

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

As the national agency for youth work, our focus is on how these proposals are likely to affect young carers. We agree that the change from 'carer's assessment' to 'Carer's Support Plan' is an improvement, as it is less intimidating and more in keeping with supporting carers rather than assessing them, which has negative connotations. However, these proposals do not apply to young carers, as in their case the Children and Young People (Scotland) Act will apply, and young carers will be assessed to see if they are eligible for a Child's Plan.

There are advantages and disadvantages to this approach. On the one hand, keeping the young person within the GIRFEC framework will hopefully ensure that the focus is on their needs as a young person first and foremost. On the other hand, a specific Young Carer's Support Plan would help to identify young carers as a group, and would arguably provide a more targeted response to the very specific needs that young carers have, as opposed to adult carers or indeed other young people. It could be construed that having a Child's Plan means that the young person is in some way 'troubled', whereas young carers have had to take on a caring role due to family circumstances. A Young Carer's Support Plan could be seen as more positive, and better tailored to young carers' needs.

In any case, the statutory guidance for Child's Plans will need to cover issues such as the identification of young carers and health issues within the family, including mental health and substance misuse issues. This way, the identification of health problems (or potential problems) within the family that could lead to the young person taking on caring responsibilities could be identified early on in the process, as it is better to prevent young people from having to take on caring responsibilities in the first place. It may be, however, that the caring issues are identified relatively late in the day. We recommend that all support plans for cared-for adults take account of whether they are a parent, and ensure that adequate support is provided so that children and young people in the family will not be expected to take on caring responsibilities. Named Persons and Child's Plans should, in turn, take account of parents', sibling and grandparents' health needs and whether there are adequate care arrangements in place, so that children and young people do not end up taking on inappropriate caring responsibilities.

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:

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:

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

The proposals offer two routes for adults: they will be able to request a Support Plan, and local authorities will be required to offer one. Young carers will not receive a Carer's Support Plan, but may instead be eligible for a Child's Plan under Part 5 of the Children and Young People (Scotland) Act. Our question is, will young people be able to *request* a Child's Plan, so that they receive all the support they are entitled to? This would be fair and would ensure that there is parity between how adult carers and young carers are treated. However, our interpretation of Part 5 of the Children and Young People (Scotland) Act is that this is unlikely to be the case, as the requirement is on the responsible authority to provide a Plan if a child is deemed as having a wellbeing need that is adversely affecting them, or could potentially adversely affect them.

There is an inconsistency in the proposals as paragraph 14 of chapter 5 states that 'not all young carers will have a Child's Plan due to them not all having a wellbeing need justifying the creation of a Plan' (p.27-8) – so, where does this leave young carers who do not have a Child's Plan, but cannot get a Carers' Support Plan either, as this is only for adult carers? This is an important issue which we think the proposals have not fully engaged with. If there is a plan for young carers who are not eligible for a Child's Plan, then this is not clear from the proposals.

There is a further inconsistency with regards to this approach as the Scottish Government has commissioned a Young Carers' Rights Charter, and there are dedicated young carers' services, but no Young Carer's Support Plan. Might this lead to problems in identification of young people as carers, and subsequently their ability to access a range of practical and financial support measures? Will the Child's Plan be sufficiently specialist with regards to the needs of young carers? Were young carers considered when the Child's Plan provisions were being drawn up?

The proposals state that the Scottish Government has decided not to go down the route of family-based assessments, which some parents and carers favour. The

argument is that it would be difficult to legislate for this type of assessment, although individual assessments can cross-reference each other. For instance, the Child's Plan can take parents' views into account. However, this is different from looking at the needs of the whole family in a holistic way, and while we appreciate that there are practical difficulties with framing legislation to cover this approach, we think it has merit. Otherwise, there is a risk that the needs and issues of children and young people will be overlooked – either because they aren't included in the cared-for adult's plan, or because siblings, parents and/or the young person's role as a carer have not been included as part of the Child's Plan.

We note that the Children and Families Act in England enables young carers to request a needs assessment from the responsible authority. This enables two possible routes: local authorities must assess whether young people who they have identified as carers need support, but a young carer, or their parent, can also request a needs assessment. The content of the needs assessment must consider issues such as whether it is appropriate for the young person to provide care in light of the young person's own needs and their desire to participate in education, training, recreation or work. It also includes a requirement that, when a child or young person is identified as a carer, the needs of everyone in the family will be assessed. This will trigger both children's and adults support services into action – assessing why a child is caring, what needs to change and what would help the family to prevent children from taking on this responsibility in the first place.¹ We believe that this duty is more specific and detailed than the Child's Plan provisions in the Children and Young People (Scotland) Act, and also provides an example of how the needs of the family as a whole could be taken into account.

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

Yes

No

Comments:

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:

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

Comments:

¹ Carers Trust <http://www.carers.org/news/historic-change-law-signals-new-era-young-carers>

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:

Information and Advice

Question 9: 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

We agree that there should be a duty on local authorities to provide information and advice, rather than the onus being on young carers having to find this out for themselves. Information and advice should be available to all, not just those who have a Carer's Support Plan or a Child's Plan (i.e. have been identified as a carer). This is especially important since, as the proposals themselves state, there may be young carers who fall between the gaps as they will not be eligible for a Carer's Support Plan, but may not have a Child's Plan either.

We welcome the decision to commission a Young Carers' Rights Charter which recognises the specific needs of young carers, as distinct from adult carers. We look forward to seeing this Charter in due course.

Question 10: 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:

Support to Carers (other than information and advice)

Question 11: Should we introduce a duty to support carers and young carers, linked to an eligibility framework?

Yes

No

On balance, a duty to provide support to young carers would probably be stronger than the existing discretionary power. However the eligibility framework poses further questions. It is important that the threshold is not set too high for young

carers. Paragraph 11, Chapter 4 states that ‘the Child’s Plan will not determine eligibility for support. Rather, access to support will be determined by the needs and circumstances of individual children. This means, in effect, that young carers could access support whether or not they have a Child’s Plan’ (p.22). We think this wording is ambiguous and unclear. Our concern is that no young carer should be left without access to appropriate support. We also have concerns about the wording of paragraph 14, chapter 4, which states that ‘if a duty to support carers and young carers is introduced, we would also *expect* [our emphasis] that local authorities would have a discretionary power to support carers and young carers where they do not meet the criteria for the eligibility framework’. This is concerning, as ‘expect’ is not strong enough, and if it is left to local authorities to offer support if they wish to do so, then in the current climate of tight finances there is a risk that authorities will provide the minimum that is legally required.

Question 12: Alternatively, should we retain the existing discretionary power to support carers and young carers?

Yes

No

Comments:

Question 13: Should we introduce a duty to provide short breaks?

Yes

No

As has been mentioned in the proposals, short breaks can make a valuable contribution to young carers’ wellbeing. However, other support measures could be equally or more valuable, depending on what the young carer needs. We think that breaks should be an option, but that it should be down to the individual young carer, as well as the cared-for person and the professionals working with them, to decide what support is needed, and to determine what would have the best outcome.

Stages and Transitions

Question 14: 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:

Question 15: 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

Our view is that the proposals are slightly muddled in relation to young carers. We are concerned that young carers who do not have a Child's Plan may fall between the gaps. As stated in paragraph 23, chapter 5, not all young carers will be deemed to have a wellbeing need and so may not receive a Child's Plan. They will not be eligible for a Carer's Support Plan either. So, how will this group be identified and supported, and their transition planned?

We believe that the creation of a Young Carer's Support Plan would help to resolve these issues.

Carer Involvement

Question 16: 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

Question 17: 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:

Question 18: 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:

Question 19: 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?

There should be a requirement for young carers to be involved in the planning, shaping and delivery of both services for the people they care for, and of support for young carers themselves. It is important that young carers' views are taken into account when decisions are made regarding the person they care for. Young carers should have access to support and or advocacy, should they wish to use this, in order to help get their voices heard. As the proposals state, young carers often feel that their views are not taken into account and that professionals do not understand them, and that they do not always have access to all the information they need.

Planning and Delivery

Question 20: 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

There should be a requirement for local areas to develop young carer's strategies in addition to the requirements in the Children and Young People (Scotland) Act to develop a children's services plan. The proposals state that areas could develop a young carers' strategy if they wished to do so. We believe this does not go far enough, as there is a risk that young carers' needs will be overlooked in the general children's services planning. They will not be included in the local carers' strategies either.

Question 21: 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:

Identification

Question 22: 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

It is important to identify young carers so that they can access all the support they need. They are still a 'hidden' population, as *Getting it Right for Young Carers* outlines. Although there may be around 100,000 young people in Scotland who

are carers, only 3,500 are officially recognised (i.e. they are receiving support from young carers' services). Arguably, it is not sufficient to state that the 'policy thrust must remain on the identification of young carers in schools, colleges, universities, at the GP surgery and in hospitals' (para 18, chapter 8, p.39). Identification of whether a young person is, or is likely to become, a young carer should be part of the Named Person's responsibilities. This requirement should be included in the statutory guidance for Named Persons. However, this does not mean that other professionals (e.g. GPs, social workers, teachers, college and university staff) do not have a responsibility to help identify young carers, particularly in the case of 16-17 year olds for whom the Named Person is voluntary. Awareness-raising for such professionals would be welcome, but may not be sufficient. Some universities are quite hands-off and young people might only see their supervisor of studies for a brief meeting in relation to choosing their courses. While there may be voluntary support available, e.g. counselling, pastoral care can be fairly minimal. This is why we believe that a Young Carer's Support Plan, alongside a statutory requirement for local areas to develop young carer's strategies, would have greater success in identifying and then supporting young carers.

It is important to note that while being a young carer can have positive elements, the focus should always be on *preventing* a young person from having to be in this position, and no care plan should be based on a child or young person having to provide support. This is because being a young carer is a difficult and challenging role that can deprive a young person of the chance to be young and enjoy their life, as well as taking a toll on their mental and physical wellbeing, negatively affecting their educational and career prospects and limiting their life ambitions. Prevention is key, so it is important that adult care plans take account of who will be providing care, and whether there are children or young people in the family who may be expected to take on caring responsibilities, and ensuring that adequate and alternative caring arrangements are in place so that this obligation does not fall on young people in the first place.

Question 23: 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 24: 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 25: 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:

Question 26: What are the views of respondents on which local authority should cover the costs of support to the carer in these circumstances?

Comments:

Question 27: Should the Scottish Government with COSLA produce guidance for local authorities?

Yes

No

Comments: