



Carers (Scotland) Bill

Bill Number:	SP Bill 61
Introduced on:	09 March 2015
Introduced by:	Shona Robison MSP (Government Bill)
Passed:	04 February 2016
Royal Assent:	09 March 2016

Passage of the Bill

The Carers (Scotland) Bill was introduced in the Scottish Parliament on 9 March 2015 by Shona Robison MSP, Cabinet Secretary for Health and Wellbeing. The Health and Sport Committee was designated the lead Committee on the Bill and issued a call for evidence on the general principles of the Bill which closed on 22 April 2015. In response, the Committee received 71 submissions. The main themes to arise from the written submissions were included in the [SPICe stage 1 briefing on the Bill](#).

The Committee took oral evidence on the Bill at its meetings on 5, 12 and 26 May. It also undertook a fact-finding visit with Carers from across Scotland and with Marie Curie's Expert Voices Group for Scotland. The Committee published its [stage 1 report](#) on 21 September 2015. Consideration of the Bill at stage 1 concluded with the [stage 1 debate](#) on 5 November 2015.

Consideration of amendments at stage 2 took place at the Committee [meeting on 1 December 2015](#).

Following the [stage 3 debate](#) on 4 February 2016, the Bill was passed and received Royal Assent on 9 March 2016.

Purpose and objectives of the Bill

The policy memorandum set out the policy objective of the Bill as 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 had the same ambitions for young carers but also sought to enable them to have a childhood similar to their non-carer peers.

Provisions of the Bill

The key provisions of the Bill on introduction included:

- changing the definition of carer so that it encompassed 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.

Parliamentary Consideration

A number of issues with the Bill were raised by stakeholders 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 supported the general principles of the Bill, but with some key recommendations based on the issues that arose during stage 1. The main amendments agreed to 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 are set locally or nationally was a key area for debate during stage 1.

The Bill was passed on 4 February 2016 and received Royal Assent on 9 March 2016.