

Midlothian Integration Joint Board



Thursday 15 June 2017 at 2.00pm

Carers (Scotland) Act 2016

Item number: 5.5

Executive summary

The Carers (Scotland) Act 2016 is a key piece of new legislation that promises to 'promote, defend and extend the rights' (Scot Gov.) of adult and young (unpaid) carers across Scotland. The Act aims to "ensure better and more consistent support for carers and young carers so that they can continue to care, if they so wish, in better health and to have a life alongside caring" (Scot Gov.). This legislation has implications for Adult Health and Social Care Services and both Education and Children's Services.

Board members are asked to:

Consider the implications of the new legislation for the Partnership

Request a full report on the planned implementation of the Act in Midlothian

Carers (Scotland) Act 2016

1. Purpose

This report provides the IJB with information about the Carers (Scotland) Act (2016) and new duties under the legislation.

2. Recommendations

The IJB is asked to note and consider the implications of the new legislation

The IJB is asked to agree to receive a full report on the planned implementation of the Act in Midlothian

3. Background and main report

- 3.1 The Carers Bill was passed as law on 4th February 2016 and the Act will be implemented on 1st April 2018, though there is potential for key provisions to be implemented earlier; hospital discharge arrangements may be such an area. The Scottish Government recognises that implementation will require a significant programme of development of regulations and statutory guidance alongside the development of systems to provide monitoring and evaluation of the Act. A Scottish Government Implementation Steering Group involving key stakeholders has been established to provide strategic advice and guidance. In addition, subject-specific expert sub-groups have formed and have started meeting to work on specific issues.
- 3.2 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 how carer support plans/assessments are under-taken and delivered. The Scottish Government has invited Midlothian Health and Social Care Partnership to be one of eight integrated authorities to participate in pilot work based on tests of change in relation to different provisions in the Carers Act. The focus of the pilot work in Midlothian is yet to be finalised but is likely to focus upon the preparation of Adult Carer Support Plans; the pilot work will take place between April and October 2017 and will receive £10,000 of financial support (allocated to the relevant NHS Board in the first instance for onward transmission to the Integration Authority).

4. Policy Implications

4.1 New Duties

The Carers Act places new duties and responsibilities on Local Authorities and/or health boards. The duties outlined in the new Act build on previous carers' legislation and national strategy documents such as Caring Together: The Carers Strategy for Scotland 2010 – 2015 and *Getting It Right for Young Carers*).

1. Duty to prepare and review Adult Carer Support Plans and Young Carer Statements.
2. Establishment of Local Eligibility Criteria for Services for Young and Adult Carers.
3. Duty to provide support.
4. Duty to involve carers in carer's services.
5. Duty to prepare a carers strategy.
6. Each local authority must establish and maintain an information service for carers, and produce a short breaks service statement.

These duties and local actions required are described in detail in appendix 1.

4.2 Implementation Group

Adult and Children's Services staff have been invited to participate in implementation meetings taking place in Edinburgh. This will enable staff to better understand what issues require development across Lothian (e.g. hospital discharge) and what aspects of implementation are likely to benefit from a local response (e.g. arrangements for advice and support services). The intention is to establish a local implementation group to take forward developments to meet legislative requirements.

4.3 Impact on Performance and Outcomes

Performance monitoring frameworks are still in development at a national level. Scottish Government is currently engaged in a consultation with Local Authorities regarding the development of a new data collection Carers Census that was initiated by The Carers Bill Finance Advisory Group. This data will be

used to monitor the impact of the Carers Act and requires the establishment of a baseline position in respect of current spend and related activity on adult and young carers. The Government are therefore looking to gather baseline data, - e.g. number of carers who have received an assessment of their needs; length of time support has been provided by unpaid carer; number of hours spent caring each week - for the year ahead of implementation of the Act (from January 2017), and will continue to collect data annually thereafter. The impact of the Carers Act will be more widely monitored through research and evaluation.

4.4 Adopting a Preventative Approach

Providing support to carers can save resources in the longer term. Appropriate support can reduce the impact of caring on the lives of carers and may enable them to undertake their caring role for longer and in better circumstances (physically, emotionally and financially). A lack of support to carers can affect the service needs of the person they care for. Statutory services cannot provide or replicate the type and amount of support that is delivered by unpaid carers in Midlothian, therefore it is imperative that we support carers to keep doing what they do, for as long as they want and are able to do so. A local Carers Strategy Group takes responsibility for developing and implementing new approaches to identifying and supporting carers in Midlothian

5. **Equalities Implications**

- 5.1 Action plans and the development of policies and procedures will be subject to Equalities Impact Assessment.

6. **Resource Implications**

- 6.1 Financial memorandums to accompany the implementation of the Act are not yet available and therefore the future funding situation remains unclear. Current work continues under existing budgets until April 2017. There has been confirmation of the availability of Carer Information Strategy (CIS) funding from the Scottish Government for 2017-18 although the actual amount for distribution has yet to be confirmed. In Midlothian CIS monies of £66,008 help fund three areas of work relating to carer support, information and advice and income maximisation.

7 **Risks**

- 7.1 The financial impact of implementation and financial support accompanying the legislation are both unknown at this time. Changes to local

policy and procedures will be required in response to guidance and regulations from the Scottish Government. See appendix 2 for more detail.

8 Involving People

8.1 Consideration is being given to developing a local Joint Implementation Group involving health and social care professionals (Adult and Children & Families), education, voluntary sector colleagues, and users and carers (representation from Carers Action Midlothian (CAM)).

9 Background Papers

Appendix 1 – Duties on Local Authorities and Health Boards

Appendix 2 – Risk/Implementation Issues

AUTHOR'S NAME	Shelagh Swithenbank
DESIGNATION	Planning Officer (Carers)
CONTACT INFO	0131 271 3645 shelagh.swithenbank@midlothian.gov.uk
DATE	18 May 2017

Appendix 1 – Duties on Local Authorities and Health Boards

1. Duty to prepare and review Adult Carer Support Plans and Young Carer Statements. Act includes direction regarding the means of identification of outcomes and needs for support.

Actions in progress: Midlothian Council offer Carers Conversations to Adult Carers; currently the support needs of parent carers are addressed through support provided to a family through an assessment of a child (with additional support needs or disability). Further exploration required in the development of Young Carer Statements and agreement with which service these assessments best lie, e.g. universal services, C&F, voluntary sector partners, etc. Emergency planning is to be included in the Support Plans and Statements.

2. Provision of Support to Carers. Establishment, publication and review of Local Eligibility Criteria for services for Young Carers and Adult Carers. The Scottish Government may later choose to produce national eligibility criteria.

Actions in progress: There is working Eligibility Criteria already in place for Adult Carers that has been developed in light of SDS legislation. These criteria may need further development and will have to be published within the 6-month period prior to implementation in April 2018. Eligibility Criteria for Young Carers requires to be developed, and a range of support options explored.

3. Duty to Provide Support. To provide support where identified needs indicate that support cannot be provided through general services, including the consideration of “Breaks from Caring” on a temporary, planned and/or regular basis.

Actions in progress: Carer support services are available for Adult and Young Carers within Midlothian. The Short Breaks Scheme operated by VOCAL offers advice and support for Adult Carers to have a break from caring; a similar service/scheme could be investigated to consider the suitability of a similar scheme for Young Carers.

4. Duty to involve carers in carers services; involve carers in the discharge of cared for persons; and, in the care assessments of the cared-for person, take account of care and views of carers.

Actions in progress: Discharge planning and carer involvement is an area for practice improvement for health and social care services. The impact or involvement of young carers is an area that requires further clarification from government. Emergency planning is an area that requires development for both Adult and Young Carers.

5. Duty to prepare, publish and review a local carer's strategy including the needs/issues pertaining to both Adults and Children (as Young Carers).

Actions in progress: Planning for the next local carer's strategy is nearing completion and will be drawn up for consultation in the coming months. The content of the strategy will be directed by the legislation. The strategy is representative of Adult and Young Carers, but will require further development to represent specific issues relating to Parent Carers.

6. Each local authority and health board must establish and maintain an information service for carers, and produce a short breaks service statement.

Actions in progress: There is potential to expand on the information service provided by the Short Breaks Bureau operated by VOCAL, though there would be resource implications in relation to this.

Appendix 2 – Risk/Implementation Issues

Risk	Actions being taken to mitigate risk
A financial memorandum to accompany the legislation has not yet been produced; therefore, there is no clarity on the funding available and how it will meet the demands on the LA.	Requirement to monitor
Ensuring that we are prepared in our development of policy and practice to deliver on the LA duties.	Watching brief over national guidance. Implementing work ourselves.
Communication and dissemination of information and guidance from the Scottish Government comes through at a pace that hampers progress.	Monitoring communication from Scottish Government and agreeing the staging of actions with wider service colleagues to ensure that possible actions are progressed, and others are taken when adequate information/guidance is given.
Successful delivery will require a coordination of strategy and work plans from multiple departments within the local authority.	Delivery will require input from wider universal services – attendance at meetings to ensure coordinated action/response.
Delayed guidance or dependence on statistical/financial guidance may influence response and delivery, making development more difficult.	Discussions re progression of actions on a local basis. Agreement on what actions need to be started and those that can wait for clarification.
Wider organisational pressures potentially affect capacity to manage change.	Work to be appropriately prioritised.