

**Please note that not all questions have been answered with a straightforward yes or no. However, the comments should make our position clear.**

## **CONSULTATION QUESTIONS**

### **The Carer's Assessment: Carer's Support Plan**

Question 1: Should we change the name of the carer's assessment to the Carer's Support Plan?

**Comments:** Within North Lanarkshire, we carried out an extensive exercise several years ago to establish the reasons for low uptake of the carer's assessment. Carers who were consulted indicated their preference for the name 'Carers Journey' for our new outcomes-based approach, reflecting the fact that carers' support needs are likely to change over time. The Carers Journey can be offered at any stage of the caring role, but ideally is used early on where advice, guidance, information and signposting are all that is required to meet the carer's outcomes. By acknowledging that it is a Journey which needs to be regularly revisited/reviewed, we are taking account of changes of family circumstances, the cared for person's condition, the health of the carer etc.

We have invested considerably in this development, fully involving carers in the process, and believe that any statutory guidance following legislation should take account of such evidence-based practice and should not rigidly impose untried approaches which may prove counter-productive.

We would tend to agree that the name "carer's assessment" may be unhelpful and a change may encourage a greater take up of assessments. If it were to be changed it would be preferable to call it a Carers Outcome Plan as "support" can often be interpreted as direct support provided by services. We have to recognise there are resource issues and guard against the possibility of raising expectations unrealistically.

A further issue is that there is a need for regular reviews in the assessment/planning process to ensure that the agreed outcomes for carers are being met and that changing support needs are recognised and responded to. This is not mentioned in the consultation document but should be covered by guidance following the introduction of legislation.

Question 2: Should we remove the substantial and regular test so that all carers will be eligible for the Carer's Support Plan?

Yes

No

**Comments:** There has always been a lack of clarity around the 'substantial and regular' definition resulting in different interpretations. We agree that it may be

helpful to remove this wording but we must recognise that this may create subsequent difficulty prioritising available resources.

Question 3: Should we remove that part of the existing carer assessment process whereby the cared-for person is a person for whom the local authority must or may provide community care services/children's services?

Yes

No

**Comments:** Not all carers recognise themselves as carers and even less are known to the local authority. A carer might be providing care without support from any organisation, or they might be getting support from family/friends, health services or third sector organisations.

Question 4: Should we introduce two routes through to the Carer's Support Plan – at the carer's request and by the local authority making an offer?

**Comments:** Carers should be able to request support at a time when they feel they need it most. However, information on how to access this support must be more readily available. Within North Lanarkshire, two routes to carer support already exist – the carer can request support, or the local authority can make an offer or referral to a carer support organisation.

With the launch of the Carer's Journey, there has been training provided for a wide range of staff, and the expectation is that all staff involved with a cared for person will make the carer aware of the Carers' Journey and will support the carer to complete this, as required.

Staff in Carer organisations are also able to support carers to complete the Carers' Journey, and carers can also access and complete the Carer's Journey online, choosing to send it to either a carer's organisation or to the local authority social work service.

Whatever route is chosen, the carer will be supported to identify the outcomes they wish to achieve and work towards these. We already offer carers a range of information and advice to support them in their caring role, not just the offer of a plan and we do not see any benefits for carers in introducing legislation to make this a duty.

Question 5: Should we remove from statute the wording about the carer's ability to provide care?

Yes

No

**Comments:** The "assessment" of "ability to care" has been a factor for many carers in refusing a carers' assessment as they feel threatened by the process. We are of the view that different language is required to engage more positively with carers. Removing the wording is appropriate.

Question 6: Should we introduce a duty for local authorities to inform the carer of the length of time it is likely to take to receive the Carer's Support Plan and if it exceeds this time, to be advised of the reasons?

**Comments:** Informing the carer of the length of time it is likely to take to undertake the Carer's Journey or Support Plan is good practice. Workers should be clear with a service user or carer from the start what their role is, what they can expect and anticipated timescales. Reasons for any change should be clear and up-dated timescales given. However we need to look at this in the context of the "journey" approach referred to in answer to question 1 and avoid being over-bureaucratic; this is not a one-off form-filling exercise but is about long-term support.

Question 7: How significant an issue is portability of assessment for service users and carers?

**Comments:** It is important for people who move to another authority that information is shared as early as possible. Arrangements currently exist for decision making about support and services when people transfer from one authority to another. These arrangements can also apply to carers with regards to their own needs and those of the person they care for.

Question 8: Should the Scottish Government and COSLA with relevant interests work together to take forward improvements to the portability of assessment?

Yes

No

### Information and Advice

Question 7: Should we introduce a duty for local authorities to establish and maintain a service for providing people with information and advice relating to the Carer's Support Plan and support for carers and young carers?

Yes

No

**Comments:** We currently have in place a range of resources where carers can access information and advice. Our Strategy for Carers 2013-2018 sets out our commitment to work with partners to address this need and to work proactively with harder to reach groups. It is important to note that this is a partnership approach; supported by carers groups, health and voluntary sector partners.

It is important that proposals for carer legislation are not created in isolation from other developments. At present we are in the process of further integrating working arrangements with health and other partners. Carer groups are also deeply involved in the reshaping care partnership. We are unsure in this context about the merits of creating a duty for authorities to establish such a service.

Many carers seek information and advice from carer organisations rather than approaching a local authority as they are not looking for formal support. With the introduction of the Carers Journey in North Lanarkshire, carers' outcomes can be identified and addressed through completion of the journey with staff from carer organisations.

Question 8: Should we repeal section 12 of the Community Care and Health (Scotland) Act 2002 about the submission of Carer information Strategies to Scottish Ministers, subject to reassurances, which are subject in turn to Spending Review decisions, about the continuation of funding to Health Boards for support to carers and young carers?

**Comments:** Our partnership recognises the key role that health workers have in the early identification of carers and in putting in place anticipatory and preventative support. We have already incorporated the Carer Information Strategy into our overall strategy for carers. One of the weaknesses of the current CIS funding arrangement from a strategic planning point of view has been the year-to-year basis. It is imperative that the funding commitment is retained and guaranteed in the long-term. We would expect all funding streams to be managed jointly through partnership arrangements in future.

### **Support to Carers (other than information and advice)**

Question 9: Should we introduce a duty to support carers and young carers, linked to an eligibility framework?

Yes

No

**Comments:** By imposing a duty on local authorities to support carers and young carers based on eligibility criteria, we are treating carers as recipients of care rather than equal partners in delivering care. This creates a risk of targeting resources at times of crisis rather than putting plans in place that are proactive and support the carer in a way that prevents emergency situations. A conflict between meeting the most acute need and preventative work to support carers to continue with their caring role may therefore arise.

In North Lanarkshire SDS is more than a budget and we would support the notion of empowering carers through information, sign posting, low level support like training etc and some of the supports on offer at present. There is great confusion as regards what a carer's budget would pay for and we believe that most examples offered in SDS guidance are actually part of how the supported person's budget could be used e.g. paying for house work to allow a carer to deliver personal care, when they and the cared-for person wish this and it is possible.

We think the SDS guidance is flawed and not thought through. If a carer receives a budget and chooses to "get a break" by for example buying residential respite but

the service user does not wish this, how will this be managed so the cared for person's rights are respected. Such situations would be particularly concerning if the carer is also legal guardian.

Question 10: Alternatively, should we retain the existing discretionary power to support carers and young carers?

Yes

No

**Comments:** The existing power to support carers and young carers allows councils to manage resources at a local level. In North Lanarkshire, we already invest significant funds and energy to support carers. We would have reservations about the effect any new duties would have in the absence of new investment.

Question 11: Should we introduce a duty to provide short breaks?

Yes

No

**Comments:** We recognise the importance of carers having short breaks away from the caring role and have identified the development of a short breaks service as a key action of the Strategy for Carers in North Lanarkshire. This has been done in partnership with carers and carer organisations through Reshaping Care for Older People and in line with the Integration of Health & Social Care agenda. We are developing our short breaks strategy as a partnership approach through a network of statutory bodies, carer organisations and locality groups. We are of the view that the introduction of this duty may create expectations for carers which cannot be met with available resources.

If a duty to provide short breaks was introduced, we would have reservations in regard to resource implications, especially if local authorities were required to meet the whole cost of a short break, including replacement care if this were required. If the cared for person does not have any individual budget, there may be scope to look at making an award of a one-off annual budget to a carer to e.g. have a family break or a break in their own right, and indeed we already do this in partnership with the local carers centre. If carers are to receive individual ongoing budgets however, this cost could only be met by reducing the cared for person's overall budget unless additional funding is provided by central government. There may also be a knock-on effect on block funding available to carer support organisations. We would wish to avoid such unintended consequences.

## Stages and Transitions

Question 12: Should we issue statutory guidance on the Carer's Support Plan which will include guidance for those undertaking the Carer's Support Plan on managing stages of caring? This would apply to adult carers only. (For young carers, practice guidance will be developed to support management of a Child's Plan through the stages of caring).

**Comments:** In North Lanarkshire, the Carers' Journey reflects the stages of caring, and the need to regularly update and review the support provided to carers. In introducing the Carers Journey we are putting processes in place whereby outcomes for carers are identified and worked towards but are reviewed on a regular basis as the carer's needs change. Our comments in response to question 1 are relevant here.

Question 13: Should new carers' legislation provide for young carers to have a Carer's Support Plan if they seem likely to become an adult carer? Any agreed support recorded in the Carer's Support Plan would be put in place after the young carer becomes a (young) adult carer.

**Comments:** The transition from being a young carer into adulthood does require careful thought and planning. Some young carers may welcome a Carer Support Plan or Journey or equivalent at this stage. However, many young carers have their needs considered and met through universal services, and would not wish a more formal mechanism as they move into adulthood. Young carers in North Lanarkshire have looked at the Carers' Journey, and have told us that they don't really have a preference about the tool or method used, so long as they are asked about their support needs, and that this is provided in the right way at the right time. An issue for young carers as they become young adult carers is the relevance of much of the support available for adult carers to them as young people. Support is often more targeted towards or more used by older carers and a challenge is to have good support readily available to young carers as they leave the universal service of school, where their needs may have been considered through GIRFEC without the need to involve statutory services. The proposal to make it a duty for young carers to have a Carers Support Plan may be appropriate, but it would be important to ensure that, whether or not a young carer opts for this, their needs are considered and met, often within universal services, as they move into adulthood.

## Carer Involvement

Question 14: Should there be carer involvement in the planning, shaping and delivery of services for the people they care for and support for carers in areas out with the scope of integration?

Yes

No

**Comments:** It is vital to have carer involvement in the planning, shaping and delivery of services for the people they care for. Carers should be recognised as equal partners in care and their knowledge and expertise taken into consideration when arranging services.

Question 15: Should we make provision for the involvement of carers' organisations in the planning, shaping and delivery of services and support falling out with the scope of integration?

Yes

No

**Comments:** We have a strong partnership with North Lanarkshire Carers Together and work closely with them on all aspects of the delivery of support and services for carers. The organisation has representatives on decision making bodies, both locally and nationally and is at the forefront of developing EPiC core principles across the authority. We have developed a strong model for involvement of carers and service users in our governance partnership structures, and specifically with carers through the Carers' Strategy Implementation Group. As well as this, we regularly consult with carers on various issues e.g. the development of our short breaks strategy.

Question 16: Should we establish a principle about carer and young carer involvement in care planning for service users (subject to consent) and support for themselves in areas not covered in existing legislation?

Yes

No

**Comments:** We would be supportive of the establishment of a principle about carer and young carer involvement in care planning for the cared for person, subject to consent. Carers have valuable knowledge about the person they care for and should have an equal role in planning and decision making.

Question 17: What are your views on making provision for young carer involvement in the planning, shaping and delivery of services for cared-for people and support for young carers?

**Comments:** We work in partnership with Action for Children's Young Carers' Project in North Lanarkshire who regularly involves young carers in consultation opportunities about service improvement proposals, and about Scottish Government policy proposals. They involve them in lobbying opportunities, and North Lanarkshire has young carer representation within the Scottish Youth Parliament. It is important that organisations working with young carers actively support this involvement and engagement.

## Planning and Delivery

Question 18: Should we introduce statutory provision to the effect that a local authority and each relevant Health Board must collaborate and involve relevant organisations and carers in the development of local carers strategies which must be kept under review and updated every three years?

Yes

No

**Comments:** In North Lanarkshire, we already produce a joint strategy with NHS Lanarkshire. Carers and carer organisations work in partnership with statutory services to produce and monitor the strategy, which is updated annually. Representatives from carer organisations also sit on strategic groups of both the local authority and health, including the older people's partnership board, the health and care partnership and reshaping care for older people. We do not see that these arrangements will benefit from the introduction of a legislative duty.

Question 19: Should we introduce statutory provision to the effect that local authorities with Health Boards must take steps to ensure, in so far as is reasonably practicable, that a sufficient range of services is available for meeting the needs for support to carers and young carers in the area?

Yes

No

**Comments:** We recognise the value in providing a range of services in order to meet the diverse needs of carers from different backgrounds and already work closely with partners to put resources in place. An example of this is the work undertaken in North Lanarkshire through RCOP to develop a short breaks service. Although the scoping exercise that informed the programme was targeted towards short breaks, the information pulled together covered a wider range and highlighted the variety of support available for carers across the locality. We are of the view though that further resources would be required to expand this range of services.

Question 20: Should there be no legislative provision for GPs or local authorities to maintain a Carers Register in order to support the identification of carers?

Yes

No

Question 21: Should the Scottish Government ensure that good practice is widely spread amongst Health Boards about the proactive use of Registers of Carers within GP practices?

Yes

No

Question 22: Should the Scottish Government ask Health Boards to monitor compliance with the core contractual elements of the GP contract?

Yes

No

### **Carer and Cared-for Person(s) in Different Local Authority Areas**

Question 23: What are the views of respondents on the lead local authority for undertaking the Carer's Support Plan and agreeing support to the carer where the carer lives in a different local authority area to the cared-for person(s)?

**Comments:** There should be a flexible approach to this depending on the support needs of the carer.

It could be argued that carers are more likely to benefit from support in the area they live in rather than the area of the cared for person and that identifying outcomes for the carer and the support required to work towards these would be better done in partnership with staff who have knowledge of local services where the carer lives. However, we understand that most carer organisations feel that support should be provided by the area where the cared for person lives.

We would be anxious to avoid over bureaucratic regulations being imposed.

Question 24: What are the views of respondents on which local authority should cover the costs of support to the carer in these circumstances?

**Comments:** In circumstances where there was low level support to the carers, such as referral to information, advice, training or a small short break grant, we would expect this to be met through carer funding in the area where the carer lives. The issues raised in the section on support to carers are relevant here.

Question 25: Should the Scottish Government with COSLA produce guidance for local authorities?

Yes

No