

# Consultation on Carers Legislation



## RESPONDENT INFORMATION FORM

**Please Note** this form **must** be returned with your response to ensure that we handle your response appropriately

### 1. Name/Organisation

#### Organisation Name

Highland Council

**Title** Mrs  **Please tick as appropriate**

#### Surname

MacLeod

#### Forename

Sheena

### 2. Postal Address

Council Offices

Girnigoe Street

Wick

**Postcode** KW1 4HW

**Phone** 01955  
609589

**Email**  
[sheena.macleod@highland.gov.uk](mailto:sheena.macleod@highland.gov.uk)

### 3. Permissions - I am responding as...

**Individual**

**Group/Organisation**

**Please tick as appropriate**

**(a)** Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

**Please tick as appropriate**

**Yes**  **No**

**(c)** The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

**(b)** Where confidentiality is not requested, we will make your responses available to the public on the following basis

**Please tick ONE of the following boxes**

Are you content for your **response** to be made available?

**Please tick as appropriate**  
√ Yes

Yes, make my response, name and address all available

**or**

Yes, make my response available, but not my name and address

**or**

Yes, make my response and name available, but not my address

**(d)** We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

**Please tick as appropriate**

√ Yes

## CONSULTATION QUESTIONS

### The Carer's Assessment: Carer's Support Plan

Question 1: Should we change the name of the carer's assessment to the Carer's Support Plan?

√ Not for Young Carers

Comments: The Child's plan should be the used to assess need, and provide the support to enable the young carer to manage their caring role and have a life beyond caring. This is consistent with the GIRFEC principals.

Question 2: Should we remove the substantial and regular test so that all carers will be eligible for the Carer's Support Plan?

√ Not applicable to young carers

Comments: Carer's support plan should be considered at the point of transition to adult services if it is likely that their caring responsibilities will continue into adulthood.

Question 3: Should we remove that part of the existing carer assessment process whereby the cared-for person is a person for whom the local authority must or may provide community care services/children's services?

√ Yes

Comments: Should be part of the Child's Plan for young carers. This is particularly important in relation to young carers where the cared-for person does not want to obtain support or does not recognise the need for support.

Question 4: Should we introduce two routes through to the Carer's Support Plan – at the carer's request and by the local authority making an offer?

√ Not applicable to young carers

Question 5: Should we remove from statute the wording about the carer's ability to provide care?

√ Yes

Comments: This is a barrier to young carers accessing the support they need to enable them to achieve a life / carer balance.

Question 6: Should we introduce a duty for local authorities to inform the carer of the length of time it is likely to take to receive the Carer's Support Plan and if it exceeds this time, to be advised of the reasons?

√ Not applicable to young carers until point of transition

Comments: Should be part of the Child's plan.

Question 7: How significant an issue is portability of assessment for service users and carers?

Comments: Young carers should have a child's plan this is portable, shared and regularly reviewed to reflect their current need. They also need to be signposted to services that can help them.

Question 8: Should the Scottish Government and COSLA with relevant interests work together to take forward improvements to the portability of assessment?

√ **Yes**

Comments: Young carers and carer representatives should be involved in all stages of the assessment. Plans and outcomes should be accepted wherever the carer goes.

### **Information and Advice**

Question 9: Should we introduce a duty for local authorities to establish and maintain a service for providing people with information and advice relating to the Carer's Support Plan and support for carers and young carers?

√ **Yes**

Comments: This should be a shared duty between the NHS and the local authority. Young Carers should have access to relevant information and it should be available to them in a medium that they are likely to access.

Question 10: Should we repeal section 12 of the Community Care and Health (Scotland) Act 2002 about the submission of Carer Information Strategies to Scottish Ministers, subject to reassurances, which are subject in turn to Spending Review decisions, about the continuation of funding to Health Boards for support to carers and young carers?

√ **Yes**

Comments: Health Boards and Local Authorities should continue to develop strategies for the support of Carers and funding is required to maintain essential services for Carers. Recurring funding should be available to avoid short-term planning and the insecurity in providing ongoing support.

### **Support to Carers (other than information and advice)**

Question 11: Should we introduce a duty to support carers and young carers, linked to an eligibility framework?

√ **No**

Comments: There should be a duty to support young carers, but not linked to an eligibility framework. An eligibility framework will inevitably lead to assessment and gate keeping of services which is not helpful if a preventative approach is being implemented.

Question 12: Alternatively, should we retain the existing discretionary power to support carers and young carers?

√ **Yes**

Comments:

Question 13: Should we introduce a duty to provide short breaks?

√ **No**

Comments: We should provide young carers with the outcomes that suit them. Short breaks and respite for young carers may be appropriate, but we need to have a creative, innovative approach to providing opportunities for them (networking, access to leisure activities, respite for the cared-for person to give the young carer a break) Evidence from Highland indicates that there have been some innovative use of funding to provide support for young carers (e.g. hire of camper van to enable the young carer and their family to have a break together, time out with other young carers to go to the cinema, opportunities to build skills through short training courses) .

### **Stages and Transitions**

Question 14: Should we issue statutory guidance on the Carer's Support Plan which will include guidance for those undertaking the Carer's Support Plan on managing stages of caring? This would apply to adult carers only. (For young carers, practice guidance will be developed to support management of a Child's Plan through the stages of caring).

√ **Not applicable to young carers**

Question 15: Should new carers' legislation provide for young carers to have a Carer's Support Plan if they seem likely to become an adult carer? Any agreed support recorded in the Carer's Support Plan would be put in place after the young carer becomes a (young) adult carer.

√ **Yes**

Comments: Transition planning should take account of a young carer becoming a young adult carer, but care should be taken so that it is not assumed that the young carer will take on this role into adult hood. The young carer should be supported to achieve a balance between their caring role and potential career opportunities.

## Carer Involvement

Question 16: Should there be carer involvement in the planning, shaping and delivery of services for the people they care for and support for carers in areas outwith the scope of integration?

√ **Yes**

Comments:

Question 17: Should we make provision for the involvement of carers' organisations in the planning, shaping and delivery of services and support falling outwith the scope of integration?

√ **Yes**

Comments: where relevant and where value is added by doing so

Question 18: Should we establish a principle about carer and young carer involvement in care planning for service users (subject to consent) and support for themselves in areas not covered in existing legislation?

√ **Yes**

Comments: Yes this would be helpful

Question 19: What are your views on making provision for young carer involvement in the planning, shaping and delivery of services for cared-for people and support for young carers?

Comments: Young people need to be involved in the shaping of services and support for young carers. The type of services and support they need changes over time as their caring responsibilities change and as expectations change.

## Planning and Delivery

Question 20: Should we introduce statutory provision to the effect that a local authority and each relevant Health Board must collaborate and involve relevant organisations and carers in the development of local carers strategies which must be kept under review and updated every three years?

√ **No**

Comments: It is good practice to involve relevant organisations and carers in the development of carer strategies

Question 21: Should we introduce statutory provision to the effect that local authorities with Health Boards must take steps to ensure, in so far as is reasonably practicable, that a sufficient range of services is available for meeting the needs for support to carers and young carers in the area?

√ **No**

Comments: This should be covered by each areas strategic approach to supporting carers

### **Identification**

Question 22: Should there be no legislative provision for GPs or local authorities to maintain a Carers Register in order to support the identification of carers?

√ **Yes**

Comments: GP registers have been seen to be helpful to ensure that GPs are signposting carers to support services and a mechanism to encourage practices to develop these registers and update them should be put in place. However the register in itself does nothing to help carers and does not help us to identify those who are hard to reach.

Question 23: Should the Scottish Government ensure that good practice is widely spread amongst Health Boards about the proactive use of Registers of Carers within GP practices?

√ **Yes**

Comments: This will help to ensure that the register has some purpose

Question 24: Should the Scottish Government ask Health Boards to monitor compliance with the core contractual elements of the GP contract?

√ **Yes**

Comments: Alongside an expectation that all GP practices will undertake carer awareness training for all staff in the practice including GPs

### **Carer and Cared-for Person(s) in Different Local Authority Areas**

Question 25: What are the views of respondents on the lead local authority for undertaking the Carer's Support Plan and agreeing support to the carer where the carer lives in a different local authority area to the cared-for person(s)?

Comments: The local authority where the carer lives should undertake or arrange for the carer to have a CSP so that best use can be made of local resources/support networks.

Question 26: What are the views of respondents on which local authority should cover the costs of support to the carer in these circumstances?

Comments: The Local Authority where the carer lives should meet the costs of support direct to the carer. Costs associated with short breaks/respite arising from the care of the cared –for person should be paid by the Local authority where that person lives.

Question 27: Should the Scottish Government with COSLA produce guidance for local authorities?

√ **Yes**

Comments: Should be done in partnership with carer organisations.



# Consultation on Carers Legislation



## RESPONDENT INFORMATION FORM

**Please Note** this form **must** be returned with your response to ensure that we handle your response appropriately

### 1. Name/Organisation

#### Organisation Name

NHS Highland

Title Mrs  Please tick as appropriate

#### Surname

James

#### Forename

Theresa

### 2. Postal Address

NHS Highland

Assynt House

Beechwood Park

Inverness

Postcode IV2 3BW

Phone 01463 704710

Email [theresa.james@nhs.net](mailto:theresa.james@nhs.net)

### 3. Permissions - I am responding as...

Individual

Group/Organisation

Please tick as appropriate

(a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate

Yes  No

(b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

(c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

**Please tick ONE of the following boxes**

**Please tick as appropriate**  
√ Yes

Yes, make my response, name and address all available

**or**

Yes, make my response available, but not my name and address

**or**

Yes, make my response and name available, but not my address

**(d)** We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

**Please tick as appropriate**

√ Yes

## CONSULTATION QUESTIONS

### The Carer's Assessment: Carer's Support Plan

Question 1: Should we change the name of the carer's assessment to the Carer's Support Plan?

√ Yes

Comments: Yes definitely. Carers need support, not assessment. We have found that taking an outcomes/conversation approach as opposed to a needs led/questioning approach is much more conducive to a positive experience for the carer and tends to lead to more practical, community/network solutions.

Question 2: Should we remove the substantial and regular test so that all carers will be eligible for the Carer's Support Plan?

√ Yes

Comments: Yes, a Carer's support plan could be very helpful to a carer at any

stage in their caring journey and may well form an effective preventative measure if provided early enough. Education and training, information and peer support is as essential to a carer who provides a small amount of hours as it is to those providing substantial care hours. We know that caring needs often grow with the looked after person's journey in their condition.

Question 3: Should we remove that part of the existing carer assessment process whereby the cared-for person is a person for whom the local authority must or may provide community care services/children's services?

√ **Yes**

Comments: See above and also following integration of services, there should be no differentiation between services provided by the LA or the Health Board. All carers and the cared-for person will use health services. The removal of this element is particularly important for

Question 4: Should we introduce two routes through to the Carer's Support Plan – at the carer's request and by the local authority making an offer?

√ **Yes**

Comments: But not just the LA, health services should also be making an offer and although this may not be specified in the legislation, we should encourage any voluntary organisations and caring organisations in the independent sector to offer and carry out carer support plans.

Question 5: Should we remove from statute the wording about the carer's ability to provide care?

√ **Yes**

Comments: This is very patronising and can be misconstrued. There may also be a negative impact on the carer feeling guilty at wanting some life/carer balance.

Question 6: Should we introduce a duty for local authorities to inform the carer of the length of time it is likely to take to receive the Carer's Support Plan and if it exceeds this time, to be advised of the reasons?

√ **Yes**

Comments: This is not unreasonable but should be dependent on the amount of information to be gathered or indeed the ease of spending dedicated time with the carer to develop the plan. If targets are set this will raise expectations and may impact on the quality of the plan produced. The plan needs to be done collaboratively with the carer so it is not something they will "receive" in any case, so the wording of this needs to be carefully thought through.

Question 7: How significant an issue is portability of assessment for service users and carers?

Comments: This should not be an issue if we are truly focussed on outcomes and it is explained at the outset that these agreed outcomes may be met in a variety of ways. This will help to reassure a carer and enable the focus to be on the outcome without scrutiny and criticism of budgets and services. Different areas will have different priorities and relationships with independent and third sector partners which gives a variety of approaches. This is innovative and welcomed but needs to be understood in the context of outcomes.

Question 8: Should the Scottish Government and COSLA with relevant interests work together to take forward improvements to the portability of assessment?

√ **Yes**

Comments: See above, it was perhaps more of an issue when it was an assessment process but if we are moving towards a carer support plan as opposed to an assessment, by definition it is something that the carer will take with them as it is their plan. Scottish Government and COSLA should then be able to make it work easily that the plans and outcomes are accepted wherever the carer goes even if the methodology for achieving the outcomes is different. The third and independent sector also need to be involved.

### **Information and Advice**

Question 9: Should we introduce a duty for local authorities to establish and maintain a service for providing people with information and advice relating to the Carer's Support Plan and support for carers and young carers?

√ **Yes**

Comments: This is linked to the carers right to relevant and timely information and is good practice. Making it a duty will raise the profile of the need for carers to be offered information which would be a good outcome but we cannot force carers to take the information or to remember that they were given it or offered it. The duty to establish and maintain a service is a good mechanism for ensuring that the service will be funded recurrently.

Question 10: Should we repeal section 12 of the Community Care and Health (Scotland) Act 2002 about the submission of Carer Information Strategies to Scottish Ministers, subject to reassurances, which are subject in turn to Spending Review decisions, about the continuation of funding to Health Boards for support to carers and young carers?

√ **Yes**

Comments: Health Boards and Local Authorities should continue to develop strategies for the support of Carers and the funding to Health Boards is required to maintain essential services for Carers but this needs to be on a guaranteed recurring basis to avoid services facing shut down and worker redundancies towards the end of every funding period. It has been very helpful having a level of guaranteed funding over the last few years.

### **Support to Carers (other than information and advice)**

Question 11: Should we introduce a duty to support carers and young carers, linked to an eligibility framework?

√ **No**

Comments: An eligibility framework will inevitably lead to assessment and gate keeping of services which is not helpful if a preventative approach is being implemented.

Question 12: Alternatively, should we retain the existing discretionary power to support carers and young carers?

√ **Yes**

Comments:

Question 13: Should we introduce a duty to provide short breaks?

√ **No**

Comments: This would not be helpful in our endeavour to provide carers with the outcomes which suit them. A duty will inevitably lead to a definition of respite/short break that is rigid. Our experience is that carers, if provided with some resource and no red tape, will be creative and very innovative in accessing the means to improve their life balance through a short break which may be for example be the opportunity to purchase equipment to provide an outlet (eg musical instrument, bicycle, garden seat, shed) that was not open to them before.

### **Stages and Transitions**

Question 14: Should we issue statutory guidance on the Carer's Support Plan which will include guidance for those undertaking the Carer's Support Plan on managing stages of caring? This would apply to adult carers only. (For young carers, practice guidance will be developed to support management of a Child's Plan through the stages of caring).

√ **No**

Comments: This would not lend itself well to the outcome approach and should not be necessary for qualified/trained staff. It would also mitigate against voluntary organisations undertaking this role with carers even when they are clearly best placed to do so.

Question 15: Should new carers' legislation provide for young carers to have a Carer's Support Plan if they seem likely to become an adult carer? Any agreed support recorded in the Carer's Support Plan would be put in place after the young carer becomes a (young) adult carer.

√ **Yes**

Comments: Care will need to be taken that young carers are not expected to undertake this role when leaving education. Transition into an adult caring role must be considered but should not be prescribed by children's services. Rather it should be planned and the young carer supported towards the changes as well as the change in personnel. However as delivery of the support and indeed the need for support could be significantly different it would not be helpful for either service to set an expectation.

### **Carer Involvement**

Question 16: Should there be carer involvement in the planning, shaping and delivery of services for the people they care for and support for carers in areas outwith the scope of integration?

√ **Yes**

Comments:

Question 17: Should we make provision for the involvement of carers' organisations in the planning, shaping and delivery of services and support falling outwith the scope of integration?

√ **Yes**

Comments: where relevant and where value is added by doing so

Question 18: Should we establish a principle about carer and young carer involvement in care planning for service users (subject to consent) and support for themselves in areas not covered in existing legislation?

√ **Yes**

Comments: Yes this would be helpful

Question 19: What are your views on making provision for young carer involvement in the planning, shaping and delivery of services for cared-for people and support for young carers?

Comments: This has to be very sensitive and person centred for the cared-for person as much as the young carer. It also needs to be recognised that the young person's needs will change over time and they must not be made to feel that they are tied into a regime for ever.

## Planning and Delivery

Question 20: Should we introduce statutory provision to the effect that a local authority and each relevant Health Board must collaborate and involve relevant organisations and carers in the development of local carers strategies which must be kept under review and updated every three years?

√ **No**

Comments: This is part of the strategic commissioning approach and as such should not need to be under pinned by further statute

Question 21: Should we introduce statutory provision to the effect that local authorities with Health Boards must take steps to ensure, in so far as is reasonably practicable, that a sufficient range of services is available for meeting the needs for support to carers and young carers in the area?

√ **No**

Comments: This should be covered by each areas strategic approach to supporting carers

## Identification

Question 22: Should there be no legislative provision for GPs or local authorities to maintain a Carers Register in order to support the identification of carers?

√ **Yes**

Comments: GP registers have been seen to be helpful to ensure that GPs are signposting carers to support services and a mechanism to encourage practices to develop these registers and update them should be put in place. However the register in itself does nothing to help carers and does not help us to identify those who are hard to reach.

Question 23: Should the Scottish Government ensure that good practice is widely spread amongst Health Boards about the proactive use of Registers of Carers within GP practices?

√ **Yes**

Comments: This will help to ensure that the register has some purpose

Question 24: Should the Scottish Government ask Health Boards to monitor compliance with the core contractual elements of the GP contract?

√ **Yes**

Comments: Alongside an expectation that all GP practices will undertake carer awareness training for all staff in the practice including GPs

### **Carer and Cared-for Person(s) in Different Local Authority Areas**

Question 25: What are the views of respondents on the lead local authority for undertaking the Carer's Support Plan and agreeing support to the carer where the carer lives in a different local authority area to the cared-for person(s)?

Comments: The local authority where the carer lives should undertake or arrange for the carer to have a CSP so that best use can be made of local resources/support networks.

Question 26: What are the views of respondents on which local authority should cover the costs of support to the carer in these circumstances?

Comments: The Local Authority where the carer lives should meet the costs of support direct to the carer. Costs associated with short breaks/respite arising from the care of the cared –for person should be paid by the Local authority where that person lives.

Question 27: Should the Scottish Government with COSLA produce guidance for local authorities?

√ **Yes**

Comments: Otherwise the carer will get caught between the two