



**REPORT TO: HEALTH AND SOCIAL CARE INTEGRATION JOINT BOARD –  
28 JUNE 2016**

**REPORT ON: CARERS (SCOTLAND) ACT 2016**

**REPORT BY: CHIEF OFFICER**

**REPORT NO: DIJB30-2016**

## **1.0 PURPOSE OF REPORT**

1.1 This report provides information about the Carers (Scotland) Act 2016 and arrangements in place to prepare for its likely commencement in April 2017.

## **2.0 RECOMMENDATIONS**

It is recommended that the Integration Joint Board (IJB):

2.1 Notes the Royal Assent of the Carers (Scotland) Act 2016 on 9<sup>th</sup> March 2016 and the duties and powers placed on Local Authorities and Health Boards through this Act.

2.2 Requests a further report detailing financial and resource implications of the Act once known.

2.3 Instructs the Chief Officer to provide information to the IJB on any changes in policy required as a consequence of the Act.

## **3.0 FINANCIAL IMPLICATIONS**

3.1 At present the financial and resource implications associated with implementation of the Act is unclear. A finance group has been established by Scottish Government with representation from COSLA, National Carer Organisations and Local Authorities to profile demand and costs of assessment and support for Carers. Once this work is completed, it will inform discussions around the settlement covering the period from when the Act will commence, which will be 2017/18 onwards.

## **4.0 MAIN TEXT**

### **4.1 Overview of Carers (Scotland) Act 2016**

4.1.1 The Act aims for Adult and Young Carers to be better supported on a more consistent basis so that they can continue to care, if they so wish, in good health and to have a life alongside caring. For young Carers, the intention is similar to that for adult Carers but that young Carers should have a childhood similar to their non-carer peers. It is anticipated that the Act will commence in April 2017.

4.1.2 The Act defines a Carer as an individual who provides or intends to provide care for another individual (the "cared-for person"). The Act removes the substantial and regular test used in previous legislation to define the caring role and the requirement that the cared-for person must access community care services in their own right. In doing so, the Act expands who can be defined as a Carer and supports a greater focus on the impact caring has on the Carer as well as Carers outcomes.

- 4.1.3 The powers and duties outlined in the Act are welcomed and will help to consolidate the progress made in Dundee in supporting Carers. Within Dundee, support to Adult Carers is a delegated function of the Integration Joint Board.

## **4.2 Information and Advice**

- 4.2.1 In summary, the Act introduces a duty to establish and maintain an information and advice service for Carers in their area. In doing so, the Act repeals a previous duty on Health Boards to prepare a Carer Information Strategy. This new service must provide information and advice on: -

- Carers rights,
- Emergency and future care planning,
- Advocacy,
- Education and training,
- Income maximisation,
- Health and wellbeing,
- Bereavement support for Carers.

- 4.2.2 Dundee Health and Social Care Partnership already provide a range of information to Carers both directly and through a range of partners in the Third Sector. In preparation for commencement of this Act, identified leads from the Health and Social Care Partnership are working with Dundee Carers Centre to ensure that the required information and advice is available to all Carers in Dundee for commencement of the Act.

- 4.2.3 To increase awareness and identification of Carers, the Dundee Carers Partnership have organised a Public Information Campaign during Carers week, which is the week commencing 4<sup>th</sup> June 2016. As part of this campaign, a website called [CarersofDundee](#) has been created to provide information about this campaign. It is planned that this website will be used after the campaign to provide a range of web based information to Carers.

## **4.3 Adult Carers Support Plans**

- 4.3.1 The Act introduces Adult Carer Support Plans (ACSP) to replace Carers' assessments.
- 4.3.2 The legislation directs that the ACSP must set out the Carer's identified personal outcomes, identified needs and the support to be provided to the Carers, which may include a break from caring. The Act specifies that in addition to these the ACSP must contain a range of information which includes impact of caring on the Carer's wellbeing, Carer's choices about the caring role and arrangements for contingencies and emergencies. There is also a requirement to set clear timescales for the completion and review of ACSP in particular for people caring for someone with a terminal illness.
- 4.3.3 Over the past year, representatives of the Health and Social Care Partnership and Dundee Carers Centre have worked with Carers to develop, pilot and launch a Dundee ACSP which reflects Carers views, outcomes and wishes and requirements set out by the Act. This ACSP has been added to the new Social Work Recording System and it is planned that a final version of the ACSP will be available from October 2016.

## **4.4 Eligibility Criteria**

- 4.4.1 The Act introduces a duty to set and publish a local eligibility criterion which provides information about access to support. Before setting and publicising this criteria, Local Authorities are required to involve and consult with Carers, Carers Organisations and any other relevant partners in the preparation of the Criteria. The Act also requires that the Criteria must be reviewed within three years of the date of the Criteria being published.
- 4.4.2 In preparation for this Act, representatives of Health and Social Care Partnership and Dundee Carers Centre have piloted an eligibility criteria based on Carers outcomes with Carers. Based on this pilot an eligibility criteria based on Carers outcomes has been drafted and it is planned that formal consultation on this proposed eligibility criteria will begin in July 2016 with Carers, Carers Organisation and relevant stakeholders across Dundee.

- 4.4.3 The outcomes from this consultation will then inform development of proposed eligibility criteria for Dundee for consideration by the Integration Joint Board by December 2016 so that the Criteria will be in place and our workforce will have received training on the Criteria prior to commencement of the Act.

#### **4.5 Involving Carers in Hospital Discharge**

- 4.5.1 The Act places a duty on Health Boards to inform and involve Carers in discharge planning for the cared-for person. Within Dundee, discharge planning is seen as a partnership activity which should involve the patient, their Carers or family members and the multi-disciplinary team in the discharge planning process so that patients can return home or to a homely place when they are well.
- 4.5.2 A strategic Discharge Management Planning Group is in place which oversees discharge management activity. The duties placed by this Act with regards to discharge planning are now included in the Group plan to support oversight of our performance in relation to this duty.
- 4.5.3 In anticipation of this Act, representatives from Dundee Health and Social Care Partnership, NHS Tayside and the Third Sector are leading a group, which involves consultation with Patients, Adult and Young Carers, to develop and implement multi-agency discharge management guidance which promotes and supports Adult and Young Carers involvement in discharge planning. It is planned that this guidance will be completed and implemented by December 2016, so that the Guidance will be in place and our workforce will have received training on the Guidance prior to commencement of the Act.

#### **4.6 Supports to Carers and Short Breaks**

- 4.6.1 The Act introduces a duty to provide support to Carers, based on the Carer's identified needs which meet the local eligibility criteria. In determining what support should be provided, the Act also makes it a duty to consider if this support should take the form of or include a break from caring. The Act requires that Local Authorities must waive any charges for any support provided to Carers and must publish a short breaks services statement which provides information about the short breaks services available for Carers and cared-for persons.
- 4.6.2 Carers can currently access support, including access to short breaks, through a number of Third Sector services commissioned by Dundee Health and Social Care Partnership. To prepare for commencement of the Act and ensure that Carers views inform development of supports, Carers Organisations in Dundee (Dundee Carers Centre, Penumbra, PAMIS and Barnardo's) have agreed to work with Carers to lead development of a range of supports which Carers consider will meet their identified needs and which can be available in their local area. In leading on this development, Carers Organisations will also work with local services such as Libraries and Community Centres to maximise the opportunities currently available in Dundee.
- 4.6.3 In addition to development of supports, Dundee Carers Centre have agreed to work with Carers to develop a short breaks statement which will provide information about the short breaks services available for Carers and cared-for persons.
- 4.6.4 Within Dundee, we also recognise that Carers who are also in employment may benefit from a supportive working environment so that they feel able to balance work with caring responsibilities and access support. Due to this, the Dundee Carers Partnership aim is to encourage partner organisations and employers in Dundee to become [Carer Positive](#) employers. The Carer Positive award is presented to employers in Scotland who have a working environment where Carers are valued and supported. To this end, Dundee City Council and Dundee Carers Centre have recently become Carer Positive employers and it is understood that NHS Tayside is currently making preparations to apply for this award.
- 4.6.5 It is anticipated by enabling Carers Organisations to take a lead role in working with Carers to develop a range of supports which includes short breaks and by promoting the Carer Positive Award, Dundee Health and Social Care Partnership will be able to foster a range of supports which Carers consider meet their identified needs.

## **4.7 Carer Involvement**

- 4.7.1 The Act places a duty on Local Authorities and Health Boards to involve Carers in the Carer services that they provide. By involvement it is meant that Carers are involved in considering what needs might call for the provision of services, what services might be provided to meet those needs, how those services may be provided and how the provision of services might be evaluated.
- 4.7.2 Dundee, through its Strategic Planning Partnerships, has a long history of involving Carers within strategic planning processes with Carers being represented at Dundee Health and Social Care Strategic Planning Group, Carers Partnership and Older People Strategic Planning Group. The IJB Communications Group is reviewing options to scope out current Carer representation and formal involvement opportunities, alongside mechanisms for service user involvement. This builds on existing work by a range of Carers support organisations and the local Carers Voice group. It is anticipated that this work will lead to a meaningful representative and involvement structure for the long term.
- 4.7.3 The Carer workstream leads who are taking forward development of the ACSP, Eligibility Criteria, support to Carers, short breaks statement and involvement of Carers in discharge planning will involve Carers, as reflected in this report, to ensure that any developments are reflective of Carers views.
- 4.7.4 In discussions with Carers and Carers Organisations, Carers told us that they felt that a key priority for our Dundee Carers Strategy should be that all Carers feel listened to, valued and have a say in the supports required for them and the person they care for. Multi-agency guidance and a learning framework will be developed and implemented which sets out how our workforce will support Carers, meet the requirements of this Act and enable Carers to feel an equal partner in care prior to commencement of the Act

## **4.8 Dundee Carers Strategy and Dundee Carers Charter**

- 4.8.1 A further duty is on Local Authorities and Health Boards to jointly prepare and publish a Carers Strategy, with Carers and Carers Organisation, outlining plans to identify Carers, an assessment of demand, supports available to Carers, an assessment of how support to Carers is not being met, plans for supporting relevant Carers and an assessment of the extent to which plans for supporting relevant Carers may reduce any impact of caring on relevant Carers' health and wellbeing.
- 4.8.2 The Dundee Carers Partnership is currently in the process of drafting the Dundee Carers Strategy for 2016-19 which will meet those requirements, contribute to Dundee Health and Social Care Strategic Plan and Dundee Children and Families Strategic Plan and which will set out how Adult and Young Carers will feel listened to, valued and supported so that they are able to live a fulfilled and healthy life. Formal consultation on this Strategy will begin in July 2016.
- 4.8.3 To accompany this Strategy a Dundee Carers Charter will be published which will set out and summarise our local commitments to Adult and Young Carers. Consultation on the Dundee Carers Charter began during National Carers week which commenced on 4<sup>th</sup> June 2016.
- 4.8.4 The outcomes from the consultation on the Dundee Carers Strategy and Dundee Carers Charter will then inform final versions for consideration by the Integration Joint Board by December 2016 so that the Strategy and Carers Charter will be in place prior to commencement of the Act.

## **4.9 Costs Associated with Implementing the Act**

- 4.9.1 The Social Care (Self Directed Support) (Scotland) Act 2014 introduced regulations requiring Local Authorities to waive charges to Carers for support provided directly to them.
- 4.9.2 Throughout the Act's progress through Parliament, COSLA has raised concerns about the financial resources to support implementation of this Act in relation to:

- The amount of funding required to support implementation of waiving of charges for support provided to Carers, when providing support to Carers becomes a duty upon commencement of the Act in 2017; and
- The definitions of replacement care and respite care to inform whether the Cared-For-Person or Carer can be charged for care when the cared for person is at respite or when replacement care is needed when the Carer is on a short break.

4.9.3 A national Finance Group has been established to profile demand and unit costs of assessment and support for Carers. Once this work is completed, it will inform discussions around the spending review and settlement covering the period when the Act will be enacted which will be 2017/18 onwards.

4.9.4 Health Boards received funding to prepare Carer Information Strategies from Scottish Government. With the transfer of Health Boards responsibilities to undertake this function to Integration Joint Boards, it is understood that confirmation will be provided from Scottish Government as to whether these monies will be transferred to Health and Social Care Partnerships so that the new duty to provide an information and advice service can be funded.

## **5.0 POLICY IMPLICATIONS**

This report has been screened for any policy implications in respect of Equality Impact Assessment and Risk Management. There are no major issues.

## **6.0 CONSULTATIONS**

The Chief Finance Officer and the Clerk were consulted in the preparation of this report.

## **7.0 BACKGROUND PAPERS**

None.

David W Lynch  
Chief Officer

DATE: 6 June 2016

