

# Carers' charter

Your rights as an adult or young carer in Scotland

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## Introduction

The Carers (Scotland) Act 2016<sup>1</sup> (the Act) takes effect from 1 April 2018.

The Act extends and enhances the rights of carers in Scotland to help improve their health and wellbeing, so that they can continue to care, if they so wish, and have a life alongside caring.

As required by section 36 of the Act the Scottish Government has prepared this Carers' charter, setting out the rights of carers in the Act.

The Act also requires local authorities to have a local information and advice service for carers. These services must provide information and advice about a number of things relevant to carers, including the carers' rights set out in the Carers' charter.

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<sup>1</sup> <http://www.legislation.gov.uk/asp/2016/9/contents>

## 1: Am I a carer?

### Meaning of carer

You are a 'carer' if you provide or intend to provide care for another person – but **not**:-

- if this is only because of that person's age (where they are under 18); or
- if you are caring because you have a contract or as voluntary work.

(The previous requirement for a carer being someone providing a substantial amount of care on a regular basis to someone will no longer apply.)

### Meaning of young carer

You are a 'young carer' if you are a carer (as above) and are also :

- under the age of 18; or
- 18 or over, but still attending school.

### Meaning of adult carer

You are an 'adult carer' if you meet the criteria for a carer above and are aged 18 or over, and not attending school.

### Kinship carers

A kinship carer (someone looking after a child in place of their parents) can be a carer, even where they have a kinship carer agreement with the local authority. But this is only for kinship carers who meet the other requirements of the meaning of 'carer' above, so not where the care is simply because of the child's age.

## 2: Adult carer support plan

### Adult carers have a right to an ‘adult carer support plan’.

The responsible local authority must offer an adult carer support plan to anyone they identify as an adult carer. They must prepare an adult carer support plan for anyone who accepts this offer.

They must also prepare an adult carer support plan for anyone who appears (to them) to be an adult carer if that person requests one.

### What is an adult carer support plan?

The adult carer support plan will contain a variety of information about your own circumstances and caring role. It should include, amongst other things, information about:-

- the extent to which you are able and willing to provide care;
- what ‘personal outcomes’ matter to you in order to help you carry out your caring responsibilities, to have a life alongside caring, and to look after your own health and wellbeing;
- support available to adult carers locally; and
- any support which the responsible local authority intends to provide to you<sup>2</sup>.

### Who is responsible?

The local authority<sup>3</sup> of the person you are caring for is responsible for offering you an adult carer support plan. They will agree with you when and how the adult carer support plan conversation is to take place. (In some areas, the local authority may decide to arrange this through another local organisation such as a local carer centre.)

The local authority responsible for your adult carer support plan should normally provide a copy of the plan to you and any other person you request, unless there is a reason that the local authority decides this would not be appropriate.

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<sup>2</sup> See section 4 on support for carers.

<sup>3</sup> In many cases this will be a duty for the Integration Authority – see Glossary.

### 3: Young Carer Statement

#### Young carers have a right to a ‘young carer statement’.

The responsible authority must offer a young carer statement to anyone they identify as a young carer. They must prepare a young carer statement for anyone who accepts this offer.

They must also prepare a young carer statement for anyone who appears (to them) to be a young carer if the young carer requests one.

#### What is a young carer statement?

The young carer statement will contain a variety of information about your own circumstances and caring role. It should include, amongst other things, information about:-

- the extent to which you are able and willing to provide care;
- how far the type and extent of the care provided is appropriate;
- what ‘personal outcomes’ matter to you in order continue to provide care, where that is appropriate, to have a life alongside caring, and to look after your own health and wellbeing;
- support available to young carers locally; and
- any support which the responsible authority intends to provide to you<sup>4</sup>.

When you turn age 18, any young carer statement you have will continue until you are provided with an adult carer support plan or you are no longer a carer.

#### Who is responsible?

Your local authority<sup>5</sup> will normally be responsible for offering you a young carer statement. They will agree with you when and how the young carer statement conversation is to take place.

It may not always be your local authority that prepares the young carer statement. The ‘responsible authority’ can also be:-

- the health board – where a young carer is a pre-school child<sup>6</sup>;
- another local authority – where a young carer attends a local authority school away from the area they would otherwise live; or
- the young carer’s school where he or she attends a grant-aided or independent school.

The responsible authority should normally provide a copy of the young carer statement to you and any other person you request, unless there is a reason that they decide this would not be appropriate.

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<sup>4</sup> See section 4 on support for carers.

<sup>5</sup> In many cases this will be a duty for the Integration Authority – see Glossary.

<sup>6</sup> There are relatively small numbers of young carers of pre-school age. However, the Act does not set a minimum age for identifying a young carer as four and five year-olds will be both pre-school and school age children. The emphasis will be on removing any inappropriate caring role.

## 4: Support as a carer

### Carers have a right to support to meet any 'eligible needs'.

The responsible local authority must provide support to any carer who has identified needs which cannot be met through support provided to the cared-for person or through general local services - but only where those identified needs meet the local eligibility criteria.

#### This means

The adult carer support plan or young carer statement will identify your needs as a carer.

The local authority will decide if any (or all) of these support needs meet the local eligibility criteria it has set. Your local authority must provide support to meet these 'eligible needs'. (It should do this in a way that gives you as much choice and control as you would like<sup>7</sup>.)

If your identified needs do not meet your local authority's eligibility criteria, then your local authority may still provide support to meet any other needs identified in your adult carer support plan or young carer statement. This support might include information and advice; and/or support available in your local community.

If you have eligible needs, the local authority must consider whether breaks from caring should be part of the support you receive.

#### Who is responsible?

The local authority<sup>8</sup> of the person you are caring for is responsible for providing support to you.

The local authority may ask another organisation to provide support to you on its behalf. This could be, for example:-

- a local carer centre;
- a local voluntary organisation; or
- other local or national services.

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<sup>7</sup> See Self-directed Support in Scotland - <http://www.selfdirectedsupportscotland.org.uk/>

<sup>8</sup> In many cases this will be a duty for the Integration Authority – see Glossary.

## 5: Carer involvement in services

### Carers have a right to be involved in services.

- a) Local authorities and health boards must involve carers in planning the carer services they provide.
- b) Local authorities must involve carers in assessing their needs for support and providing that support.
- c) Local authorities must take carers into account in assessing the needs of the person being cared for.

### This means

a) Your local authority and health board must ‘take such steps as they consider appropriate’ to involve carers and carer representatives in the planning and evaluation of services that support carers. This includes the local authority preparing the local carer strategy. It also includes planning services for people being cared for where those services are related to the care that carers provide.

b) Your local authority must involve you in assessing your needs for carer support and decisions about how any such support is to be provided<sup>9</sup>. These issues should normally be included in the conversation as part of your adult carer support plan or young carer statement.

c) Your local authority must take your views into account in assessing the needs of the person being cared for, as far as that is ‘reasonable and practical’. They must also take account of the care that you are providing or are willing or intend to provide.

### Who is responsible?

a) All local authorities and health boards have responsibility to involve carers in the strategic planning of carer services.

b and c) The local authority<sup>10</sup> of the person you are caring for is responsible for involving you in decisions about support for you and the cared-for person.

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<sup>9</sup> The local authority should do this in a way that gives you as much choice and control as you would like. See Self-directed Support in Scotland - <http://www.selfdirectedsupportscotland.org.uk/>

<sup>10</sup> In many cases this will be a duty for the Integration Authority – see Glossary.



## 6: Hospital discharge

**Carers have a right to be involved in the hospital discharge process of the person they are caring for or are going to be caring for.**

Each health board must ensure that, before a cared-for person is discharged from hospital, it involves any carer of that person in the discharge.

### **This means**

If the person you are caring for is admitted to hospital, your health board must take appropriate steps to:-

- inform you as soon as it can about when the person you care for is to be discharged;
- invite your views about the discharge; and
- take your views into account when planning the discharge (as far as 'reasonable and practical').

This can be for either a planned or unscheduled admission to hospital.

It is important that carers have the opportunity to be involved in the hospital discharge process. You may be able to share knowledge and information with health and social care professionals (including from the local authority). This will help plan for appropriate support to be made available for you and the person you are caring for.

Your involvement in the hospital discharge process must happen whether or not the person you are caring for moves from hospital to their normal home. There may be circumstances where they move from hospital to, for example:-

- a care home;
- another NHS facility for further treatment or rehabilitation; or
- in the case of mental health patients, to a lower security hospital.

Note that the requirement to involve carers in hospital discharge only applies in circumstances where the cared for person is likely to require care from the carer after they have been discharged.

### **Who is responsible?**

It is the responsibility of the health board<sup>11</sup> discharging the person you are caring for to keep you informed and to take steps to have conversations with you.

The health board discharging the person you are caring for may not necessarily be the one where they normally live. In these circumstances, the health board in which the cared-for person is receiving treatment must involve you in the discharge process.

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<sup>11</sup> In many cases this will be a duty for the Integration Authority – see Glossary.

## Glossary

### the Act

- The Carers (Scotland) Act 2016

### adult carer support plan

- Replaces the “Carer’s Assessment” for adult carers and sets out a carer’s identified personal outcomes, identified needs for support (if any), and any other support that the responsible local authority is to provide to the carer.

### eligible needs

- These are the needs for support identified in the adult carer support plan or young carer statement, to enable a carer to achieve their personal outcomes which:
  - cannot be met through services available to the cared for person or through services generally available to people in the area of the responsible local authority or where the carer lives;
  - and also meet the local eligibility criteria.

### Integration Authority

- Established between the local authority and health board an Integration Authority is responsible for directing the execution of various local authority and health board functions that have been delegated to it. These arrangements are detailed in a local Integration Scheme and must include adult social care, adult primary health care and unscheduled adult hospital care. They may also include children’s care and criminal justice social work.

### Local eligibility criteria

- The criteria to be set and published by each local authority<sup>12</sup>, which are to be used to determine whether the local authority is required to provide support to meet an individual carer’s identified needs.

### personal outcomes

- These include outcomes which, if achieved, would enable a carer to provide, or continue to provide, care for the cared for person. They should be outcomes that matter to an individual carer, which could include outcomes around having a life alongside caring, and looking after the carer’s own health and wellbeing.

### responsible authority

- The body responsible for preparing a young carer statement. This can be either a health board, local authority, or a grant-aided or independent school.

### young carer statement

- A new document for young carers, prepared by the responsible authority which sets out a young carer’s identified personal outcomes, identified needs for support (if any) and any other support that the responsible local authority is to provide to the young carer.

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<sup>12</sup> In many cases, this is a duty for the Integration Authority.