



The Carers (Scotland) Bill - Summary of Stage 3

The Stage 3 debate for the Carers (Scotland) Bill was held in Parliament on the 4th of February and the Bill was voted through to become an Act of Parliament.

This briefing provides a brief summary of the final amendments made to the Bill and those that were debated, but not passed by the Parliament.

Successful Amendments

Equal opportunities – A set of amendments were introduced in relation to equal opportunities, ensuring that requirements in existing legislation are adhered to, and that the impact on a carer who has one or more protected characteristics (as defined in the Equality Act 2010) is taken into account when planning or providing information or support to them.

Future planning - Local authorities must include future planning as part of Adult Carer Support Plans and Young Carers Statements.

Short breaks – There were two amendments in relation to short breaks. The first promotes the need for short breaks to be provided on 'a planned basis'. The second refers to the provision in the Social Care (Self-directed Support) (Scotland) Act 2013 which sets out a local authorities duty in relation to promoting a 'wide range of support' to 'the supported person' This amendment applies the same duty on local authorities to promote a wide range of breaks for carers.

Emergency planning - Information on emergency planning must be included in local carer strategies.

Bereaved Carers - This extends the provision of information and advice services to bereaved carers, following the death of the person they care for.

Preventative Support – Information on preventative support must be included in local carer strategies.

Clarifying Existing Amendments - There were a few changes to clarify or strengthen existing amendments, including informing and involving carers at hospital discharge, the provision of the Carers Rights Charter and introducing timescales for ACSPs and YCS for carers looking after someone with a terminal illness.

Amendments which failed

There were also a few disappointments, the biggest one being the amendment to have **national eligibility criteria** to determine which carers would be entitled to support.

There were three votes on this set of amendments, with some only being narrowly defeated with votes of 48/60, 56/60 and 56/60

In justifying the decision to retain local eligibility, the Minister said:

'I do want to ensure consistency of approach across Scotland I believe this can be achieved through the National Matters which will be set out in regulations and which will underpin local eligibility criteria. As I made clear in my response to the Health and Sport Committee Stage 1 report, the National Carer Organisations work on nationally set criteria will help to influence the regulations relating to these national matters'

We are disappointed that eligibility criteria will be developed locally. However, we intend to work with the government in relation to the development of the regulations setting out the National Matters. We believe these national matters need to establish a consistent approach in setting out eligibility for support. We will be promoting the use of the National Eligibility Framework developed by the National Carer Organisations and endorsed by carers.

Advocacy – The amendment to require local authorities to provide carers with access to independent advocacy also failed. This is very disappointing as access to carer advocacy services is very limited across Scotland and services will be even more in demand following the introduction of new rights for carers.

The inspection of carers support services – This amendment was not supported by the National Carer Organisations or local carer support services. It would have extended the government's power to scrutinise and inspect services by broadening the definition of support services to include carer support services. Concerns were raised about the desirability and practicalities of this approach and the amendment failed.

Amendments which will be covered in Guidance and Regulations: There were reassurances that some amendments that failed would be covered in regulations and guidance. These included

- The role of third sector organisations in undertaking ACSPPs and YCS,
- Clarifying the definition of short breaks
- Ensuring there is a robust system of monitoring and evaluation to measure the impact of the Bill.
- There was also a reassurance that with the current review of the social work complaints system a review process would be built into future complaints processes

What Next?

The next stage will be the development of regulations and guidance to accompany the Bill. We will continue to keep you up to date with progress and ensure that you are able to feed your views into this process

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