

# Carers (Scotland) Bill

---

---

## Marshalled List of Amendments for Stage 2

The Bill will be considered in the following order—

|                    |            |
|--------------------|------------|
| Sections 1 to 39   | Schedule   |
| Sections 40 and 41 | Long Title |

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

### Section 6

#### 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.>

#### Rhoda Grant

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

#### 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

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

#### 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.>

### **After section 6**

#### **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.>

### **Section 8**

#### **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,>

#### **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**

**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,>

## Section 11

### 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.>

### Rhoda Grant

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

### 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>

### Jamie Hepburn

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

### Jamie Hepburn

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

### 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.>

## After section 11

### 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.>

## Section 13

### 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,>

### 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

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

<( ) 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,>

## Section 15

### 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>

**After section 15**

**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.>

**After section 18**

**Rhoda Grant**

- 78 After section 18, insert—

**<CHAPTER**

**PROCEDURE FOR REFERRAL**

**Procedure for referral**

- (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.>

## Section 19

### 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>

## Section 22

### 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>

### 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>

## Section 23

### Nanette Milne

- 102 In section 23, page 10, line 36, at end insert—  
<( ) 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.>

**After section 24**

**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,
    - (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**

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.”>

## **Section 25**

**Nanette Milne**

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

<( ) 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.>

## **Section 27**

**Jamie Hepburn**

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

## **Section 28**

**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**

**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**

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

**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**

- 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**

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

**Jamie Hepburn**

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

**Jamie Hepburn**

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

**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**

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

**Jamie Hepburn**

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

**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

**Rhoda Grant**

84 In section 28, page 14, line 23, at end insert—  
<( ) a relevant post-16 education body,>

**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**

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.>

**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,>

**Jamie Hepburn**

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

**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.>

**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.>

**Section 29**

**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>

**Section 30**

**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>

**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>

**Section 31**

**Jamie Hepburn**

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

**Jamie Hepburn**

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

**Rhoda Grant**

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

**Jamie Hepburn**

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

**Rhoda Grant**

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

**Jamie Hepburn**

61 In section 31, page 16, line 5, at end insert—  
<( ) In this section “relevant carers” has the meaning given by section 28(4A).>

## After section 32

### 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.>

### 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.>

## After section 33

### 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.>

### Section 36

#### 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,>

#### 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.>

### Section 37

#### Jamie Hepburn

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

#### 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)*,>

#### Rhoda Grant

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

**Jamie Hepburn**

- 68 In section 37, page 18, line 11, at end insert—  
<( ) section 23(2),>

**Rhoda Grant**

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

**Schedule**

**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”.>





© Parliamentary copyright. Scottish Parliamentary Corporate Body

The Scottish Parliament's copyright policy can be found on the website - [www.scottish.parliament.uk](http://www.scottish.parliament.uk) or by contacting Public Information on 0131 348 5000.

---

Published in Scotland by the Scottish Parliamentary Corporate Body

---

All documents are available on  
the Scottish Parliament website at:

[www.scottish.parliament.uk/documents](http://www.scottish.parliament.uk/documents)

For information on the Scottish Parliament contact  
Public Information on:

Telephone: 0131 348 5000  
Textphone: 0800 092 7100  
Email: [sp.info@scottish.parliament.uk](mailto:sp.info@scottish.parliament.uk)

---