

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?

Yes

No

Comments:

West Dunbartonshire Community Health and Care Partnership (CHCP) is committed to supporting carers as part of the delivery of integrated community health and care services and as such is supportive of any commitments from the Government to improve support to carers. However, we would ask whether this specific legislation is required as many of the aspects of this draft legislation are already outlined in statute, as described within the preamble, within Public Bodies (Joint Working), Children and Young People Bill and Self Directed Services Bill.

We would suggest that the technical aspects laid out within the questions relate almost solely to the technical delivery of carers assessments within community services; this appears to be in contrast to the local partnership approach as described within the Public Bodies (Joint Working). Similarly, the duty of care for young carers is already clearly in statute as well as part of the delivery of GIRFEC. We would suggest the need for additional legislation specifically for carers is unnecessary and detracts/dilutes the spirit of support to carers more generally.

If specific and technical legislation is to be developed then there may be a requirement for national funding to be identified and provided to partnerships to implement. We would ward against such a centralised approach and would prefer the community planning in practice approach as with other agendas; in other words local partnerships have the flexibility to identify and respond to specific local needs for carers as part of existing health, social care and third sector services.

Thus the issue of renaming seems somewhat moot in this context; however in principle, a carers' support plan appears to reflect good practice and shifts the balance to reflect the partnership approach with Carers, as reflected in West Dunbartonshire CHCP Carer's Strategy and key national strategies.

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:

All carers' have a right to an assessment of their needs within existing legislation frameworks and guidance. If there are specific barriers to this issue there would be an expectation that this would be addressed as part of the inspection regime and meeting quality standards within the delivery of community services. We would wish to ward against such a specific and technical response to the needs of carers which is to be

created within this specific legislation.

Whilst we would be supportive of the needs of carers, identifying carers and ensuring carers have access to timeous and relevant information; we would seek to work with carers at a local level to address the operational issues linked to the delivery of carers' assessments and meeting the needs of carers including young carers.

As reflected in West Dunbartonshire CHCP's response to the Public Bodies (Joint working) Bill, we are committed to providing services in a joined up model of support, incorporating integrated service provision across all client groups and reflecting key partnerships with the third sector in delivering support/services to carers and young carers across West Dunbartonshire.

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:

Within West Dunbartonshire, Community Planning Partners are committed to delivering integrated and comprehensive services for children and families which are appropriate, proportionate and timely.

Carers may, on occasion, be caring for someone who is not receiving, or in some cases has refused services. This does not detract from the carers' need for assessment/support and should not act as a barrier to them receiving this. As such, we would suggest that the carers' assessment as with any other assessment is a right and the legislation is already in place and enacted within local areas.

As reflected in a plethora of relevant policy (including Caring Together, Reshaping Care for Older People; Change Fund Guidance, in the NHS Carers Information Strategy and again in West Dunbartonshire's Carers Strategy), key to supporting carers is valuing them as partners (a specific issue with regard to young carers), supporting them to manage their caring responsibilities, reducing stress and discriminations and planning personalised flexible support.

We would suggest that the tone of entitlement within the narrative of this proposed legislation is unhelpful as existing legislation and guidance is already providing a framework for delivery which supports local partnerships to identify and address the needs of their local communities.

As reflected in 'Getting it Right for Young Carers, the Young Carer's Strategy for Scotland', for carers the anxiety of a potential recurrence of the difficulties for the adult/sibling they care for has significant impact on their lifestyle and education. This should be reflected in their eligibility for access to services, and in the services available to them, as is current practice in West Dunbartonshire.

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?

Yes

No

Comments:

West Dunbartonshire has worked closely with carers and with organisations working with carers for many years; the technical delivery of services to carers has been developed over time, and has been in line with the development of our Commissioning Strategies and in a response to identified local need.

The routes and pathways developed in West Dunbartonshire reflect the partnership approach to working with carers and carers' representatives. The right of carers to request support is already reflected within existing legislation and as such we would suggest that the Scottish Government support all areas to enact the current frameworks rather than creating distinct legislation.

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

Yes

No

Comments:

All carers' have a right to an assessment of their needs within existing legislation, frameworks and guidance. If there are specific barriers to this issue there would be an expectation that this would be addressed as part of the inspection regime and agencies meeting quality standards within the delivery of community services. We would wish to ward against such a specific and technical response to the needs of carers which is to be created within this specific legislation.

If there are significant barriers to someone being able to provide care, guidance is required on how this could be addressed through a CSP. The outcome based nature of the CSP must allow for explicit information about these barriers and should reflect any care planning for the person requiring care.

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?

Yes

✓ No

Comments:

Good practice would indicate that this would be part of the process; where delay occurs in current practice it is usually due to unforeseen circumstances. There is no evidence of delay not being discussed with carers in these circumstances in West Dunbartonshire.

It is difficult to see how creating a duty in this circumstance would positively impact on service provision; it shifts the emphasis from a local partnership model based on need, to an emphasis on statutory monitoring. This appears to be in contradiction to spirit of Locality Planning and Outcomes Based Planning as laid out within the Public Bodies Bill.

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

Comments:

Any assessment carried out with any individual belongs to the individual who has been assessed; therefore any portability of assessment already lies with the individual. The individual therefore can choose within whom and where they share their assessment.

Outcome based planning, as laid out within the Public Bodies Bill and the Self Directed Services legislation, places individual's at the centre of their planning thus any assessment of need would be owned by the individual and as such would already be portable.

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

Yes

No

Comments:

Any assessment carried out with any individual belongs to the individual who has been assessed; therefore any portability of assessment already lies with the individual. The individual therefore can choose within whom and where they share their assessment.

Outcome based planning, as laid out within the Joint Bodies Bill and the Self Directed Services legislation, places individuals at the centre of their planning thus any assessment of need would be owned by the individual and as such would already be portable.

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:

The commitment to provide information for carers already lies with the Carers Information Strategy and the monies attached for NHS Boards. We would suggest that

the requirement for additional duties would be moribund as these monies would be seen as part of the financial envelope for local partnerships.

NHS Carers' Information Strategies address key issues for carers. Creating a 'duty' would only improve service if resources were provided to create increased capacity around a new/existing service, as this is a provision successfully embedded across partners in our current practice.

Both the Public Bodies and Children and Young People Bills give wider commitments with regard to information sharing and advice across service. In addition, West Dunbartonshire and other areas already have provision, through commissioned services, to provide this.

In considering what additionally is brought to the service provided to carers by creating a duty, it may be more productive to allow areas flexibility in their approach to meeting the aim of "providing people with information and advice relating to the Carer's Support Plan and support for carers and young carers" which, in West Dunbartonshire's case, would reflect the tiered approach to enabling carers, as reflected in our local Carer's Strategy.

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?

Yes

No

Comments:

With the expected ratification of the Public Bodies (Joint Working) Bill and Children and Young People Bill in Scottish Parliament this year, Section 12 of the Community Care and Health (Scotland) Act 2002 does not appear relevant to current structures and practice.

As part of the development of the Joint Strategic Commissioning Plans, in line with the Public Bodies Bill implementation, there would be an expectation that detailed information on carers and about carers would be included.

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:

Caring Together; The Carers Strategy for Scotland, reinforces the need to work with carers as equal partners, which is reinforced through West Dunbartonshire's' strategy.

In the light of these, developing a credible and effective eligibility framework, which addresses the plethora of circumstances of carers, is a challenge. The added value it would bring to current practice (versus the impact on timescales to provide care and additional anxiety to families) is questionable.

With the new powers in the SDS legislation and Children and Young People's Bill to support carers, introducing eligibility criteria may detract from the suite of provisions proposed to provide individual need on a timely basis within a locality setting.

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

Yes

No

Comments:

The existing discretionary power, supported by other proposals contained in this Bill, would reinforce the need for practitioners to provide assessment and care planning for carers. The Children and Young People Bill, in conjunction with this bill, lays this out already for young carers. Creating a duty around these practices would not add value to current provision in this area.

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

Yes

✓ No

Comments:

As reflected in our local Carer's Strategy, access to personalised and flexible short breaks provision is crucial. There has been significant investment to increase these services in West Dunbartonshire in recent years.

The CHCP is committed to ensuring flexible initiatives based on individuals' assessed needs and circumstances to support carers to have time away from caring.

This is mirrored through our formal Third Sector Partnership Agreement across adult and young carer provision. Creating a duty to provide short breaks would not enhance the current service provision, but may create additional bureaucracy and increase timescales to providing this to carers and families.

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).

Yes

No

Comments:

Any guidance should allow for local flexibility of practice as reflected within other recent Bills as referred to earlier in this response. It should also ensure it sits comfortably with existing and pending legislative duties and guidance with regard to adult and young carers.

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.

Yes

No

Comments:

This should form part of transitional arrangements which until now remain a local response based on locality planning and joint commissioning. This approach is to be reinforced within the Public Bodies Bill.

Additionally as referred to our response to Question 7; Any assessment carried out with any individual belongs to the individual who has been assessed; therefore any portability of assessment already lies within the individual. The individual therefore can choose with whom and where they share their assessment.

Outcome based planning, as laid out within the Public Bodies Bill and the Self Directed Services legislation, places individuals at the centre of their planning thus any assessment of need would be owned by the individual and as such would already be portable.

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 outwith the scope of integration?

Yes

No

Comments:

Carers play an increasingly important role in the support, care and treatment of people with long-term and/or multiple conditions, disabilities, illnesses, including dementia. With appropriate and timely support carers are able to care for longer, and enjoy better health and improved well-being. Within the Joint Bodies Bill and the guidance to follow; the role of localities will be crucial in the planning, shaping and delivery of services, it would be our preference that carers are specifically referred to as part of this guidance to demonstrate their key role and connectivity across care groups.

With a model of Community Planning in practice, the carers' agenda will need to be established across community planning partners and multi-agency decision making, these processes will need to be embedded within our locality planning and joint commissioning processes across all care groups.

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

Yes

No

Comments:

As with other Health and Social Care Partnerships, planning and practice across all care groups, will by its very nature involve carers and carers' organisations, as reflected in joint commissioning processes and integrated planning. Therefore specific legislation at this point might appear to silo carers' organisations rather than encourage their inclusion in local planning.

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:

Specific legislation at this point might appear to silo carers rather than encourage their inclusion in local planning and commissioning.

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:

In looking at planning across all services, adult carers/relatives are often engaged and involved, which makes it more likely that they understand and comply with decisions, even if they do not agree with them. There is nothing to suggest that, with support, young carers would react differently. Part of our responsibility is to support young carers in this process. Specific legislation at this point might appear to silo young carers rather than encourage their inclusion in local planning and commissioning.

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 considering this Bill in conjunction with the Public Bodies (Joint Working) Bill and Children and Young People Bill, then responsibility for local Carer Strategies should sit with the proposed integrated Health and Social Care Partnerships. With carers identified as partners in the provision of care, and the essential role of Third Sector partners it is crucial that key partners are involved in the process, as demonstrated within the success of partnership in terms of the Reshaping Care agenda.

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:

A combination of recent SDS legislation, and the proposed Public Bodies (Joint Working) Bill and Children and Young People Bill, reflect the need for all service users and clients to have a person centred assessment and care, reflecting the plethora of services and supports required to do so. We see this statutory provision as difficult to implement and monitor, adding little if any value to existing expectations on provision across other legislation.

Identification

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

Comments:

A combination of recent SDS legislation, and the proposed Public Bodies (Joint Working) Bill and Children and Young People Bill, reflect the need for all service users and clients to have a person centred assessment and care, reflecting the plethora of services and supports required to do so. We see a statutory provision as adding little if any value to existing expectations on provision across other legislation.

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

Comments:

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

Yes

No

Comments:

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 is already a precedent set for this type of debate within other areas of practice; we would suggest that to ensure consistency, guidance should be created linked to, for example, the current arrangements within older people's services or learning disability services.

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:

There is already a precedent set for this type of debate within other areas of practice; we would suggest that to ensure consistency, guidance should be created linked to, for example, the current arrangements within older people's services or learning disability services.

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

Yes

No

Comments:

Guidance should include a number of the issues discussed as potential 'duties' throughout this consultation. To avoid the Bill being over-burdensome and to ensure that it is consistent to the SDS legislation, Public Bodies (Joint Working) Bill and Children and Young People Bill, along with the Community Empowerment Bill, it is crucial that guidance for other legislation reflects carers issues rather than creating a whole new set of guidance for what is effectively one care groups within an already complex system.