputes between local authorities so therefore tighter guidance would still be desirable.

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

Carer involvement in the hospital admission and discharge process. This is essential for both young carers and adult carers as in situations where they are the main carer they have vital information to share. It will also ensure that carers are considered more by health professionals in terms of who all in the household is undertaking a caring role and in some situations this could lead to the identification of carers and ensure provision of support. It is also a significant event which will inevitably become part of the support provision planning process/discussion which the Bill outlines carers views should be taken into consideration during, so why would they not be involved at this stage.

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

We are not supportive of the duty on Councils to provide information and advice to all carers and the specification as to what this information and advice should cover. We recognise it is essential that carers have access to appropriate and up to date information and advice to support them in their
caring role however we are not convinced that a legislative route is required to deliver this outcome.

As already highlighted, we are of the view that the form and content of carers’ strategies should be a matter for guidance, rather than law in order that councils are able to ensure co-ordination with other local strategies so we would be supportive of this being removed from the Bill.

**Aberdeenshire Council**