

Carers (Scotland) Bill

Marshalled List of Amendments selected for Stage 3

The Bill will be considered in the following order—

Sections 1 to 41
Long Title

Schedule

Amendments marked * are new (including manuscript amendments) or have been altered.

Section 2

Rhoda Grant

- 21 In section 2, page 2, line 5, at end insert <, or
() is 18 years old, and—
- (i) attained that age while undertaking a course of education at a post-16 education body, and
 - (ii) has since attaining that age continued to undertake such a course at that or another post-16 education body.
- () In this section “post-16 education body” has the meaning given in section 35 of the Further and Higher Education (Scotland) Act 2005.>

Section 6

Rhoda Grant

- 1 In section 6, page 3, line 10, at end insert—
- <() A responsible local authority must exercise its functions under this section in a manner which encourages equal opportunities and in particular the observance of the equal opportunity requirements (within the meaning of Section L2 of Part 2 of schedule 5 of the Scotland Act 1998.)>

Rhoda Grant

- 22 In section 6, page 3, line 10, at end insert—
- <() A responsible local authority may make arrangements for another person to prepare an adult carer support plan on its behalf.>

Section 6A

Jamie Hepburn

- 2 In section 6A, page 3, line 14, leave out <may> and insert <must>

Rhoda Grant

- 23 In section 6A, page 3, line 15, after <plans> insert—
<() Regulations under subsection (1) may make different provision>

Section 7

Rhoda Grant

- 3 In section 7, page 3, line 31, at end insert—
<() In identifying an adult carer’s personal outcomes and needs for support, a responsible local authority must, in particular, take into account any impact that having one or more protected characteristic (within the meaning of section 149(7) of the Equality Act 2010) has on the adult carer.>

Section 8

Rhoda Grant

- 4 In section 8, page 4, line 5, at end insert—
<() information about whether the adult carer has arrangements in place for the future care of the cared-for person,>

Rhoda Grant

- 24 In section 8, page 4, line 16, at end insert—
<() where appropriate, information about the support available to the adult carer in the event of the death of the cared-for person, including bereavement support,>

Section 11

Rhoda Grant

- 5 In section 11, page 5, line 35, at end insert—
<() A responsible authority must exercise its functions under this section in a manner which encourages equal opportunities and in particular the observance of the equal opportunity requirements (within the meaning of Section L2 of Part 2 of schedule 5 of the Scotland Act 1998).>

Rhoda Grant

- 25 In section 11, page 5, line 35, at end insert—
<() A responsible authority may make arrangements for another person to prepare a young carer statement on its behalf.>

Section 11A

Jamie Hepburn

- 6 In section 11A, page 6, line 4, leave out <may> and insert <must>

Rhoda Grant

- 26 In section 11A, page 6, line 5, after <statements> insert—
<() Regulations under subsection (1) may make different provision>

Section 12

Rhoda Grant

- 7 In section 12, page 6, line 18, at end insert—
<() In identifying a young carer's personal outcomes and needs for support, a responsible authority must, in particular, take into account any impact that having one or more protected characteristic (within the meaning of section 149(7) of the Equality Act 2010) has on the young carer.>

Section 13

Rhoda Grant

- 8 In section 13, page 6, line 31, at end insert—
<() information about whether the young carer has arrangements in place for the future care of the cared-for person,>

Rhoda Grant

- 27 In section 13, page 7, line 5, at end insert—
<() where appropriate, information about the support available to the young carer in the event of the death of the cared-for person, including bereavement support,>

Section 19

Rhoda Grant

- 28 In section 19, page 9, line 16, after <criteria> insert <—
(a) ensure that the identified needs of all carers in its area falling within a category as the Scottish Ministers must by regulations specify are eligible needs for the purposes of section 22,
(b)>

Rhoda Grant

- 29 In section 19, page 9, line 16, leave out from <have> to end of line 17 and insert <—

- (a) comply with such requirements as the Scottish Ministers may by regulations specify,
- (b) have regard to such other matters as the regulations may specify.>

Rhoda Grant

- 30 In section 19, page 9, line 16, leave out <have regard among other things to such matters> and insert <comply with such requirements>

Rhoda Grant

- 31 In section 19, page 9, line 17, after <such> insert <other>

Section 23

Rhoda Grant

- 32 In section 23, page 11, line 6, at end insert—
<() The primary purpose of any break from caring provided by virtue of this section must be for the benefit of the carer.>

Jamie Hepburn

- 9 In section 23, page 11, line 10, after <person,> insert <about>

Nanette Milne

- 33 In section 23, page 11, line 13, at end insert—
<() In providing support by virtue of subsection (1), a local authority must have regard to the desirability of breaks from caring being provided on a planned basis.>

Nanette Milne

- 34 In section 23, page 11, line 13, at end insert—
<() Section 19(2) of the Social Care (Self-directed Support) (Scotland) Act 2013 applies in relation to support provided as a break from caring as it applies in relation to any other support.>

After section 24

Rhoda Grant

- 35 After section 24, insert—
<Eligibility for support: review
(1) Subsection (2) applies where a responsible local authority determines under section 22(2) that all or any of a carer’s identified needs are not eligible needs.
(2) On the request of the carer, the responsible local authority must review the question of whether the carer’s identified needs as specified in the request are eligible needs.
(3) The Scottish Ministers may by regulations make provision about—

- (a) how a request for review under subsection (2) is to be made,
- (b) the timescales for—
 - (i) making a request for review,
 - (ii) determining a review, which must be a period of no more than 6 weeks,
 - (iii) an expedited procedure for determining a review in relation to carers of terminally ill cared-for persons, which must be a period of no more than 1 week.>

Jackson Carlaw

36 After section 24, insert—

<Duty to make provision for review and appeal of decisions

- (1) The Scottish Ministers must by regulations make provision establishing a process by which a carer to whom subsection (2) applies may—
 - (a) apply for the local authority to review its decision,
 - (b) make a further appeal against the local authority’s decision on such a review.
- (2) This subsection applies to a carer where a responsible local authority determines under section 22(2) that all or any of the carer’s identified needs are not eligible needs.
- (3) Regulations under subsection (1) must in particular—
 - (a) provide as to how an application for review or, as the case may be, appeal is to be made,
 - (b) provide as to time limits for the making of applications for review or, as the case may be, appeal.>

Rhoda Grant

37 After section 24, insert—

<Reporting on provision of support

- (1) Each local authority must prepare and publish a report before the end of the period mentioned in subsection (3).
- (2) The report must, in respect of each period, set out—
 - (a) the number of adult carer support plans prepared,
 - (b) the number of young carer statements prepared,
 - (c) the number of occasions when support provided to a carer under section 22(4) has taken the form of a break from caring by virtue of section 23,
 - (d) the total amount spent on the provision of support under section 22(4).
- (3) That period is—
 - (a) in the case of the first report, the period of 3 years beginning with the day of Royal Assent,
 - (b) in the case of any subsequent report, 3 years beginning with the date of the last report.>

Rhoda Grant

38 After section 24, insert—

<CHAPTER

SCRUTINY OF SUPPORT SERVICES PROVIDED TO CARERS

Scrutiny of support services provided to carers

The Scottish Ministers must, within 1 year after the day of Royal Assent, lay before the Parliament either—

- (a) an order under section 49(a) (power to modify key definitions) of the Public Services Reform (Scotland) Act 2010 modifying paragraph 1 of schedule 12 to that Act for the purpose of ensuring that the definition of “support services” includes a service provided to a carer to enable the carer to provide or continue to provide care for another person that is required due to that other person’s vulnerability or need (other than vulnerability or need arising by reason only of that other person being of a young age), or
- (b) a statement setting out their reasons why they consider that making such an order is not necessary or appropriate.>

Section 25

Nanette Milne

39 In section 25, page 12, line 1, leave out subsection (4A)

After section 25

Nanette Milne

40 After section 25, insert—

<Carer involvement in hospital discharge of cared-for persons

- (1) 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.
- (2) A health board fulfils the duty in subsection (1) by—
 - (a) taking such steps as it considers appropriate to—
 - (i) inform the carer, as soon as reasonably practicable, of the intention to discharge the cared-for person, and
 - (ii) invite the carer to give views about the discharge of the cared-for person, and
 - (b) taking account, so far as it is reasonable and practicable to do so, of any views given by the carer in making decisions relating to the discharge of the cared-for person.
- (3) This section applies only—
 - (a) where the health board can identify without delay that a person is the carer of the cared-for person, and

- (b) where it appears to the health board that the cared-for person is likely to require care following discharge.
- (4) In this section “health board” means—
 - (a) in the case of the state hospital (within the meaning given by section 102 of the National Health Service (Scotland) Act 1978), the State Hospitals Board for Scotland constituted by order under section 2(1)(b) of that Act,
 - (b) in the case of a hospital mentioned in subsection (5), a health board constituted under section 2(1)(a) of that Act.
- (5) The hospitals referred to in subsection (4)(b) are—
 - (a) a health service hospital (within the meaning given by section 108(1) of the National Health Service (Scotland) Act 1978), or
 - (b) where a person receives accommodation or services in a hospital other than a health service hospital under arrangements made by a health board, such a hospital.>

Section 28

Jamie Hepburn

- 10 In section 28, page 14, line 29, at end insert—
- <() plans for helping relevant carers put arrangements in place for the provision of care to cared-for persons in emergencies,>

Rhoda Grant

- 11 In section 28, page 14, line 29, at end insert—
- <() an assessment of the extent to which plans for supporting relevant carers may reduce any impact of caring on relevant carers’ health and wellbeing,>

Rhoda Grant

- 41 In section 28, page 15, line 1, after <consult> insert <—
- () a relevant post-16 education body, and
- ()>

Rhoda Grant

- 42 In section 28, page 15, line 8, at end insert—
- <“relevant post-16 education body” means a body within the area of the local authority which is a “post-16 education body” for the purposes of the Further and Higher Education (Scotland) Act 2005.>

Section 31

Jamie Hepburn

- 12 In section 31, page 16, line 19, at beginning insert <carers’ rights, including those set out in>

Jamie Hepburn

- 13 In section 31, page 16, line 19, leave out <including the rights of carers,>

Rhoda Grant

- 14 In section 31, page 16, line 23, at end insert—

<() bereavement support services for carers following the death of a cared-for person,>

Rhoda Grant

- 15 In section 31, page 16, line 26, at end insert—

<() In providing information and advice about the matters mentioned in subsection (2), the service must, in particular, identify information and advice likely to be of particular relevance to persons who have one or more protected characteristics (within the meaning of section 149(7) of the Equality Act 2010).>

After section 31

Rhoda Grant

- 43 After section 31, insert—

<Register of carers

Register of carers

- (1) The responsible authority must make arrangements for—
 - (a) the development and maintenance of a register of relevant carers in its area, and
 - (b) the offer and provision of an annual health check to each carer listed on the register.
- (2) In this section—

“carer services” has the meaning given by section 25(4),

“relevant carers” means—

 - (a) carers who reside in the area of the health board or, as the case may be, the integration joint board,
 - (b) carers who do not reside in the area of the health board or, as the case maybe, the integration board, but who provide or intend to provide care to cared-for persons in the area,

“responsible authority” means—

 - (a) the health board, or
 - (b) the integration joint board, where functions in relation to carer services provided by a health board have been delegated to an integration joint board established by virtue of section 9 of the Public Bodies (Joint Working) (Scotland) Act 2014.>

Rhoda Grant

44 After section 31, insert—

<Advocacy services

(1) Each local authority must—

- (a) secure the availability of independent advocacy services to relevant carers in relation to their caring role,
- (b) take steps to ensure that such carers have the opportunity of making use of those services.

(2) In this section—

“advocacy services” and “independent” have the meaning given in section 259 of the Mental Health (Care and Treatment) (Scotland) Act 2003,

“relevant carers” has the meaning given by section 28(4A).>

Section 32A

Jamie Hepburn

16 In section 32A, page 17, leave out line 6

Jamie Hepburn

17 In section 32A, page 17, line 6, at end insert—

<() Nothing in the charter is to—

- (a) give rise to any new rights, or
- (b) alter any existing rights.>

Jamie Hepburn

18 In section 32A, page 17, line 6, at end insert—

<() The charter may also contain such other information as the Scottish Ministers consider appropriate.>

Jamie Hepburn

19 In section 32A, page 17, line 13, at end insert—

<() consult such other persons as the Scottish Ministers consider appropriate,>

Section 36

Nanette Milne

45 In section 36, page 18, line 21, after <board”> insert <(except in section (*Carer involvement in hospital discharge of cared-for persons*))>

Jamie Hepburn

- 20 In section 36, page 18, line 33, at end insert—
<“relevant carers” has the meaning given by section 28(4A),>

Section 37

Rhoda Grant

- 46 In section 37, page 19, line 23, at end insert—
<() section (*Eligibility for support: review*)(3),>

Jackson Carlaw

- 47 In section 37, page 19, line 23, at end insert—
<() section (*Duty to make provision for review and appeal of decisions*),>

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