

Carers (Scotland) Act 2016

Report by Allister Short, Joint Director Health and Social Care

1 Purpose of Report

The report seeks approval from the Council for the establishment of Eligibility Criteria for unpaid young and adult carers in Midlothian.

2 Background

- **2.1** The Carers Bill was passed as law on 4th February 2016 and the Act will be implemented on 1st April 2018.
- 2.2 The new Act will require local authorities and health boards to prepare for implementation by addressing the new duties and responsibilities placed upon them, including a "duty" to provide support to carers of all ages where identified needs meet agreed local eligibility criteria thresholds. The local authority also has a "power" to provide support to meet other identified needs. There is a requirement upon the local authority to produce, consult, and publish local carer's eligibility criteria.
- 2.3 In respect of the Carers (Scotland) Act 2016 the Scottish Government have produced near-final draft guidance on carers eligibility criteria, which proposes that all local authorities use the same suite of indicators as the basis of their eligibility criteria, though the threshold for support will be agreed and set locally. The model was developed by National Carer Organisations and prevention and a reduction in the impact of caring form the foundation of it. In Midlothian these indicators closely link to the outcomes which form the basis of Midlothian's Adult Carer Support Plan (ACSP) and the wellbeing indicators for young carers.
- 2.4 Using the suite of indicators that were provided by the Scottish Government, and adopting the scale of measuring impact of caring/risk, these have been broadly applied to the outcome areas that form the basis of the Adult Carer Support Plan, and the wellbeing indicators for young carers. In Midlothian it has been possible to align existing outcomes focused assessments with the eligibility criteria for support.

As a result it is possible to identify

Universal services - those accessed without referral, available to members of the public,

Targeted services - those universal services which might need additional referral or screening, and

Individualised budgets for support for carers whose levels of need warrant such intervention

Within the eligibility criteria document there are tables containing examples of services which may relate to each of these levels, e.g. universal services – access to GP support and guidance, targeted services – counselling support at VOCAL, individualised budgets – individual respite budget to facilitate breaks from caring and sustain caring relationship.

2.5 Thresholds

The indicators and scale of impact/risk were provided by the Scottish Government: it was threshold levels that required to be established at a local level. Within adult services in Midlothian, eligibility for individualised budgets requires needs to be assessed at a substantial or critical level before an individualised budget would be considered. This eligibility threshold is also the level at which the local authority decides that it has a "duty" to provide support, as opposed to a "power". As referenced in the Eligibility Criteria for Carers document, the carer will participate in the development of an Adult Carer Support Plan or a Young Carer Statement. Outcomes and needs will be identified and the worker and carer will look to see how these will be achieved. In the first instance universal and targeted supports will be considered. It is only after investigating these sources of support would any remaining needs (which also meets the threshold of eligibility) be considered for individualised support.

The Council continues to demonstrate its "power" to provide support by committing funding to services which may be considered universal or targeted, and may be provided or delivered by voluntary sector partners through for example the contract with VOCAL for Carer Support Services and Children 1st for support for young carers.

3 Report Implications

3.1 Resource

Funding is being provided by Scottish Government to support the implementation of the Act. At this point in time it is uncertain whether this funding will cover the additional costs associated with the implementation of the Act. This will be dependent upon:

- The level of increase in demand for carers support services resulting from the introduction of the Act and new duties placed upon local authorities and health boards
- Local interpretation and application of emerging detailed guidance from the Scottish Government on the waiving of charges for carers

3.2 Risk

The most significant risk associated with the implementation of the Act is the financial risk to the Midlothian Council if the funding provided to support the implementation of the Act is insufficient to meet the increased demand.

3.3 Policy

Consultation

The Eligibility Criteria for Carers document was available for public consultation from late December 2017 until 5th February 2018. The document was available on the Midlothian Council website and social media channels, and was also shared with voluntary sector partners such as: VOCAL Midlothian; Children 1st; Grassy Riggs; and Alzheimer Scotland. During the consultation period there were two consultation events at VOCAL Carer Centre – it was hoped that similar events would be facilitated for young carers in contact with Children 1st, however due to the timing of the consultation period within the service cycle there were no young carer groups operating and the service could not identify young carers available to participate. There were 3 consultation sessions for Health and Social Care staff and there was feedback from members of the public and voluntary sector partners. The feedback has been incorporated into the final document.

Equalities

The consultation was open to the public and information was available from Midlothian Council and voluntary sector partners in providing support to carers.

Sustainability

3.4 IT Issues

There are no IT issues associated with this report.

4 Summary

The care system has always been heavily dependent on the input of family and informal carers and this will continue as we continue to shift the balance of care. New legislation places a "duty" to provide support to carers of all ages where identified needs meet agreed local eligibility criteria thresholds, and a "power" to support carer needs below that level. We have adopted the suite of indicators provided by the Scottish Government, set a local threshold for eligibility where we have a duty to support, and have produced information to assist interpret how this may look locally. The requirement to consult on this document has been completed, and amendments incorporated. The IJB have considered the proposed criteria and approval for adoption and publication is now sought from Council.

5 Recommendations

Council is asked to:

Approve the Midlothian Carers Eligibility Criteria

Date: 28 February 2018 Report Contact: Shelagh Swithenbank

Tel No: 0131 271 3645

E-mail: shelagh.swithenbank@midlothian.gov.uk



MIDLOTHIAN COUNCIL

HEALTH & SOCIAL CARE DIRECTORATE EDUCATION COMMUNITIES and ECONOMY DIRECTORATE

Carers Eligibility Criteria

POLICY & PROCEDURES

This Policy is authorised by: DRAFT
This Policy was issued on: DRAFT

This Policy supersedes: DRAFT

This Policy was circulated to: All Adult Social Care Staff & Children's Services Staff

Date of circulation: DRAFT

Contact for further information: Shelagh Swithenbank

Review Date (Maximum of 2 Years from Issue): 12 September 2019

1 Contents

2	Bacl	kground	6
3		initions	
4		essment and Support Planning	
5		rview of Eligibility	
6		llothian Indicators of Carer's Eligibility (Eligibility Criteria)	
7		olication of Eligibility Criteria	
7		Universal/preventative & existing support	
_	, ,	Towards discounts	1.0
,	.2	Targeted supports	10
7	7.3	Individualised supports	17

2 Background

The Carers (Scotland) Act 2016, implemented from 1 April 2018 is designed to support carers' health and wellbeing. It places a duty on the Midlothian Health & Social Care Partnership and Midlothian Council to provide support to carers of all ages, where identified needs meet agreed local eligibility criteria. The local authority also has a power to provide support to meet other identified needs as laid out in this document.

The statutory guidance proposes that all local authorities use the same suite of indicators set out by the Scottish Government as the basis of their eligibility criteria but that there be local discretion in establishing the threshold for support. In Midlothian these indicators have been set within a local context and closely linked to the Outcomes which form the basis of Midlothian's Adult Carer Support Plan (ACSP) and Young Carer Statement (YCS) and the wellbeing indicators for young carers.

In the case of young carers, they are entitled to be children first and foremost, and should be aware of GIRFEC the national approach to improving outcomes and supporting the wellbeing of our children and young people.

To achieve this, a framework of eligibility criteria has been developed which sets out:

- The definition of levels and types of need for support.
- The thresholds that must be met to be eligible for support.

3 Definitions

The full definition of 'Carer', 'Young Carer' and 'Adult Carer' are contained in the Carers (Scotland) Act 2016 but in general terms are summarised below:

Carer

- An individual who provides or intends to provide care for another individual (the "cared-for person") except
 - Where the cared for person is under 18 and is receiving care proportionate to their age
 - The carer is paid to provide care or the care is provided through voluntary work¹

Young Carer

• A carer who is under 18 or over 18 but still attending school

Adult Carer

• A carer who is at least 18 years old and is not attending school

¹ The Local Authority does have the discretion to consider this person a carer if it deems appropriate.

4 Assessment and Support Planning

The Adult Carer Support Plan or Young Carers Statement is designed to be accessible and available to all carers regardless of the severity of the impact of the caring role. This is in recognition of the importance of investing in early intervention and prevention. The ACSP/YCS are also at the core of the eligibility decision making process.

The 2016 Act sets out a process to be worked though before it is concluded whether or not a local authority has a duty to provide support to a carer to meet their identified needs. The duty (as opposed to the power) to provide support to a carer depends on the extent to which a carer's need for support meets the local eligibility criteria. This can be broken down into five main steps:

Step One

A carer wishing to access support requests an Adult Carer Support Plan or Young Carers Statement. This will involve conversations between the appropriate professional/practitioner and the carer to jointly assess their caring situation and needs. The conversation aims to identify personal outcomes (what is important to the carer) and what needs to happen to help them achieve these outcomes.

Step Two

Once this is complete the carer's needs, outcomes and actions are recorded in an Adult Carer Support Plan or Young Carers Statement and the carer receives a copy.

Step Three

Consideration is given to whether the identified needs can be met wholly or partially through informal supports, generally available services or through services or assistance to the cared-for person². If this does not fully meet the carer's needs the eligibility criteria is applied to the 'remaining' needs.

Step Four

If the 'remaining' needs meet the eligibility criteria threshold whereby there is a duty to provide support the carer decides how they would prefer to arrange their support. They do this by choosing from one of the four self-directed support options³. Carers are involved in each stage of the process and in all decision making. If the 'remaining' needs do not meet this threshold it must be decided whether the discretionary power to provide support should be used.

Step Five

Once the Adult Carer Support Plan or Young Carers Statement has been completed and the supports have been agreed an initial review date is set. The purpose of this is to review how supports are enabling/have enabled carers to achieve their personal outcomes.

5 Overview of Eligibility

² other than 'replacement care' to provide a break from caring.

³ unless ineligible to receive direct payments (Social Care (Self-directed Support) (Scotland) Act 2013)

The eligibility criteria focuses on the impact of caring on the carer and the associated risks if that impact is not reduced. The impact of the caring role on the carer need only meet the threshold for one indicator in order that Midlothian Council have a duty to provide support appropriate to that indicator.

Future planning is the one nationally recognised exception to this. It will be considered alongside other indicators rather than on its own. Locally Midlothian Council's ACSP/YCS consider the relationship (partnership) between the carer and services. The impact of this will, likewise, be considered alongside the other national indicators.

The following questions should be considered when assessing the impact of caring:

- Is the caring role sustainable?
- How great is the risk of the caring role becoming unsustainable?

Local Eligibility Threshold

In Midlothian there is a duty to provide support when the level of impact/risk is 'Critical' or 'Substantial'. The purpose is to reduce this to a manageable level. Carers can request a new ACSP or or YCS where they believe their circumstances have changed.

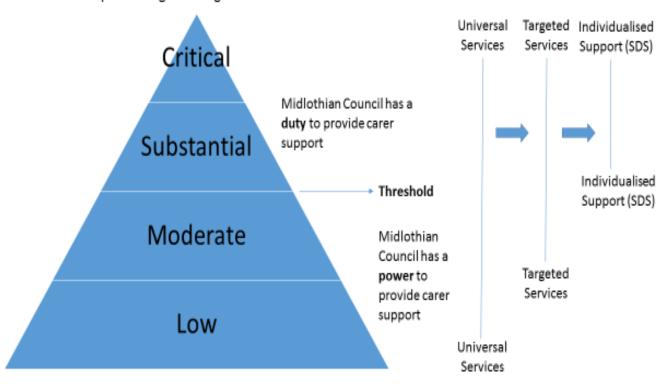
Midlothian Council recognises the importance of preventative support and have a power to provide support at all other levels of impact. Midlothian Council uses this power to fund third-sector and charitable organisations that provide universal and/or targeted supports to carers. Midlothian Council can also use this power to consider individualised support when the substantial threshold has not been met but where there is clear evidence that without individualised support the impact of caring would reach a critical level within a short space of time (normally considered to be within 6 months).

6 Illustrative threshold for carer support

Eligibility Criteria

Application of Eligibility Criteria

The impact caring is having on the carer



6 Midlothian Indicators of Carer's Eligibility (Eligibility Criteria)

The term carer in the table below should be read to include both adult and young carers.

National Indicator	Outcome (Adults) Wellbeing Indicators (young people)	Caring has no impact on the carer NO RISK	Caring has low impact on the carer LOW RISK	Caring has moderate impact on the carer MODERATE RISK	Caring has substantial impact on the carer SUBSTANTIAL RISK	Caring has critical impact on the carer CRITICAL RISK
	(what the national indicators relate to locally)	(no impact means zero risk of harm/danger to themselves or others)	(low impact means a potential risk of harm/ danger to themselves or others	(moderate impact means a likely risk of harm/danger to themselves or others)	(substantial impact means serious risk of harm/danger to the person or others)	(critical impact means life threatening risk of harm/danger to the person or others)
Health and wellbeing	Maintaining my health and wellbeing Healthy	Carer has no health/ emotional wellbeing or development difficulties as a result of their caring role.	Carer's health/ emotional wellbeing/ development is beginning to be affected as a result of their caring role.	Carer's health/ emotional wellbeing/ development is at risk as a result of their caring role.	Carer has or is at risk of developing significant health/ emotional wellbeing/ development difficulties as a result of their caring role.	Carer has or is at risk of developing severe health/ emotional wellbeing/ development difficulties due to the impact of their caring role.
Relationships	A positive relationship with the person I care for	Carer has a healthy relationship with the person they care for and is	Due to their caring role, the carer has some concerns about their relationship	Due to their caring role, the carer has identified issues with their relationship with	Due to their caring role, the carer's relationship with the person they care for is in danger of	Due to their caring role, the carer's relationship with the person they care for has broken down and their caring

National Indicator	Outcome (Adults) Wellbeing Indicators (young people)	Caring has no impact on the carer NO RISK	Caring has low impact on the carer LOW RISK	Caring has moderate impact on the carer MODERATE RISK	Caring has substantial impact on the carer SUBSTANTIAL RISK	Caring has critical impact on the carer CRITICAL RISK
	Healthy, Safe and Nurtured	able to maintain relationships with other key people in their life.	with the person they care for and/or their ability to maintain relationships with other key people in their life.	the person they care for that need to be addressed and/or they find it difficult to maintain relationships with other key people in their life.	breaking down and/or they no longer are able to maintain relationships with other key people in their life.	role is no longer sustainable and/or their relationship with other key people in their life has broken down.
Living Environment	A life of my own Maintaining my health and wellbeing Feeling informed/skilled/ equipped in my caring role Safe	Carer's living environment is suitable in relation to their caring role. It poses no risk to the physical health and safety of the carer.	Carer's living environment is mostly suitable in relation to their caring role but could pose a risk to the health and safety of the carer in the longer term.	Carer's living environment is unsuitable in relation to their caring role but no identifiable immediate risks to the carer.	Carer's living environment is unsuitable in relation to their caring role and poses an immediate risk to the health and safety of the carer.	Carer's living environment is unsuitable in relation to their caring role and there are immediate and severe risks to the health and safety of the carer.

National Indicator	Outcome (Adults) Wellbeing Indicators (young people)	Caring has no impact on the carer NO RISK	Caring has low impact on the carer LOW RISK	Caring has moderate impact on the carer MODERATE RISK	Caring has substantial impact on the carer SUBSTANTIAL RISK	Caring has critical impact on the carer CRITICAL RISK
Employment and Training (caring role specific)	Feeling informed/skilled/ equipped in my caring role A life of my own Achieving and Responsible	Carer has no difficulty in managing caring and employment and/or education. Carer does not want to be in paid work or education (to be applied appropriate to age).	Carer has some difficulty managing caring and employment and there is a risk to sustaining employment and/or education in the long term. Carer is not in paid work or education but would like to be in the long term (to be applied appropriate to age).	Carer has difficulty managing caring and employment and there is a risk to sustaining employment and/or education in the medium term. Carer is not in paid work or education but wants to be in the medium/short term (to be applied appropriate to age).	Carer has significantly difficulty managing caring and employment and there is a risk to sustaining employment and/or education in the short term. Carer is not in paid work or education but wants to be in the short term (to be applied appropriate to age).	Carer has significant difficulty managing caring and employment and/or education and there is an imminent risk of giving up work or education. Carer is not in paid work or education but wants to be now (to be applied appropriate to age).
Finances	Feeling financially secure Included	Caring is not causing financial hardship e.g. carer can afford housing cost and	Caring is causing a risk of financial hardship e.g. some difficulty meeting housing	Caring is causing some detrimental impact on finances e.g. difficulty meeting	Caring is having a significant financial impact on the carer e.g. unable to meet housing costs AND	Caring is causing severe financial hardship e.g. carer cannot afford household essentials and/or to make housing

National Indicator	Outcome (Adults) Wellbeing Indicators (young people)	Caring has no impact on the carer NO RISK	Caring has low impact on the carer LOW RISK	Caring has moderate impact on the carer MODERATE RISK	Caring has substantial impact on the carer SUBSTANTIAL RISK	Caring has critical impact on the carer CRITICAL RISK
				costs OR utilities.		payments.
Life Balance	A life of my own My choices in caring, including the limits of caring My satisfaction in caring Active, Achieving and Included	Carer has regular opportunities to achieve the balance they want in their life. This includes their ability to engage in activities which are meaningful to them, maintain social links or to meet other obligations they may have.	Carer has some opportunities to achieve the balance they want in their life. This includes their ability to engage in activities which are meaningful to them, maintain social links or to meet other obligations they may have.	Due to their caring role, the carer has limited opportunities to achieve the balance they want in their life. This includes their ability to engage in activities which are meaningful to them, maintain social links or to meet other obligations they may have.	Due to their caring role, the carer has few and irregular opportunities to achieve the balance they want in their life. This includes their ability to engage in activities which are meaningful to them, maintain social links or to meet other obligations they may have.	Due to their caring role, the carer has no opportunities to achieve the balance they want in their life. This includes their ability to engage in activities which are meaningful to them, maintain social links or to meet other obligations they may have.
Future planning	Plans for the future care of the	Carer is confident about planning	Carer is largely confident about	Carer is not confident about	Carer is anxious about planning for the	Carer is very anxious about planning for the

National Indicator	Outcome (Adults) Wellbeing Indicators (young people)	Caring has no impact on the carer NO RISK	Caring has low impact on the carer LOW RISK	Caring has moderate impact on the carer MODERATE RISK	Caring has substantial impact on the carer SUBSTANTIAL RISK	Caring has critical impact on the carer CRITICAL RISK
	my satisfaction in caring My choices in caring, including the limits of caring	for the future and has no concerns about managing caring.	planning for the future but has minor concerns about managing caring.	planning for the future and has some concerns about managing caring.	future and has significant concerns about managing caring.	future and has severe concerns about managing caring/is clear they cannot manage caring.
	Achieving					
No national Indicator	Partnership between services and Carer	The carer feels their knowledge and expertise is valued by services/professio nals involved in the life of the person they care for.	The carer feels their knowledge and expertise is generally valued by services/professio nals involved in the life of the person they care	The carer feels their knowledge and expertise is not regularly valued by services/professio nals involved in the life of the person they care	The carer feels there has been a significant break-down in the relationship between themselves and services/professionals involved in the life of the person they care for.	The carer feels there has been a complete breakdown in the relationship between themselves and services/professionals involved in the life of the person they care for.
		They feel they are treated as a key	for. They feel they	for. They feel that	They do not feel that their knowledge or	They do not feel that their knowledge or expertise is valued by

National Indicator	Outcome (Adults) Wellbeing Indicators (young people)	Caring has no impact on the carer NO RISK	Caring has low impact on the carer LOW RISK	Caring has moderate impact on the carer MODERATE RISK	Caring has substantial impact on the carer SUBSTANTIAL RISK	Caring has critical impact on the carer CRITICAL RISK
		partner.	are, on the whole, treated as a key partner.	they are often not treated as a key partner.	expertise is valued by key partners.	key partners.

7 Application of Eligibility Criteria

The right type and level of support will be shaped by the identified needs and outcomes which if achieved would reduce the impact of caring and the associated risks thus enable a carer to provide, or continue to provide, care for the cared for person. There are 3 broad categories of support which are detailed below with examples⁴:

7.1 Universal/preventative & existing support

Identifying and making best use of existing strengths, capabilities and supports alongside generally accessible services will be the norm across all levels of impact and risk.

Examples of Universal Supports

Adult Carers	Young Carers
 Preventative and community support e.g. GP services Access to local carer centre Peer support Advocacy Community groups Training Supported self-care Signposting to social and leisure opportunities Income maximisation Emergency plan 	 Preventative and community support (e.g. GP services, School, community groups. Signposting to social and leisure opportunities and for Signposting to information and support from local support groups, libraries etc. Emergency plan

7.2 Targeted supports

If a carer's needs are either not met, or not fully met through universal and or informal supports then full consideration should be given to more targeted sources of support. This includes generally commissioned services for which there is often a referral and or screening process prior to accessing support.

Table 2 Examples of Targeted Supports

determine the most appropriate support.

⁴ Please note the examples do not provide an exhaustive list. Individual need and desired outcome will

Adult Carers	Young Carers
 Referral via GP for Midlothian Active Choices Card for access to gym Referral via GP for the Wellbeing Service Mediation services i.e. family group conferencing (dementia specific) Specialised support programmes i.e. New Beginnings/ SPRING Support to access opportunities to further career studies i.e. grants bursaries More targeted support through local carers centre i.e. counselling Financial support via a Crisis Grant, Budgeting Loan or Community Care Grant 	 Referral to Young Carer's support group. Referral via GP for Midlothian Active Choices Card for access to gym – age appropriate Access to breakfast club at school. Soft start at school to allow young person to be flexible with start time Support to have time to "be a child" out with the caring role and have access to opportunities other young people have Referral to careers advisor or LLE worker, support from school with job/college or university applications

7.3 Individualised supports

Individualised supports introduces personalised funding under self-directed support. This applies to the 'remaining' needs where there is legal duty to provide support. If the 'remaining' needs do not meet the eligibility threshold it must be decided whether the discretionary power to provide support should be used.

The purpose of individualised support is to reduce the impact of caring and the associated risks to below the threshold (moderate). Funding is agreed on a case by case basis and in line with what would be considered a reasonable cost to reduce the risk(s).

Examples of Individualised Supports (the National Indicators have been included to illustrate the types of support available in Midlothian under each indicator).

There is a large degree of flexibility in the individualised supports that can be provided however, to be agreed, this support must reduce the risks that result in the eligibility thresholds being met. The examples below are for illustrative purposes only.

National Indicator	Adult Carers	Young Carers
Health and wellbeing	 Respite/ a 'break from caring' Support to pursue a particular hobby/interest Membership of a group/activity 	 Respite/ a 'break from caring' Support to pursue a particular hobby/interest Membership of a group/activity
Relationships	Replacement care to allow a break from caring.	Replacement care to allow a break from caring.
	Support to reduce carer stress	Support to reduce carer stress for

National Indicator	Adult Carers	Young Carers
	for example funding to enable the carer to pursue an interest which reduces the impact of caring on their relationships.	example funding to enable the carer to pursue an interest which reduces the impact of caring on their relationships.
Living Environment	 Individualised funding in most circumstances would fall within the remit of an assessment relating to the needs of the cared for person. Individualised support may be appropriate specific to the carer i.e. to create a 'safe/calm space' in the carer's home providing either a break from caring or reducing the impact of caring. 	 Individualised funding in most circumstances would fall within the remit of an assessment relating to the needs of the cared for person. Individualised support may be appropriate specific to the carer i.e. to create a 'safe/calm/fun space' at home providing either a break from caring or reducing the impact of caring.
Employment and Training	 Training specific to the caring role i.e. manual handling, condition specific training. Individualised funding is not generally available to assist with the payment of further education. This is the responsibility of educational services. 	 Individualised funding is not generally available to assist with the payment of further education. This is the responsibility of school/educational services. Training specific to the caring role i.e. manual handling, condition specific training (age appropriate). Individualised support may be appropriate specific to the young carer i.e. to purchase a laptop to ensure they are able to stay on top of school work
Finances	 Individualised funding is not generally available to assist with the payment of household/utility bills. Individualised support may be appropriate specific to the carer such as paying for a bus pass to alleviate the financial impact of travel to and from the cared for person's house. 	 Individualised funding is not generally available to assist with the payment of household/utility bills and this would generally not be a responsibility for most young carers, although may be relevant to those aged 16-18. Individualised support may be appropriate specific to the carer such as paying for a bus pass to alleviate the financial impact of travel required as part of caring role.
Life Balance	 Respite/ a 'break from caring'. Funding to pursue a particular hobby/interest. Membership of a group/activity. 	 Respite/ a 'break from caring'. Funding to pursue a particular hobby/interest. Membership of a group/activity.

National Indicator	Adult Carers	Young Carers
	Equipment to enable a carer to continue with an interest.	Equipment to enable a carer to continue with an interest.
Future planning	 Individualised funding for Future Planning for the care of the cared for person would usually fall within the remit of an assessment relating to the needs of the cared for person. Circumstances may exist whereby future planning may be considered in relation to other indicators with regards to individualised funding for the carer. 	 Individualised funding for Future Planning for the care of the cared for person would usually fall within the remit of an assessment relating to the needs of the cared for person i.e. if the young carer decides to move away from home or reduces their caring role. Circumstances may exist whereby future planning may be considered in relation to other indicators with regards to individualised funding for the carer.

< END OF DOCUMENT >