

# Carers' charter

Your rights as an adult carer or young carer in Scotland



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## Introduction

The Carers (Scotland) Act 2016<sup>1</sup> (the Act) takes effect from 1 April 2018.

The Act extends and enhances the rights of carers in Scotland to help improve their health and wellbeing, so that they can continue to care, if they so wish, and have a life alongside caring.

As required by section 36 of the Act the Scottish Ministers have prepared this Carers' charter, setting out the rights of carers in or under the Act.

The Act also requires local authorities to have a local information and advice service for carers. These services must provide information and advice about a number of things relevant to carers, including the carers' rights set out in the Carers' charter.

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<sup>1</sup> <http://www.legislation.gov.uk/asp/2016/9/contents>

## 1: Am I a carer?

### Meaning of carer

You are a 'carer' if you provide (or intend to provide) care for another person – but **not**:-

- if this is **only** because of that person's age (where they are under 18); or
- if you are caring because you have a contract or as voluntary work.

The previous definition for being identified as a 'carer' does not apply. You can be caring for someone for any number of hours. You do not need to be providing a substantial amount of care for someone on a regular basis.

### Meaning of young carer

You are a 'young carer' if you are a carer (as above) and are also :

- under the age of 18; or
- 18 or over, but still attending school.

### Meaning of adult carer

You are an 'adult carer' if you meet the criteria for a carer above and are aged 18 or over, and not attending school.

### Kinship carers

A kinship carer (usually a relative or close friend looking after a child in place of their parents) can be a carer under the Act, even where they have a kinship carer agreement with the local authority. This is only for kinship carers who meet the other requirements of the meaning of 'carer' above, so not where the care is simply because of the child's age.

## 2: Adult carer support plan

### Adult carers have a right to an 'adult carer support plan'

The responsible local authority must offer an adult carer support plan to anyone they identify as an adult carer. They must prepare an adult carer support plan for anyone who accepts this offer.

They must also prepare an adult carer support plan for anyone who meets the definition of an adult carer if that person requests one.

### What is an adult carer support plan?

The adult carer support plan will contain a variety of information about your own circumstances and caring role. It must contain information about:-

- the nature and extent of the care provided and the impact on your wellbeing and day-to-day life;
- the extent to which you are able and willing to provide care;
- emergency and future care planning, including any arrangements that are in place;
- what 'personal outcomes' matter to you in order to help you carry out your caring responsibilities, to have a life alongside caring, and to improve your own health and wellbeing;
- support available to you if you live in a different local authority are from the person you care for;
- whether support should be provided as a break from caring;
- support available to you locally;
- any support which the responsible local authority intends to provide to you; and
- the circumstances in which your adult carer support plan is to be reviewed.

### Who is responsible?

The local authority<sup>2</sup> where the person you are caring for lives is responsible for offering you an adult carer support plan. They will agree with you when and how the adult carer support plan conversation is to take place. In some areas, the local authority may decide to arrange this through another organisation such as a local carers centre.

The local authority responsible for your adult carer support plan will normally provide a copy of the plan to you and any other person you request, unless there is a reason that the local authority decides this would not be appropriate. For example, it might not be considered appropriate (or there may not be consent) to provide sensitive medical information about the person you care for to a third party.

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<sup>2</sup> In many cases this will be a duty for the Integration Authority – see Glossary.

### 3: Young Carer Statement

#### Young carers have a right to a 'young carer statement'

The responsible authority must offer a young carer statement to anyone they identify as a young carer. They must prepare a young carer statement for anyone who accepts this offer.

They must also prepare a young carer statement for anyone who meets the definition of young carer if the young carer requests one.

#### What is a young carer statement?

The young carer statement will contain a variety of information about your own circumstances and caring role. It must contain information about:-

- the nature and extent of the care provided and the impact on your wellbeing and day-to-day life;
- the extent to which you are able and willing to provide care;
- whether the responsible authority thinks that it is appropriate for you, as a child or young person, to be a carer for the person you care for;
- emergency and future care planning, including any arrangements that are in place;
- what 'personal outcomes' matter to you in order continue to provide care, where that is appropriate, to have a life alongside caring, and to improve your own health and wellbeing;
- support available to you if you live in a different local authority are from the person you care for;
- whether support should be provided as a break from caring;
- support available to you locally;
- any support which the responsible authority intends to provide to you; and
- the circumstances in which your young carer statement is to be reviewed.

When you turn 18 years of age, any young carer statement you have will continue until you are provided with an adult carer support plan. If you do not wish to continue providing care, you can choose not to have an adult carer support plan.

### 3: Young Carer Statement (continued)

#### Who is responsible?

Your local authority<sup>3</sup> will normally be responsible for offering you a young carer statement. They will agree with you when and how the young carer statement conversation is to take place.

It may not always be your local authority that prepares the young carer statement. The 'responsible authority' can also be:-

- the health board – where a young carer is a pre-school child<sup>4</sup>;
- another local authority – where a young carer attends a local authority school away from the area they normally live; or
- the young carer's grant-aided school or independent school.

The responsible authority will normally provide a copy of the young carer statement to you and any other person you request, unless there is a reason that they decide this would not be appropriate. For example, it might not be considered appropriate (or there may not be consent) to share sensitive medical information about the person you care for.

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<sup>3</sup> In many cases this will be a duty for the Integration Authority – see Glossary.

<sup>4</sup> There are relatively small numbers of young carers of pre-school age. However, the Act does not set a minimum age for being a young carer as four and five year-olds will be both pre-school and school age children. The emphasis is to remove any inappropriate caring role.

## 4: Support as a carer

### Carers have a right to support to meet any 'eligible needs'

The responsible local authority must provide support to any carer who has identified needs (which meet local eligibility criteria) that cannot be met through support provided to the person being cared for, or through general local services.

#### This means

The adult carer support plan or young carer statement will identify your needs as a carer.

The local authority will decide if any (or all) of these support needs meet the local eligibility criteria it has set. Your local authority must provide support to meet these 'eligible needs'. This should be done in a way that gives you as much choice and control as you would like<sup>5</sup>.

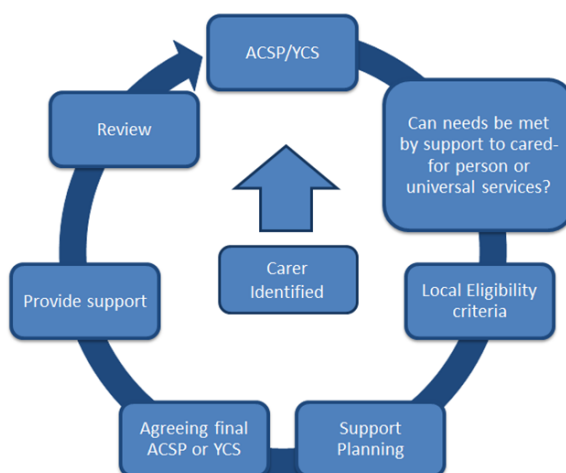
If your support needs do not meet your local authority's eligibility criteria, then your local authority may still provide support to meet any other needs identified in your adult carer support plan or young carer statement. This support might include access to information and advice; and/or support available in your local community.

If you have eligible needs, the local authority must consider whether breaks from caring should be part of the support you receive.

#### Who is responsible?

The local authority<sup>6</sup> where the person you are caring for lives is responsible for providing support to you.

The local authority may ask another organisation to provide support to you on its behalf. This could be, for example: a local or national support service; or voluntary organisation such as a local carers centre.



<sup>5</sup> See Self-directed Support in Scotland <http://www.selfdirectedsupportscotland.org.uk/>

<sup>6</sup> In many cases this will be a duty for the Integration Authority – see Glossary.



## 5: Carer involvement in services

### You have a right to be involved in services

- a) Local authorities and health boards must involve carers in planning the carer services they provide.
- b) Local authorities must involve carers in assessing their needs for support and providing that support.
- c) Local authorities must take carers' views into account in assessing the needs of the person being cared for.
- d) Local authorities must consider the views of carers and carer representatives when preparing and reviewing short breaks services statements.

### This means

- a) Your local authority and health board must 'take such steps as they consider appropriate' to involve carers and carer representatives in the planning and evaluation of services that support carers. This includes the local authority preparing the local carer strategy. It also includes planning services for people being cared for where those services relate to the care that carers provide.
- b) Your local authority must involve you in assessing your needs for support and decisions about how any such support is to be provided. These issues will normally be included in the conversation as part of your adult carer support plan or young carer statement.
- c) Your local authority must take your views into account in assessing the needs of the person being cared for, as far as that is 'reasonable and practical'. They must also take account of the care that you are providing, or intend to provide. This means, for example, if you are able to provide care in the evening but not during the daytime, the support needs of the person you are caring for should be considered with this in mind.
- d) Each local authority must consider the views of carers and carer representatives when preparing and reviewing their short breaks services statement. This will help to ensure that the statement remains fit for purpose and appropriate to the needs of local carers.

## 5: Carer involvement in services (continued)

### Who is responsible?

a) All local authorities and health boards have a responsibility to listen to the views of carers in the strategic planning of carer services. Carer representatives and carer organisations may do this on your behalf.

b) and c) The local authority<sup>7</sup> where the person you are caring for lives is responsible for involving you in decisions about support for you and the person you care for.

d) As part of the requirement to establish and maintain an information and advice service for carers, each local authority is responsible for considering the views of carers and carer representatives in its area when preparing and reviewing their short breaks services statement.

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<sup>7</sup> In many cases this will be a duty for the Integration Authority – see Glossary.

## 6: Hospital discharge

### Carers have a right to be involved in the hospital discharge process of the person they are or are going to be caring for

Each health board must ensure that, before a cared-for person is discharged from hospital, it involves you in the discharge of the cared-for person.

#### This means

If the person you are caring for is admitted to hospital, the health board must take appropriate steps to:-

- inform you as soon as it can about when the person you care for is to be discharged;
- invite your views about the discharge; and
- take your views into account when planning the discharge (as far as 'reasonable and practical').

This can be for either a planned (e.g., routine treatment) or unscheduled admission (e.g., emergency operation) to hospital. This applies where it is likely that you will be providing care after the person you care for has been discharged.

Your involvement in the hospital discharge process must happen whether or not the person you are caring for moves from hospital to their normal home. There may be circumstances where they move from hospital to, for example:-

- a care home;
- another NHS facility for further treatment or rehabilitation; or
- in the case of mental health patients, to a lower security hospital.

#### Who is responsible?

It is the responsibility of the health board<sup>8</sup> discharging the person you are caring for to involve you in the hospital discharge process.

It is important that health and social care professionals begin a conversation with you at the earliest opportunity, so you are able to share knowledge and information. Having early conversations will help to plan for appropriate support to be put in place for you and the person you care for following discharge.

The health board discharging the person you are caring for may not necessarily be the one where they normally live. In these circumstances, the health board in which the cared-for person is receiving treatment must involve you in the discharge process.

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<sup>8</sup> In many cases this will be a duty for the Integration Authority – see Glossary.

## Glossary

### the Act

- The Carers (Scotland) Act 2016

### adult carer support plan

- Replaces the “Carer’s Assessment” for adult carers and sets out a carer’s identified personal outcomes, identified needs for support (if any), and any other support that the responsible local authority is to provide to the carer.

### eligible needs

- These are the needs for support identified in the adult carer support plan or young carer statement, to enable a carer to achieve their personal outcomes which:
  - cannot be met through services available to the cared-for person, or through services generally available to people in the area of the responsible local authority or where the carer lives;
  - and also meet the local eligibility criteria.

### Integration Authority

- An Integration Authority is the body that is responsible for planning integrated care. It will decide which integrated services will be provided, how they will be funded and what they should look like.

It can (and in many cases must) direct the Health Board and local authority to deliver those services. The body that acts as the Integration Authority for a particular area will be determined by reference to the model of integration used in that area.

### local eligibility criteria

- The criteria to be set and published by each local authority<sup>9</sup>. Used to determine whether the local authority is required to provide support to meet an individual carer’s identified needs.

### personal outcomes

- These include outcomes which, if achieved, would enable a carer to provide care for the cared for person. They should be outcomes that matter to the individual carer which may include, for example, having a life alongside caring and looking after the carer’s own health and wellbeing.

### responsible authority

- The body responsible for preparing a young carer statement. This can be either a health board, local authority, or directing authority of a grant-aided or independent school.

### young carer statement

- A new document for young carers which sets out a young carer’s identified personal outcomes, identified needs for support (if any) and any other support that the responsible authority is to provide to the young carer.

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<sup>9</sup> In many cases, this is a duty for the Integration Authority.

## Helpful Contacts

In some cases, you may not agree about a decision or the way in which a support service is provided to you or the person you care for.

It is important to know where you can go to find appropriate advice and guidance.

You can access information through your local authority or health board, who will also have their own resolution and complaints handling procedure.

Below are some of the other organisations that you may wish to approach for information.

### Useful organisations and information services:

#### Care Information Scotland

T: 0800 011 3200 W: [www.careinfoscotland.scot](http://www.careinfoscotland.scot)

#### Care Inspectorate

T: 0345 600 9527 W: [www.careinspectorate.com](http://www.careinspectorate.com)

#### National Kinship Care Website for Scotland

T: 0131 334 8512 W: [www.kinship.scot](http://www.kinship.scot)

#### NHS Inform

T: 0800 22 44 88 W: [www.nhsinform.scot](http://www.nhsinform.scot)

#### Scottish Care

T: 01292 270 240 W: [www.scottishcare.org](http://www.scottishcare.org)

#### Scottish Human Rights Commission

T: 0131 244 3550 W: [www.scottishhumanrights.com/](http://www.scottishhumanrights.com/)

#### Scottish Information Commissioner

T: 01334 464 610 W: [www.itspublicknowledge.info](http://www.itspublicknowledge.info)

