



GCVS Briefing Carers (Scotland) Act 2015

Introduction

The Carers (Scotland) Bill 2015¹ was introduced to the Scottish Parliament on 9 March 2015 by Shona Robison MSP, Cabinet Secretary for Health, Wellbeing and Sport.

The intention of the Bill is to embed support for carers in law, placing legal requirements on local authorities to make services available to both adult and young carers to ensure their continued health and wellbeing and meet their own personal outcomes. When enacted, this Bill should ensure that carers across Scotland have access to the support they need.

There are an estimated 44,000² young carers in Scotland caring for parents or siblings with illness, physical disability, mental health, or substance misuse issues and around 745,000 adult carers. Carers save billions of pounds of public money. If they did not provide care, the state would be required to take on that responsibility.

It is recognised that providing care for others can have consequences for the health and wellbeing of the carer themselves and that many will require support to fulfil their caring role and to ensure that they themselves do not become ill. Carers often have to give up work, or to work part-time to provide care for family members, which can affect their standard of living and life chances.

The Bill recognises that young carers will require specialised support to ensure that their own personal outcomes are not adversely affected by their caring role and so that they can have a childhood. Some authorities will want to reduce or stop the caring role if it is having an adverse effect on the young carer, however, many will want to continue in their role in some way and must be provided with the support required to do this while minimising the impact on their on their life chances and wellbeing.

The Bill has 8 parts, which are summarised below.

Part 1: Key Definitions

This part includes the definition of adult and young carers and what is meant by identified personal outcomes and identified needs.

Part 2: Adult Carer Support Plans and Young Carer Statements

This part of the Bill requires responsible authorities to prepare adult carer support plans and young carer statements for all carers requiring support. The responsible authority will

¹ Carers Scotland Bill [http://www.scottish.parliament.uk/S4_Bills/Carers%20\(Scotland\)%20Bill/b61s4-introd.pdf](http://www.scottish.parliament.uk/S4_Bills/Carers%20(Scotland)%20Bill/b61s4-introd.pdf)

² Carers Scotland Bill explanatory notes
[http://www.scottish.parliament.uk/S4_Bills/Carers%20\(Scotland\)%20Bill/b61s4-introd-en.pdf](http://www.scottish.parliament.uk/S4_Bills/Carers%20(Scotland)%20Bill/b61s4-introd-en.pdf)

normally be the local authority in which the carer resides but there are exceptions to this. Responsibility for young carers of preschool age lies with the local health board.

The Bill includes reference to what these plans and statements should contain. These should include the identification of outcomes and needs for support and information on how these needs will be addressed by the responsible authority.

Provision for young carers in the Bill is complemented by those outlined in the Children and Young People Act and the young carer's statement of needs will be linked to the Child's Plan to ensure their caring role is not affecting their wellbeing.

Part 3: Provision of Support to Carers

Chapter 1 of part 3 of the Bill contains directions on the provision of support to carers. There will be a requirement on responsible authorities to set local eligibility criteria, which must take cognisance of national regulations. Authorities must involve carers and carers' representatives in the development of local criteria. Scottish ministers will also have powers to publish national eligibility criteria, in place of local authority criteria.

Chapter 2 of Part 3

This chapter includes directions on the duty for responsible authorities to provide support to carers in need and who meet local eligibility criteria. This includes the duty to consider whether support offered should provide carers with breaks from caring.

This chapter also deals with charges for support to carers. Authorities may charge for some services provided to carers, however, any charge must not exceed their ability to pay. Scottish ministers may require fee waivers for certain services.

Part 4: Carer Involvement

Part 4 places a requirement on responsible authorities to involve carers and their representatives in the design, development, delivery and review of carer services. Local authorities must also take the views of carers into consideration when they develop care assessments for the person being cared for.

Part 5: Local Carer Strategies

Part 5 of the Bill places a duty on responsible authorities to develop local carer strategies and includes instruction on the preparation of these. There is a requirement for local authorities to consult on the strategy and to include the views of health boards, carers and carers' representatives in its development. The Bill also places a requirement on local authorities to publish and review carers' strategies every 3 years.

Part 6: Information and Advice for Carers

Part 6 requires that each local authority and health board make provision for information and advice services for carers and includes the types of information that must be provided.

Each authority must publish a statement on short breaks services available to carers which should include details of both local and national breaks.

The Bill also requires each local authority and health board to provide and maintain an information and advice service for carers in its area and specifies particular information that must be provided. Local authorities must prepare and publish a short breaks services statement, setting out details of the national short breaks services available across Scotland, which may include information about the services available in the local authority's area as well as in other areas of Scotland.

Part: 7 General Provisions

This part makes general provisions for guidance, directions and to financial and other assistance to and by voluntary organisations providing support to carers. Local authorities will be able to make grants and loans available to third sector organisations to assist the authority with exercising their duties under the Bill. They will also be able to provide non-financial assistance, such as allowing them the use of premises.

Part 9: Final Provisions

Part 9 makes final provisions with regard to interpretation of the Bill and its commencement following Royal Assent.

19: Schedule

The schedule contains reference to amendments and repeals made to other enactments.



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