

## SPICe Briefing

# Carers (Scotland) Bill – Stage 3

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Stage 3 proceedings on the Carers (Scotland) Bill will take place on 04 February 2016. This briefing summarises the legislative and non-legislative recommendations made by the Health and Sport Committee in its stage 1 report and the Scottish Government's response. It also summarises amendments passed at stage 2 and considers amendments that were withdrawn in advance of stage 3 with a view to discussing further with the Minister for Sport, Health Improvement and Mental Health.

SPICe briefing SB 15/24 (Robson and Hudson, 2015) provides an overview of the Bill as introduced.



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## EXECUTIVE SUMMARY

The Carers (Scotland) Bill seeks to further the rights of carers in order that they are better supported and can continue to care, if they so wish, and to have a life alongside caring.

The main proposals in the Bill at introduction included:

- changing the definition of carer so that it encompasses a greater number of carers
- giving local authorities a duty to prepare an adult care and support plan (ACSP) or young carer statement (YCS) for anyone they identify as a carer, or for any carer who requests one
- giving local authorities a duty to provide support to carers that meet local eligibility criteria
- requiring local authorities and NHS boards to involve carers in carers' services
- giving local authorities a duty to prepare a carers strategy for their area
- requiring local authorities to establish and maintain advice and information services for carers.

The main amendments at stage 2 were:

- giving Ministers the power to regulate the timescale for preparing a support plan for the carer of a terminally ill person
- providing a joint duty for both health boards and local authorities to create local carer strategies
- introducing the requirement for carers to be involved in the hospital discharge procedures of the person they care for
- removal of the automatic sharing of information in a young carer statement with the young carer's named person
- providing a requirement for an adult carer support plan or young carer statement to include emergency plans
- providing a requirement for Scottish Ministers to prepare a Carers Charter.

One of the most notable amendments not agreed to at stage 2 included the requirement for Ministers to set the level of need at which carers would be entitled to support. The issue of whether the eligibility criteria is set locally or nationally was a key area for debate during stage 1.

# INTRODUCTION

There are an estimated 745,000 adult carers and 44,000 young carers in Scotland. The value of the care they provide is estimated to be around £10.3bn each year. Caring can have a detrimental effect on the health and wellbeing of a carer and this can subsequently impact on the person that is being cared for (Scottish Government, 2015).

The Bill was introduced in the Scottish Parliament on 9 March 2015. It is seeking to further the rights of carers in order that they are better supported and can continue to care (if they so wish) and to have a life alongside caring. The Bill has the same ambitions for young carers but also seeks to enable them to have a childhood similar to their non-carer peers (Scottish Parliament, 2015b).

At the moment, local authorities have a duty to assess a carer's ability to care and the power to provide support where necessary. NHS boards can also be required to publish a carer information strategy setting out how carers will be informed of their right to request an assessment. The Bill aims to provide greater support to carers by (amongst other things):

- changing the definition of carer so that encompasses a greater number of carers
- giving local authorities a duty to prepare an adult care and support plan (ACSP) or young carer statement (YCS) for anyone it identifies as a carer, or for any carer who requests one
- giving local authorities a duty to provide support to carers that meet local eligibility criteria
- requiring local authorities and NHS boards to involve carers in carers' services
- giving local authorities a duty to prepare a carers strategy for their area
- requiring local authorities to establish and maintain advice and information services for carers.

[SPICe briefing 15-24](#) provides more detailed information on the Bill's provisions at introduction.

Stakeholders broadly welcomed the Bill but raised a number of issues at stage 1. These included that:

- the proposed changes to the definition of carer and right to request an ACSP/YCS would have a significant resource impact and could draw resources away from other services
- the Bill would allow eligibility for support to be set locally rather than nationally and could therefore lead to postcode lotteries of support
- there should be a greater role for the NHS, especially in relation to identifying carers, and also that carers should be involved in hospital discharge and admission procedures
- there should be an explicit requirement for ACSPs/YCSs to include emergency and anticipatory care plans
- the Bill did not contain a duty for local authorities to offer carers a short break.

The Health and Sport Committee was the lead Committee on the Bill and supported its general principles but with some key recommendations based on the issues that arose during stage 1 (Scottish Parliament, 2015d). These are summarised in table 1 below, along with the Scottish Government's response and the outcome at stage 2.

Key amendments agreed to at stage 2 are also set out in [table 2](#).

## STAGE 1 – HEALTH AND SPORT COMMITTEE RECOMMENDATIONS AND SCOTTISH GOVERNMENT RESPONSE

The table below summarises the main recommendations of the Health and Sport Committee ([Scottish Parliament Health and Sport Committee, 2015](#)) and the Scottish Government’s response ([Scottish Government, 2015](#)). Scottish Government commitments to bring forward amendments at stage 2 are highlighted in bold.

The Scottish Government made some commitments to amend the Bill at stage 2 but also promised to address many of the Committee’s recommendations through national guidance which will be published once the Bill is enacted.

**Table 1: Summary of the Health and Sport Committee recommendations at Stage 1 and Scottish Government response**

Report Para	Committee Comment or Recommendation	Scottish Government Response	Outcome
<b>Definition of Carer and Access to Support Plans</b>			
36	<p>Requests that greater clarity is provided on how local authorities will manage demand for support plans.</p> <p>This was in response to concerns that broadening the definition of carer and giving everyone a right to request an adult carer support plan or young carer statement, would reduce the ability to prioritise, place significant demand on local authorities and divert resources away from those most in need.</p>	<p>The Scottish Government stated that increase in demand will be accompanied by a more streamlined assessment process. The new definition will no longer require an assessment of whether someone is a regular and substantial carer. Additional resources will also accompany the Bill with the intention to support the management of demand.</p>	<p>Nanette Milne MSP, lodged amendments 92 and 93 at stage 2. These were aimed at allowing Councils to prioritise demand for assessments. Following discussions the Member agreed not to move the amendments (see <a href="#">Official Report</a>)</p>
37	<p>Recommends that the Scottish Government provides guidance on when a carer’s request for a support plan will be prioritised.</p>	<p>Agreed that there are certain circumstances when a request for a support plan should be prioritised.</p> <p><b>Committed to bringing forward a stage 2 amendment which would create a regulation making power for Scottish Ministers to set timescales for the preparation of a support plan where the person being cared for is terminally ill.</b></p>	<p>The Minister lodged amendments 5, 13, 64, 66 and 67 at stage 2 introducing a regulation-making power to set timescales for the preparation of support plans for carers of people with a terminal illness (see <a href="#">table 2</a>)</p>

Report Para	Committee Comment or Recommendation	Scottish Government Response	Outcome
			<a href="#">below</a> ).
38	<p>Recommends that the Scottish Government issues guidance on the timescales within which all carers in Scotland should expect to receive a support plan.</p> <p>This was in response to a number of submissions to the Committee which called for a 'reasonable' timescale for the preparation of support plans to be defined.</p>	<p>The Scottish Government highlighted that the Bill contains a provision that local carer strategies should set out intended timescales for preparing support plans. The Scottish Government stated it will also work with local authorities during implementation to share and support good practice and drive consistency.</p>	<p>Rhoda Grant MSP lodged amendments 70, 71, 74 and 75 at stage 2. These amendments aimed to place on the face of the Bill, a timescale in which adult carer support plans and young carer assessments should be completed. The Member withdrew the amendments on the proviso of having further talks with the Minister about the matter (see <a href="#">Main Amendments Withdrawn or Not Agreed to</a> below).</p>
<b>Eligibility Criteria</b>			
57 to 59	<p>Notes the intention for the Scottish Government to provide national direction on eligibility criteria through guidance.</p> <p>Recognises the concerns on both sides with regards to setting out eligibility criteria either locally or nationally.</p> <p>Requests that further consideration is given to how appropriate the balance of eligibility criteria is between Government and local authorities and</p>	<p>The Scottish Government believes that the combination of local criteria and national matters is appropriate. Before the Bill is commenced it promised to work with COSLA, local authorities, National Carers Organisations and Carers to share ideas and views about eligibility criteria. It was felt that this would help local authorities learn from each other.</p> <p>The Scottish Government highlighted that the Bill also provides that, when setting eligibility criteria, local authorities must have regard to any matters specified in regulations. This power will give Ministers the scope to regulate to strengthen consistency in the criteria.</p> <p>The Scottish Government expects local authorities to put</p>	<p>Rhoda Grant MSP lodged amendments 100 and 101 at stage 2 which sought to give the Scottish Government the power to set a level of need at which carers would be entitled to support. The amendments were not agreed to by division (For 4: Against 4, Convenor casting vote) (See <a href="#">Main Amendments Withdrawn or Not Agreed to</a> below).</p>

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	<p>provides further detail on how it will monitor and assess the effectiveness of local eligibility criteria.</p> <p>The setting of eligibility criteria at a local level was one of the key issues during the Bill. The National Carer Organisations feel that local criteria will lead to postcode lotteries of care, while local authorities were supportive as they felt it would enable them to prioritise their resources.</p>	<p>in place procedures for monitoring and assessing the effectiveness of eligibility criteria. Once the Bill is implemented the Scottish Government will discuss with COSLA additional monitoring that might be required so there is full information about the effectiveness of the eligibility criteria.</p>	
<b>Short Breaks</b>			
<p><b>66 to 67</b></p>	<p>Believes that short breaks are vital in enabling carers to carry on their caring role but concerned that there is not enough clarity on what constitutes a short break.</p> <p>Recommends that the Scottish Government provides further clarity on what may be offered to carers under the term 'short break' and that the Scottish Government's guidance to local authorities regarding the provision of short breaks details the importance of ensuring short breaks are tailored to the needs of the carer.</p> <p>This was in response to hearing from carers that short breaks need not be a</p>	<p>The Scottish Government stated that the Bill allows Ministers to make regulations regarding the preparation, publication and review of short breaks services statements. These regulations will enable Scottish Ministers to further clarify what is considered to be a short break, and draft regulations will be consulted on. The Scottish Government recognises the need for flexibility in what is seen as a short break and guidance on existing legislation sets out a broad definition of a short break.</p> <p>Agrees with the Committee that guidance should make clear the importance of ensuring that short breaks are tailored to the needs of the carer.</p>	<p>Rhoda Grant MSP and Nanette Milne MSP lodged amendments 79 and 102 at stage 2 which sought to ensure that a short break is for the carer's benefit and not just for crisis care. Both Members agreed not to move their amendments following a commitment from the Minister that he would discuss it further in advance of stage 3 (see <a href="#">Main Amendments Withdrawn or Not Agreed to</a> below).</p>

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	<p>holiday but could be a modest break from caring, such as a few hours to go shopping or the cinema.</p>		
<b>Information and Advice</b>			
<p><b>83</b></p>	<p>Welcomes the Minister’s assurances that local authorities would be able to meet the duty to provide information and advice services through existing third sector organisations. Recommends that this should be made clearer, either through guidance or amendments to the Bill itself.</p> <p>Recommends that the focus of the Bill and accompanying guidance should be to support and enhance existing carer information and advice services, and only require the establishment of new services where necessary.</p>	<p><b>Committed to bringing forward an amendment at Stage 2 to clarify that where sources of information and advice for carers are already available within the local authority area, either from the local authority itself, third sector organisations or others sources, there is no requirement to create an additional information and advice service.</b> However, in such instances, the local authority will be required to ensure that information and advice services are maintained.</p>	<p>The Scottish Government subsequently lodged amendment 58 at stage 2 which seeks to make it clear that where sources of information and advice for carers are already available within the local authority area, there is no requirement for the authority to create an additional information and advice service. The amendment was agreed to (see <a href="#">table 2</a> below).</p>
<b>NHS and Integrated Health and Social Care</b>			
<p><b>96 to 97</b></p>	<p>Agrees with witnesses that the NHS has a vital role to play in identifying and supporting carers. Believes that the provisions in the Bill should complement the integration of health and social care.</p> <p>Asks the Scottish Government for further information on how it will ensure that the opportunities presented by the integration of health and social care</p>	<p>The Scottish Government highlighted that all of the functions created under the Bill which relate to the delivery of services to adult carers will require to be delegated under integration schemes. All local authority or NHS Board functions relating to young carers will be capable of being delegated if the local authority and NHS Board so choose. The Scottish Government will make amending regulations under the powers in the Public Bodies (Joint Working) (Scotland) Act 2014 to achieve this.</p>	<p>The Scottish Government subsequently lodged amendments 25 to 27, 30, 33-35, 37, 39-44, 47-57 to ensure that the duty to prepare a carer strategy is imposed jointly on the local authority and the health board and that all functions under the Bill relating to adult carers will be required to be delegated</p>



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	can be utilised in relation to identifying and signposting carers to services and support.	Highlights that the national health and wellbeing outcomes and the integration planning and delivery principles complement the provisions in the Carers Bill.	under integration schemes. All amendments were agreed to (see <a href="#">table 2</a> below).
98	Recommends that there should be a greater emphasis on the role of the NHS (along with integrated authorities where appropriate) in the preparation of local carer strategies, and that the duty to consult health boards should make explicit reference to establishing an integrated strategy for identifying and supporting adult and young carers.	<p>Local authorities have a duty to consult with the relevant health board before preparing a local carer strategy. The Bill also has provision for the local carer strategy to set out the support available to carers from the relevant health board.</p> <p>Since functions in the Bill may be exercised in practice by local authority or health board officials (or both), depending on the decisions of the individual integration authority, then it is anticipated that there will be a key role for health boards in the preparation of local carer strategies.</p> <p>In order to put beyond doubt the important role of NHS Boards in the preparation of local carer strategies and in plans for identifying carers <b>will bring forward an amendment at Stage 2 to give effect to this.</b></p>	The Scottish Government subsequently lodged amendments 25 to 27, 30, 33-35, 37, 39-44, 47-57 to ensure that the duty to prepare a carer strategy is imposed jointly on the local authority and the health board and that all functions under the Bill relating to adult carers will be required to be delegated under integration schemes. All amendments were agreed to (see <a href="#">table 2</a> below).
99	Requests that the Scottish Government responds to the views expressed by a number of witnesses that the identification of adult and young carers could be greatly improved by requiring GP practices to maintain carer registers.	The Scottish Government noted the Committee's concerns and recognised the importance of ensuring carer identification in all health settings. It set out that carer identification, including by way of carer registers, will be covered in guidance and that it will also engage with the health care sectors to ensure that they are aware of the implications of the Bill. It is also anticipated that as GP practices begin to engage with the evolving Health and Social Care Partnerships, and begin working within clusters of GP practices coming together within localities to plan services for their communities. This will be	Rhoda Grant MSP lodged amendments 78 and 90 which sought to create a regulation making power regarding the procedure for public authorities to identify and refer carers to local authorities. The Member withdrew the amendments on the proviso of further discussions with the Minister in advance of stage 3

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		informed by the local community engagement around carers.	(see <a href="#">Main Amendments Withdrawn or Not Agreed to</a> )
<b>Hospital Admission and Discharge</b>			
<b>106 to 108</b>	<p>Shares the concerns of carers that a lack of consultation with carers when the person for whom they are caring is admitted or discharged from hospital could result in crisis situations and lead to unnecessary readmissions to hospital.</p> <p>Requests that the Scottish Government sets out how it will ensure that, prior to patients being discharged, hospital staff identify carers and establish that they are able and willing to provide care.</p> <p>Recommends that the Scottish Government responds to the calls from carers and carer organisations to include provisions in the Bill that place a duty on health boards to involve carers in hospital admission and discharge procedures</p>	<p>The Scottish Government agreed that hospital admission and discharge protocols should identify carers and ensure that they are consulted before the patient is discharged from hospital. States that the existing Bill provisions support the involvement of carers in hospital discharge.</p> <p>The Scottish Government also pointed out that sections 9 and 14 of the Bill provide for Scottish Ministers (by regulations) to make provision about the review of adult carer support plans and young carer statements. It stated that one trigger for review could be when the cared-for person is discharged from hospital. It also highlighted that the guidance that will accompany the Carers Bill will cover the importance of involving carers in the process of hospital admission and discharge. The Scottish Government will ensure that policy interventions are aligned to support this outcome.</p>	<p>Amendment 103 was moved by Nanette Milne MSP and agreed to by division (For: 4, Against: 4, convener casting vote)</p> <p>The amendment seeks to ensure that when planning the discharge of a person from hospital, a health board must take steps to inform a carer of the planned discharge, involve them in the planning and take account of their views (see <a href="#">table 2</a> below).</p>
<b>Young Carers – Named Person</b>			
<b>135</b>	Recognises the benefits of Named Persons being provided with information regarding the caring roles of any young people for whom they are responsible. However, the Committee	The Scottish Government recognised the Committee's concerns and committed to <b>bring forward an amendment at Stage 2 to remove the sections about automatically providing the young carer's named person with information contained in the young carer</b>	Amendments 11 and 16 were moved by the Minister and agreed to. These Amendments remove the section which would require

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	<p>shared the concerns that doing so without the consent of young carers may breach trust and may dissuade vulnerable young people from seeking help or support. Recommends that the Scottish Government set out alternative provisions and that the Scottish Government undertake further consultation with young carers on these provisions.</p>	<p><b>statement and automatic notification to the young carer's named person about the young carer being offered or requesting a young carer statement.</b></p> <p>The Minister stated that he wants to ensure that the named person service is informed to properly support any young carer but equally he sees the need to respect the wishes of young carers who may want to keep their caring role private where it is appropriate to do so.</p>	<p>the responsible authority to inform a young carer's named person if a young carer statement is offered or requested. It would also remove the requirement to share with the named person, the information that is contained in a young carer statement (see <a href="#">table 2</a> below).</p> <p>The Minister highlighted that the named person may still be informed of the young carer statement as there is provision in the Children and Young People (Scotland) Act 2014 which would allow information to be shared, but only if relevant or necessary for the named person to carry out their functions. However, it would not be automatic.</p>
<b>Emergency Planning</b>			
<p><b>161 to 162</b></p>	<p>The Committee agrees that all carers should be entitled and encouraged to discuss emergency planning as part of the preparation of an ACSP or YCS</p> <p>Recommends that the Scottish Government brings forward</p>	<p>The Scottish Government recognised that emergency planning is a significant concern for many carers and can be a factor affecting their health and wellbeing. As a result it committed to <b>bring forward amendments at Stage 2 of the Bill so that the adult carer support plan and young carer statement must contain information about emergency planning.</b></p>	<p>Amendments 6, 14 and 60 were moved by the Minister at stage 2 and agreed to. These amendments provide that the support plans and statements must contain information about emergency planning</p>

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	<p>amendments at Stage 2, or includes within regulations, a requirement that all adult carer support plans and young carer statements must include consideration of emergency planning arrangements.</p>	<p>It also set out plans to <b>bring forward amendments so that the information and advice service must provide information about emergency planning and future planning</b>. The guidance will include further detail about emergency planning.</p>	<p>and that information and advice services provide information and advice on emergency and future care planning. (see <a href="#">table 2</a> below).</p>
<b>Financial Memorandum</b>			
<p><b>186 to 187</b></p>	<p>Shares the concerns of stakeholders that the costs set out in the Financial Memorandum may be underestimated.</p> <p>Like the Finance Committee, the Health and Sport Committee regrets that the finance-led group was not established prior to the introduction of the Bill. Considers that, had the group been established earlier, its findings may have resulted in there being fewer concerns from stakeholders with regards to the estimated costs of implementation.</p>	<p>States that it is understandable that COSLA, local authorities and other stakeholders want to be assured about the level of financial resources to be made available.</p> <p>The Minister explains that the finance-led group was not set up to inform the Financial Memorandum but, given the significance of the financial impact of the Bill, the Scottish Government saw merit in establishing a group to help continue the work already undertaken. The group is reviewing some of the cost estimates in the Financial Memorandum and will set out some sensitivity analysis to further clarify the limits of the estimates. It will also articulate a clear understanding of key financial risks associated with implementing the Bill. There is no further evidence to suggest that the Financial Memorandum represents anything other than a robust assessment of the likely costs of the Bill's provisions.</p>	<p>The Minister subsequently <a href="#">wrote</a> to the Finance Committee and Health and Sport Committee providing further explanation and stating that he considers the “Financial Memorandum estimates to be robust on best available evidence”.</p>
<b>Waiving of Charges/Replacement Care</b>			
<p><b>199 to 200</b></p>	<p>Like the Finance Committee, the Health and Sport Committee expressed concern that the Scottish Government is not yet in a position to provide greater certainty on the waiving of charges and replacement</p>	<p>The Minister in his response recognised that it is an important issue for carers and expressed a desire to reach a workable solution. He recognised the importance of putting clear processes in place for decisions in relation to services such as replacement care which can affect both the carer and cared-for person and committed to</p>	<p>Amendment 20 and 22 were moved by the Minister at stage 2 and agreed to. These amendments make provision about how the cared-for person should be involved in</p>

Report Para	Committee Comment or Recommendation	Scottish Government Response	Outcome
	<p>care, or to provide details of the potential additional costs that may result from these.</p> <p>The Health and Sport Committee agreed with the Finance Committee that, prior to the Parliament being asked to vote on the Bill at Stage 1, the Scottish Government should clarify how charges will be waived for services that support carers, including replacement care to enable carers to take short breaks, and provide details of any amendments it intends to bring forward in this area at Stage 2.</p>	<p><b>bring forward an amendment at stage 2 to deal with the role of the cared-for person when such decisions are made.</b></p> <p>The Minister also highlighted that the actual requirement to waive charges will be made through minimal amendments to the existing regulations on charges. The regulations will be accompanied by their own policy note, which will include any financial implications. These regulations will come into effect in line with commencement of the Bill's substantive provisions in 2017-18.</p>	<p>considering how any care which is provided in order to give the carer a break from caring is to be provided.</p>
<b>Supplementary Financial Memorandum Scrutiny</b>			
201	<p>The Health and Sport Committee agreed with the Finance Committee that, should the general principles of the Bill be agreed at Stage 1, sufficient time must be allowed between stages 2 and 3 to allow proper scrutiny of a supplementary financial memorandum, should one be brought forward.</p>	<p>The Scottish Government stated that it was not envisaged that a supplementary Financial Memorandum would need to be produced. However, in accordance with Standing Orders, if following Stage 2, any new or updated financial information becomes available, the Committee would be provided with a supplementary Financial Memorandum as soon as possible before Stage 3.</p>	<p>No supplementary financial memorandum was produced.</p>

## MAIN AMENDMENTS AGREED TO AT STAGE 2

Stage 2 of the Bill took place on [24 November 2015](#) and [01 December 2015](#). The Health and Sport Committee considered a number of amendments arising as a result of the stage 1 report, as well as a number of amendments on other issues lodged by the Minister for Sport, Health Improvement and Mental Health.

**Table 2: Summary of Amendments Agreed to at Stage 2**

Issue and Reference	Amendments and Effect
<b>Timescales for preparation of adult carer support plan and young carer statement</b>	
Section 6, 11, 36 and 37  <a href="#">(Official Report)</a>	Amendments 5, 13, 64, 66 and 67 were moved by the Minister and agreed to.  The amendments in this group addressed the setting of timescales for the preparation of adult carer support plans and young carer statements when the carer provides care for someone with a terminal illness. The amendments would introduce a power for Scottish Ministers to make regulations in order to prescribe timescales for such support plans. Regulations would be subject to the affirmative procedure.
<b>Identity of responsible local authority where carer and cared-for person are in different areas</b>	
Section 6, 8, 11, 13, 22, 28, 31 and 36  <a href="#">(Official Report)</a>	Amendments 4, 7, 12, 15, 18, 19, 28, 29, 31, 32, 36, 38, 45, 46, 59, 61, 63 were moved by the Minister and agreed to.  This group of amendments addressed the identity of the responsible local authority where the carer and the cared-for person live in different local authority areas. The amendments change the definition of 'responsible local authority' for adult carers to be the local authority in which the cared for person lives. For young carers, the responsibility for preparing the young carer statement will remain with the local authority in which the young person resides but the responsibility for agreeing and administering support will lie with the local authority in which the person they care for lives.

The amendments also provide that adult carer support plans and young carer statements must detail available services in the responsible local authority's area, but if the carer lives in another area then the support plan must also detail the available services there.

## Emergency and Future Planning

Sections 8, 13 and 31

[\(Official Report\)](#)

Amendments 6, 14 and 60 were moved by the Minister and agreed to.

This group of amendments provide that the adult carer support plan and young carer statement must contain information about emergency planning. These amendments were lodged in response to concerns from carers that not having a plan in place (should something happen to them that compromises their caring role) is a source of considerable anxiety.

The amendments place a duty on local authorities to include information within all adult carer support plans and young carer statements about whether or not a carer has arrangements in place for the provision of care, which they would normally provide to the cared-for person, in an emergency. Amendment 60 would ensure that the information and advice services provided for under the Bill, would provide information and advice on emergency care planning and future care planning.

## Young Carer Statements and the Named Person

Sections 11 and 15

[\(Official Report\)](#)

Amendments 11 and 16 were moved by the Minister and agreed to.

Amendments 11 and 16 remove the section which would require the responsible authority to inform a young carer's named person if a young carer statement is offered or requested. It would also remove the requirement to share with the named person, the information that is contained in a young carer statement.

The Minister explained that under the Children and Young People (Scotland) Act 2014, the information contained in a young carer statement can be shared with the named person, but only if relevant or necessary for the named person to carry out their functions. This, he explained, means that the information can be shared but it is not automatic.

Rhoda Grant MSP lodged similar amendments at stage 2, although her amendments

would not have allowed any information to be shared with the named person unless it was with the consent of the young carer. The Member agreed to withdraw her amendments to discuss further with the Minister whether young carers could be given more control of who has access to the contents of their statement. The Minister agreed to this proposal.

## **Duty to Involve Carers in Hospital Discharge Procedures**

Section 25

[\(Official Report\)](#)

Amendment 103 was moved by Nanette Milne MSP and agreed to by division (For: 4, Against: 4, convener casting vote)

The amendment sought to ensure that when planning the discharge of a person from hospital, a health board must take steps to inform a carer of the planned discharge, involve them in the planning and take account of their views.

## **Responsibility for Preparation of Local Carer Strategy**

Section 28, 29 and 30

[\(Official Report\)](#)

Amendments 25 to 27, 30, 33-35, 37, 39-44, 47-57 were moved by the Minister and agreed to.

The group of amendments sought to ensure that the duty to prepare a local carer strategy is imposed jointly on the local authority and the relevant health board. They also provided that all functions under the Bill relating to adult carers will be required to be delegated under integration schemes resulting from the Public Bodies (Joint Working)(Scotland) Act 2014.

## **Information and Advice Services for Carers**

Section 31

[\(Official Report\)](#)

Amendment 58 was moved by the Minister and agreed to.

Amendment 58 seeks to make it clear that where sources of information and advice for carers are already available within the local authority area, there is no requirement for the authority to create an additional information and advice service.



## Carers Charter

Section 32A

([Official Report](#))

Amendments 86 and 88 were moved by Rhoda Grant MSP and agreed to.

The Amendments require Scottish Ministers to prepare a carers' charter which would set out the rights of carers as provided under the Bill and any other legislation. Scottish Ministers would be required to consult with stakeholders and involve carers when preparing the charter.

The Minister detailed that a carers' charter is already under development but may be broader in scope than the one proposed in the amendments. The Minister detailed that he would be happy to support the amendments but that they may need some further attention at stage 3.

## MAIN AMENDMENTS WITHDRAWN OR NOT AGREED TO AT STAGE 2

There were a number of amendments considered at stage 2 but withdrawn on the Minister's commitment of further discussion with the Minister prior to stage 3. These included:

***The procedure for public authorities to identify and refer carers*** – Rhoda Grant MSP lodged amendments which sought to create a regulation making power regarding the procedure for public authorities to identify and refer carers to local authorities. The Minister contended that the amendment would place a duty on a broad range of public bodies, some of which had nothing to do with carers. Instead he argued that the planned Government amendments which would require health boards to jointly prepare carer strategies with local authorities would be the appropriate way forward. The Member withdrew the amendment on the proviso of further discussions with the Minister in advance of stage 3 (see [official report](#)).

***Timescales for the completion of an adult carer support plan or young carer statement*** – Rhoda Grant MSP lodged amendments which sought to set out a timescale on the face of the Bill in which an adult carer support plan or young carer statement should be completed. This would go further than the Scottish Government amendment which related to those caring for someone with a terminal illness. The Minister expressed concern that setting timescales would result in local authorities having to use much of their resources to prepare plans within set timescales and that could limit the resources that might otherwise be available for the provision of support. The Member withdrew the amendments on the basis of seeking further discussion with the Minister (see [official report](#)).

***Stipulating the amount of time a carer is willing to commit*** – Rhoda Grant MSP lodged amendments which would allow carers to stipulate the amount of time they were willing and able to provide. The Minister contended that s8(1)(b) and s31(1)(b) of the Bill already provide that the adult carer support plan and young carer statement must contain “information about the extent to which” the adult carer or young carer “is able and willing to provide care for the cared-for person”. The Minister agreed to meet with the Member to reassure her about the provisions in the Bill, or, if some change is needed, to discuss a way forward (see [official report](#)).

***Future care planning*** - Amendments lodged by Rhoda Grant MSP sought to ensure that adult carer support plans and young carer statements contain “information about whether the adult carer has arrangements in place for the future care of the cared-for person”. This would include transitional arrangements for circumstances in which the carer is unlikely to be able to continue their caring role. The Minister recognised that there might be some merit in the amendments but thought that the Bill might already allow for it. On that basis the Member agreed to withdraw her amendments and meet with the Minister to work on the matter further with a view to possibly lodging an amendment at stage 3 (see [official report](#)).

***Young carer statements and the named person*** - Rhoda Grant MSP lodged amendments which sought to give young people the control over whether or not their named person receives the information that is in their young carer statement. The Member agreed to withdraw her amendments to discuss further with the Minister whether young carers could be given more control of who has access to the contents of their statement. The Minister agreed to this proposal (see [official report](#)).

***Appeals Mechanism*** – Rhoda Grant MSP lodged an amendment which sought to implement an appeals mechanism for carers not happy with the outcome of their assessed eligibility for support. The Minister detailed that the Scottish Government was in the process of changing the social work complaints system and would be consulting on a draft order in the near future. The

Minister offered to meet with the Member to discuss the matter and the Member agreed to withdraw her amendment (see [official report](#)).

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