

Carers (Scotland) Bill

Groupings of Amendments for Stage 2

This document provides procedural information which will assist in preparing for and following proceedings on the above Bill. The information provided is as follows:

- the list of groupings (that is, the order in which amendments will be debated). Any procedural points relevant to each group are noted;
- the text of amendments to be debated on the day of Stage 2 consideration, set out in the order in which they will be debated. **THIS LIST DOES NOT REPLACE THE MARSHALLED LIST, WHICH SETS OUT THE AMENDMENTS IN THE ORDER IN WHICH THEY WILL BE DISPOSED OF.**

Groupings of amendments

Duty to offer and prepare adult carer support plan and young carer statement

1, 2, 3, 92, 8, 9, 10, 93

Timescales for preparation of adult carer support plan and young carer statement

70, 71, 5, 74, 75, 13, 83, 64, 89, 66, 67

Notes on amendments in this group

Amendment 83 pre-empts amendment 39 in group “Responsibility for preparation of local carer strategy”

Identity of responsible local authority where carer and cared-for person in different areas

4, 7, 12, 15, 18, 19, 28, 29, 31, 32, 36, 38, 45, 46, 59, 61, 63

Content of adult carer support plan and young carer statement: hours of care

72, 76

Emergency and future care planning

6, 73, 14, 77, 60

Provision of information in or about young carer statement

11, 94, 95, 96, 16, 97, 98, 99

Notes on amendments in this group

Amendment 96 pre-empts amendment 16

Referral of carers to appropriate authority

78, 90

Local eligibility criteria

100, 101

Provision of support to carer: breaks from caring

17, 102, 20, 21, 22, 23, 79, 68

Eligibility for support: review

80, 91

Functions of the Care Inspectorate

81, 69

Carer involvement

103, 24

Responsibility for preparation of local carer strategy

25, 26, 27, 30, 33, 34, 35, 37, 39, 40, 41, 42, 43, 44, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57

Notes on amendments in this group

Amendment 39 is pre-empted by amendment 83 in group “Timescales for preparation of adult carer support plan and young carer statement”

Content of local carer strategy

82, 104, 105, 106

Local carer strategy: duty to consult post-16 education bodies

84, 85

Information and advice service for carers

58

Carers’ charter

86, 88

Information and advice service – bereavement support

87

Register of carers

107

Guidance and directions to health boards and directing authorities

62

Procedure for regulations under section 1(3)

65

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Amendments in debating order

Duty to offer and prepare adult carer support plan and young carer statement

Jamie Hepburn

- 1 In section 6, page 3, line 2, at end insert—
<(1A) If a responsible local authority identifies a person as an adult carer, the responsible local authority must offer the person an adult carer support plan.>

Jamie Hepburn

- 2 In section 6, page 3, line 4, leave out <subsection (3) or> and insert <—
(a) the person accepts an offer under subsection (1A), or
(b) subsection>

Jamie Hepburn

- 3 In section 6, page 3, line 5, leave out subsection (3)

Nanette Milne

- 92 In section 6, page 3, line 10, after first <carer> insert <who may be in need of support>

Jamie Hepburn

- 8 In section 11, page 5, line 11, at end insert—
<(1A) If a responsible authority identifies a person as a young carer, the responsible authority must offer the person a young carer statement.>

Jamie Hepburn

- 9 In section 11, page 5, line 13, leave out <subsection (3) or> and insert <—
(a) the person accepts an offer under subsection (1A), or
(b) subsection>

Jamie Hepburn

- 10 In section 11, page 5, line 14, leave out subsection (3)

Nanette Milne

- 93 In section 11, page 5, line 19, after first <carer> insert <who may be in need of support>

Timescales for preparation of adult carer support plan and young carer statement

Rhoda Grant

- 70 In section 6, page 3, line 3, after <must> insert <before the end of the relevant period>

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Rhoda Grant

71 In section 6, page 3, line 12, at end insert—

<() In this section the relevant period means the period—

(a) beginning with the day on which the person—

(i) accepts the offer of a plan under subsection (1A), or

(ii) requests a plan under subsection (4),

(b) ending—

(i) in the case of an adult carer of a terminally ill cared-for person, at the end of a period of 2 weeks,

(ii) in all other cases, at the end of a period of 12 weeks.>

Jamie Hepburn

5 After section 6, insert—

<Adult carers of terminally ill cared-for persons

(1) The Scottish Ministers may by regulations prescribe timescales for the preparation of adult carer support plans in relation to adult carers of terminally ill cared-for persons.

(2) For the purposes of this section and section (*Young carers of terminally ill cared-for persons*), a cared-for person is terminally ill at any time if at that time the person suffers from a progressive disease and death in consequence of that disease can reasonably be expected within 6 months.>

Rhoda Grant

74 In section 11, page 5, line 12, after <must> insert <before the end of the relevant period>

Rhoda Grant

75 In section 11, page 5, line 32, insert at end—

<() In this section the relevant period means the period—

(a) beginning with the day on which the person—

(i) accepts the offer of a plan under subsection (1A), or

(ii) requests a plan under subsection (4),

(b) ending—

(i) in the case of a young carer of a terminally ill cared-for person, at the end of a period of 2 weeks,

(ii) in all other cases, at the end of a period of 12 weeks.>

Jamie Hepburn

13 After section 11, insert—

<Young carers of terminally ill cared-for persons

The Scottish Ministers may by regulations prescribe timescales for the preparation of young carer statements in relation to young carers of terminally ill cared-for persons.>

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Rhoda Grant

- 83 In section 28, page 14, leave out lines 16 and 17

Jamie Hepburn

- 64 In section 36, page 17, line 34, at end insert—
<“terminally ill”, in relation to a cared-for person, has the meaning given by section
(*Adult carers of terminally ill cared-for persons*)(2),>

Rhoda Grant

- 89 In section 36, page 17, line 38, at end insert—
<() In this Act a cared-for person is terminally ill at any time if at that time the person
suffers from a progressive disease and death in consequence of that disease can
reasonably be expected within 6 months.>

Jamie Hepburn

- 66 In section 37, page 18, line 7, at end insert—
<() section (*Adult carers of terminally ill cared-for persons*)(1),>

Jamie Hepburn

- 67 In section 37, page 18, line 8, at end insert—
<() section (*Young carers of terminally ill cared-for persons*),>

Identity of responsible local authority where carer and cared-for person in different areas

Jamie Hepburn

- 4 In section 6, page 3, line 12, leave out <adult carer> and insert <cared-for person>

Jamie Hepburn

- 7 In section 8, page 4, line 4, at end insert—
<() if the adult carer does not reside in the responsible local authority’s area,
information about the support available to adult carers in the area where the adult
carer resides,>

Jamie Hepburn

- 12 In section 11, page 5, line 32, leave out <young carer> and insert <cared-for person>

Jamie Hepburn

- 15 In section 13, page 6, line 28, at end insert—

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<() if the young carer does not reside in the responsible local authority’s area, information about the support available to young carers in the area where the young carer resides,>

Jamie Hepburn

- 18 In section 22, page 10, line 17, after <authority> insert <or, where the carer does not reside in the area of that authority, in the area where the carer resides>

Jamie Hepburn

- 19 In section 22, page 10, line 32, leave out <carer> and insert <cared-for person>

Jamie Hepburn

- 28 In section 28, page 14, line 6, leave out <carers in its area> and insert <relevant carers>

Jamie Hepburn

- 29 In section 28, page 14, line 7, after second <provide> insert <to cared-for persons in the local authority’s area>

Jamie Hepburn

- 31 In section 28, page 14, line 8, leave out <carers in its area> and insert <relevant carers>

Jamie Hepburn

- 32 In section 28, page 14, line 9, after <to> insert <relevant>

Jamie Hepburn

- 36 In section 28, page 14, line 13, leave out <carers in its area> and insert <relevant carers>

Jamie Hepburn

- 38 In section 28, page 14, line 15, leave out <carers in its area> and insert <relevant carers>

Jamie Hepburn

- 45 In section 28, page 14, line 26, after <involve> insert <relevant>

Jamie Hepburn

- 46 In section 28, page 14, line 26, at end insert—

<(4A) In this section “relevant carers” means—

- (a) carers who reside in the area of a local authority (whether or not they provide or intend to provide care for cared-for persons in that area), and
- (b) carers who do not reside in the authority’s area but who provide or intend to provide care to cared-for persons in that area.>

Jamie Hepburn

- 59 In section 31, page 15, line 34, leave out <carers in its area> and insert <relevant carers>

Jamie Hepburn

- 61 In section 31, page 16, line 5, at end insert—

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

Jamie Hepburn

- 63 In section 36, page 17, leave out lines 29 to 34 and insert <, in relation to a carer, means the local authority for the area in which the cared-for person resides,>

Content of adult carer support plan and young carer statement: hours of care

Rhoda Grant

- 72 In section 8, page 3, line 34, at end insert <including, where appropriate, the number of hours of care in each week that the carer is able and willing to provide,>

Rhoda Grant

- 76 In section 13, page 6, line 18, at end insert <including, where appropriate, the number of hours of care in each week that the young carer is able and willing to provide,>

Emergency and future care planning

Jamie Hepburn

- 6 In section 8, page 3, line 34, at end insert—
<() information about whether the adult carer has arrangements in place for the provision of care to the cared-for person in an emergency,>

Rhoda Grant

- 73 In section 8, page 3, line 34, at end insert—
<() information about whether the adult carer has arrangements in place for the future care of the cared-for person,>

Jamie Hepburn

- 14 In section 13, page 6, line 20, at end insert—
<() information about whether the young carer has arrangements in place for the provision of care to the cared-for person in an emergency,>

Rhoda Grant

- 77 In section 13, page 6, line 20, at end insert—
<() information about whether the young carer has arrangements in place for the future care of the cared-for person,>

Jamie Hepburn

- 60 In section 31, page 16, line 3, at end insert—
<() emergency care planning and future care planning for carers.>

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Provision of information in or about young carer statement

Jamie Hepburn

- 11 In section 11, page 5, line 22, leave out subsection (6)

Rhoda Grant

- 94 In section 15, page 7, line 22, leave out <the persons mentioned in subsection (2)> and insert <—
(a) the young carer to whom the young carer statement relates>

Rhoda Grant

- 95 In section 15, page 7, line 23, at end insert—
<(b) the young carer’s named person with notification that a young carer statement or, as the case may be, revised statement has been prepared in relation to the young carer.>

Rhoda Grant

- 96 In section 15, page 7, line 24, leave out subsection (2)

Jamie Hepburn

- 16 In section 15, page 7, leave out line 26

Rhoda Grant

- 97 In section 15, page 7, line 29, after <information> insert <under subsection (1)(a)>

Rhoda Grant

- 98 In section 15, page 7, line 30, leave out <is> and insert <and notification are>

Rhoda Grant

- 99 After section 15, insert—
<**Young carer statement: provision of information to other persons**
(1) A responsible authority must provide such information contained in the young carer statement to such other person as the young carer requests.
(2) Subsection (1) does not apply to the extent that the responsible authority considers that provision of the information would not be appropriate.>

Referral of carers to appropriate authority

Rhoda Grant

- 78 After section 18, insert—

<CHAPTER

PROCEDURE FOR REFERRAL

Procedure for referral

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- (1) The Scottish Ministers may by regulations make provision about the procedure for referral of a carer—
 - (a) in the case where a Scottish public authority other than the responsible local authority identifies a person as an adult carer, to the responsible local authority,
 - (b) in the case where a Scottish public authority other than the responsible authority identifies a person as a young carer, to the responsible authority.
- (2) In this section—
 - “responsible authority” has the meaning given in sections 17 and 18,
 - “responsible local authority” has the meaning given in section 6(5),
 - “Scottish public authority” means a person listed in schedule 1 to the Freedom of Information (Scotland) Act 2002.>

Rhoda Grant

- 90 In section 37, page 18, line 9, at end insert—
<() section (*Procedure for referral*)(1),>

Local eligibility criteria

Rhoda Grant

- 100 In section 19, page 9, line 14, after <criteria> insert <—
(a) ensure that all carers in its area falling within a description as the Scottish Ministers must by regulations specify are entitled to support,
(b)>

Rhoda Grant

- 101 In section 19, page 9, line 15, after <such> insert <other>

Provision of support to carer: breaks from caring

Jamie Hepburn

- 17 In section 22, page 10, line 17, leave out <assistance provided> and insert <assistance—
(a) provided to the cared-for person (other than care provided by virtue of section 23 in order to provide the carer with a break from caring), or
(b) provided>

Nanette Milne

- 102 In section 23, page 10, line 36, at end insert—

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<() Each local authority must ensure that, so far as is reasonably practicable, it provides or makes arrangements for the provision of a sufficient range and extent of support services such that, where it considers that support to a carer should take the form of or include a break from caring, the carer receives sufficient short breaks to enable the carer to continue to provide care or to do so more effectively.>

Jamie Hepburn

20 In section 23, page 11, line 3, leave out <replacement care or other services or assistance to> and insert <care for>

Jamie Hepburn

21 In section 23, page 11, line 5, leave out <or those services or assistance are> and insert <is>

Jamie Hepburn

22 In section 23, page 11, leave out lines 7 and 8

Jamie Hepburn

23 In section 23, page 11, line 9, leave out <under> and insert <by virtue of>

Rhoda Grant

79 In section 23, page 11, line 10, at end insert—

<() In this section references to a break from caring are to a break the primary purpose of which is for the benefit of the carer.>

Jamie Hepburn

68 In section 37, page 18, line 11, at end insert—

<() section 23(2),>

Eligibility for support: review

Rhoda Grant

80 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,

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- (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.>

Rhoda Grant

- 91 In section 37, page 18, line 11, at end insert—
<() section (*Eligibility for support: review*)(3),>

Functions of the Care Inspectorate

Rhoda Grant

- 81 After section 24, insert—

<CHAPTER

SCRUTINY OF SUPPORT SERVICES PROVIDED TO CARERS

Scrutiny of support services provided to carers

- (1) Schedule 12 (care services: definitions) to the Public Services Reform (Scotland) Act 2010 is amended as follows.
- (2) In paragraph 1—
 - (a) in sub-paragraph (1), for the words from “provided” to “that person” where it third occurs substitute “of a type mentioned in sub-paragraph (1A) provided”,
 - (b) after sub-paragraph (1) insert—

“(1A) The service types referred to in sub-paragraph (1) are—

 - (a) a service provided, by reason of a person’s vulnerability or need (other than vulnerability or need arising by reason only of that person being of a young age), to that person or to someone (“a carer”) who cares for that person;
 - (b) a service provided to a carer, to enable the carer to provide or continue to provide care for that person.”.>

Jamie Hepburn

- 69 In the schedule, page 19, line 13, at end insert—
<*Public Services Reform (Scotland) Act 2010*

In schedule 13 of the Public Services Reform (Scotland) Act 2010, after the entry relating to the Adoption and Children (Scotland) Act 2007, insert—

“Carers (Scotland) Act 2015”.>

Carer involvement

Nanette Milne

- 103 In section 25, page 11, line 36, at end insert—

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- <() Each health board must in particular take such steps as it considers appropriate to ensure—
- (a) that when planning the discharge of a person from hospital it—
 - (i) informs any carer who provides, or intends to provide, care for that person of the planned discharge,
 - (ii) involves any such carer in planning the discharge, and
 - (iii) takes account of the views of any such carer in making decisions about the discharge of the person, and
 - (b) that such planning begins as soon as reasonably practicable after the admission of the person to hospital.>

Jamie Hepburn

- 24 In section 27, page 12, line 24, leave out <of>

Responsibility for preparation of local carer strategy

Jamie Hepburn

- 25 In section 28, page 14, line 4, leave out <must> and insert <and relevant health board must jointly>

Jamie Hepburn

- 26 In section 28, page 14, line 5, leave out <prepared by a local authority>

Jamie Hepburn

- 27 In section 28, page 14, line 6, leave out <the authority's>

Jamie Hepburn

- 30 In section 28, page 14, line 8, leave out <the authority's> and insert <an>

Jamie Hepburn

- 33 In section 28, page 14, line 10, leave out <itself>

Jamie Hepburn

- 34 In section 28, page 14, line 12, leave out <local authority considers> and insert <authority and relevant health board consider>

Jamie Hepburn

- 35 In section 28, page 14, line 13, leave out <the authority's> and insert <an>

Jamie Hepburn

- 37 In section 28, page 14, line 15, leave out <the authority's>

Jamie Hepburn

- 39 In section 28, page 14, line 16, leave out <authority's>

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Jamie Hepburn

- 40 In section 28, page 14, line 18, leave out <considers> and insert <and relevant health board consider>

Jamie Hepburn

- 41 In section 28, page 14, line 21, leave out <its local carer strategy, a local authority must> and insert <a local carer strategy, the local authority and the relevant health board must jointly>

Jamie Hepburn

- 42 In section 28, page 14, leave out line 23

Jamie Hepburn

- 43 In section 28, page 14, line 24, leave out <the local authority considers> and insert <they consider>

Jamie Hepburn

- 44 In section 28, page 14, line 26, leave out <it considers> and insert <they consider>

Jamie Hepburn

- 47 In section 28, page 14, line 27, after <board"> insert <, in relation to a local authority,>

Jamie Hepburn

- 48 In section 29, page 14, line 33, leave out <its local carer strategy, a local authority> and insert <a local carer strategy, the local authority and the relevant health board>

Jamie Hepburn

- 49 In section 29, page 15, line 9, leave out <considers> and insert <and relevant health board consider>

Jamie Hepburn

- 50 In section 30, page 15, line 11, leave out <must publish its> and insert <and relevant health board must jointly publish their>

Jamie Hepburn

- 51 In section 30, page 15, line 15, after <authority> insert <and relevant health board>

Jamie Hepburn

- 52 In section 30, page 15, line 16, leave out <review its> and insert <jointly review their>

Jamie Hepburn

- 53 In section 30, page 15, line 19, after <authority> insert <and relevant health board>

Jamie Hepburn

- 54 In section 30, page 15, line 20, leave out <its> and insert <their>

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Jamie Hepburn

- 55 In section 30, page 15, line 22, leave out <its> and insert <their>

Jamie Hepburn

- 56 In section 30, page 15, line 23, after <authority> insert <and relevant health board>

Jamie Hepburn

- 57 In section 30, page 15, line 25, leave out <it does> and insert <they do>

Content of local carer strategy

Rhoda Grant

- 82 In section 28, page 14, line 15, at end insert—

<() plans for—

- (i) contributing towards preventing or delaying the development by relevant carers of needs for support,
- (ii) reducing the needs for support of relevant carers,>

Rhoda Grant

- 104 In section 28, page 14, line 15, at end insert—

<() plans for meeting the equality duty in making provision for relevant carers, including in assessing the needs of relevant carers who share a relevant protected characteristic,>

Rhoda Grant

- 105 In section 28, page 14, line 27, after <Part> insert <—

“the equality duty” means the duty of a local authority and a health board to have, in the exercise of its functions, due regard to the needs mentioned in section 149(1) of the Equality Act 2010,>

Rhoda Grant

- 106 In section 28, page 14, line 31, at end insert—

“relevant protected characteristic” is to be construed in accordance with section 149(7) of the Equality Act 2010.>

Local carer strategy: duty to consult post-16 education bodies

Rhoda Grant

- 84 In section 28, page 14, line 23, at end insert—

<() a relevant post-16 education body,>

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Rhoda Grant

85 In section 28, page 14, line 31, 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.>

Information and advice service for carers

Jamie Hepburn

58 In section 31, page 15, line 33, after <maintain> insert <, or ensure the establishment and maintenance of,>

Carers’ charter

Rhoda Grant

86 In section 31, page 15, line 36, at beginning insert <the carers’ charter, including>

Rhoda Grant

88 After section 32, insert—

<Carers’ charter

Carers’ charter

- (1) The Scottish Ministers must prepare a carers’ charter.
- (2) A carers’ charter is a document setting out the rights of carers as provided for—
 - (a) in or under this Act,
 - (b) under any other enactment.
- (3) The Scottish Ministers may from time to time revise the charter prepared under subsection (1).
- (4) The Scottish Ministers must—
 - (a) before preparing the charter under subsection (1) or revising it under subsection (3)—
 - (i) consult such persons and bodies representative of carers as the Scottish Ministers consider appropriate,
 - (ii) take such steps as they consider appropriate to involve carers,
 - (b) lay the charter or revised charter before the Scottish Parliament, and
 - (c) publish the charter or revised charter in such manner as they consider appropriate.>

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Information and advice service – bereavement support

Rhoda Grant

- 87 In section 31, page 16, line 3, at end insert—
<() bereavement support for carers.>

Register of carers

Rhoda Grant

- 107 After section 32, insert—
<Register of carers

Register of carers

Each health board must make arrangements for—

- (a) the development and maintenance of a register of carers in its area, and
- (b) the offer and provision of an annual health check to each carer listed on the register.>

Guidance and directions to health boards and directing authorities

Jamie Hepburn

- 62 After section 33, insert—
<Guidance and directions to health boards and directing authorities
- (1) Each health board and each directing authority must have regard to any guidance issued by the Scottish Ministers about the exercise of functions conferred by this Act.
 - (2) The Scottish Ministers may issue directions to health boards and directing authorities, either individually or collectively, about the exercise of functions conferred by this Act.
 - (3) Each health board must comply with any direction issued to it under this section.
 - (4) Each directing authority must comply with any direction issued to it under this section.>

Procedure for regulations under section 1(3)

Jamie Hepburn

- 65 In section 37, page 18, line 7, at end insert—
<() section 1(3),>

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