



ANGUS HEALTH AND SOCIAL CARE
INTEGRATION JOINT BOARD – 30 AUGUST 2017
THE CARERS (SCOTLAND) ACT 2016 IMPLEMENTATION UPDATE
REPORT BY VICKY IRONS, CHIEF OFFICER

ABSTRACT

A report was submitted to the Integration Joint Board on 28 June 2017 (Report No IJB 37/17). This updated the IJB on the implications of the Carers (Scotland) Act 2016 due to be implemented from April 2018. Report No IJB 37/17 contained an inaccuracy and this report highlights the inaccuracy and makes clear the current position.

1. RECOMMENDATION

It is recommended that the Integration Joint Board notes the inaccuracy contained within Report No IJB 37/17 on the implications for Angus Health and Social Care Partnership (AHSCP) of the Carers (Scotland) Act 2016 and notes the correct information.

2. BACKGROUND

The Carers (Scotland) Act 2016 is due to commence on 1 April 2018. The Act recognises the immense value of the unpaid care that is provided nationally by Scotland's estimated 759,000 carers (Scottish Health Survey 2013) and the impact that caring can have on individual carers. It furthers the rights of unpaid carers with the intention of ensuring they are better supported and able to continue to care, if they wish to, and have a life alongside their caring role.

Timescales for the introduction of the legislation reflect the significant preparation required in relation to regulation, statutory guidance and on-going monitoring and evaluation. Final decisions have still to be made on a number of regulation-making powers.

The Act has implications for both adult and young carers. This preparation work will be co-ordinated through the Carers Planning & Development Group, which also includes Angus Council's People Directorate, to ensure the regulations relating to young carers are implemented.

3. CURRENT POSITION

Report No IJB 37/17 noted one of the changes introduced by the Act as follows:

Under "Current Position" in section 3(b):

"The authority where an unpaid carer lives has a duty to prepare an Adult Carer Support Plan (ACSP) or Young Carer Statement (YCS) for anyone identified, or identifying themselves, as an unpaid carer and willing and able to undertake this role."

In addition, under "Other Implications" in section 6, at bullet point 3:

“In the new Act the responsible authority is the one where the carer lives even if the cared for person lives elsewhere.”

This information is not wholly accurate. The position is more complicated than previously reported. The 2016 Act makes differing provision for a “responsible authority” for different purposes.

Part 1 of the Act deals with “key definitions”, none of which include defining a “responsible authority”.

Part 2, of the Act deals with adult support plans and young carer statements. Essentially, the “responsible authority” for an **adult** carer relates to the area where the cared for person resides, but for a **young person** carer, it relates to the area where the young person resides, not the cared for person

Part 3 of the Act deals with provision of support to carers. Chapter 2 of that part deals with the **duty** to provide support to carers. Section 24 in that part makes further provision in respect of what constitutes a “responsible authority” for the purposes of that section (the duty to support carers). In relation to the duty to support carers the “responsible authority” is the one for the area in which the cared for person resides.

It is envisaged that in most circumstances the responsible authority in relation to the various provisions above would usually be the area in which the cared for person resides. That would be on the assumption that the carer would usually reside with or in close proximity to the cared for person. In the case of the duty to support carers defined in s. 24 of the Act this will always rest with the authority for the area in which the cared for person resides, notwithstanding that in the case of a young person carer there is the possibility that the “responsible authority” may be different in terms of the young carer statement provisions contained in Part 2 Chapter 2 of the Act.

In terms of the report previously considered by the Board (attachment numbered Item 17) the statement made in section 6 bullet point 3 is not accurate in all circumstances having regard to the various definitions of responsible authority outlined above. This further report seeks to correct the previous one and explain the different definitions outlined in the Act.

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