

# **Right to breaks and timescales for support plans for unpaid carers**

**February 2026**

## Right to breaks and timescales for support plans for unpaid carers

### 1. Introduction

#### 1.1 Introducing the Right to Breaks

We estimate that there are around 700,000-800,000 adult carers and 27,000 young carers in Scotland. The Carers (Scotland) Act 2016 (“the Act”) gives these carers rights to help ensure they are identified and supported more consistently. Appropriate support will allow these carers to continue to care, if they wish, in good health and to have a life alongside caring.

The Act gives **all carers** the right to an adult carer support plan (ACSP) or young carer statement (YCS). An ACSP and YCS is a document setting out the carer’s personal outcomes, identified needs and support to be provided to meet those needs. An ACSP and YCS must contain information about whether support should be provided in the form of a break from caring. It is normally prepared by the carers’ local authority or a local carer organisation it funds to do this on its behalf.

The Independent Review of Adult Social Care (2021) recommended that these rights should be extended to give unpaid carers a specific right to breaks.

In the National Care Service consultation (2021) we asked participants to consider approaches to establishing a right to breaks from caring. Responses told us that people would prefer such a right to be open to all carers, but that what this looks like should be personalised depending on each person’s needs.

#### 1.2 Changes to the law

The right to breaks provisions in the Care Reform (Scotland) Act 2025 are based on these findings. This new law will make changes to the Carers (Scotland) Act 2016 to deliver a right to personalised short breaks support for carers who can’t currently access “sufficient breaks” from caring.

These changes will place new duties on Local Authorities (and Health and Social Care Partnerships) to decide whether a carer is able to take “sufficient breaks” from their caring role; and if not, to provide support to enable this. They must do this through dialogue with the carer while preparing their adult carer support plan or young carer statement.

The new legislation will also:

- require Ministers to set timescales for authorities to prepare adult carer support plans and young carer statements
- require local authorities to publish additional information on local short break availability in their short break services statements.

Final decisions on what will be included in regulations and the go-live date will be made by incoming Ministers after the 2026 Scottish elections, based on the groundwork being done now.

### 1.3 What comes next

In preparing for implementation this consultation seeks opinions on:

- The definition of the key term, “sufficient breaks”
- Types of breaks that should be in scope
- Timescales for preparing ACSP and YCS
- Transitional arrangements from the current system to the new right to breaks

The options in this consultation have been developed with input from the Regulations and Guidance Working Group and the Right to Breaks Steering Group. These are made up of unpaid carers, carer support organisations, carer centre managers, the Convention of Scottish Local Authorities (COSLA) and statutory organisations including local authorities, health and social care, finance and social work.

To ensure that carers and those that support them have the chance to share their views, we now want to better understand what these proposed options might mean to people in relation to their experience of providing or receiving unpaid care.

Consultation responses will be analysed and considered with input from the Steering Group. Your responses will help Scottish Government to develop the final regulations and associated guidance which are needed to support effective delivery of these new rights.

This consultation is open for a period of 12 weeks.

**We invite you to share your views to each of the questions below.**

## 2. Definition of “sufficient breaks”

This section seeks feedback on how to define the key term, “sufficient breaks”.

### 2.1 Background

As explained in the introduction, all unpaid carers have the right to an ACSP or YCS, which must contain information about whether support should be provided in the form of a break from caring. However, there are currently no standard criteria for local authorities to use to decide whether a carer needs a break from caring.

The 2025 Act will ensure that being able to take sufficient breaks from providing care is an “identified personal outcome” for every carer within their ACSP or YCS. This will mean that if a carer is unable to take sufficient breaks their need for support will be recognised as an “identified need”. Their local authority or other responsible authority must then give them support to meet that need. Many carers will already be able to access “sufficient breaks” without local authority support, e.g. due to a lighter caring role or someone else helping.

The definition of “sufficient breaks” will be used to decide whether a carer is getting enough breaks and the level of short break support they should receive. This means all local authorities will use the same definition to make these decisions.

The legislation states that Ministers may choose to provide a definition of “sufficient breaks” and, if they do, it must “take account of a carer’s need to have time for rest and leisure”.

### 2.2 Why this is important

The definition of “sufficient breaks” is what local authorities will use to decide about the needs of each carer they speak to. This will help them to identify how the caring role impacts them and if they are getting enough time for themselves. If a carer is not getting enough breaks, resulting in negative impacts on their own life, a local authority or health and social care partnership must offer them support to address this.

Creating this new definition will ensure that all local authorities approach these decisions in the same manner and improve consistency across Scotland.

### 2.3 Proposed approach

We are proposing the following definition of “sufficient breaks”:

“Sufficient breaks” means “breaks from caring which enable a carer to have enough rest, leisure and time to:

- a. avoid negative impacts from their caring role on their health and wellbeing; relationships with others; and life balance; and
- b. help them to achieve their personal outcomes in these same areas”.

### 2.4 Questions

1. Is this definition clear enough to make decisions about a carer's eligibility for a break from caring?
  - Yes
  - No
  - Not sure

If you answered "no", how could it be made clearer?

2. Does this definition cover the appropriate aspects of the caring role to help make this decision?
  - Yes
  - No

If you answered "no", what aspects of the caring role should the definition cover?

### **3. Types of breaks**

This section asks for views on more clearly defining the types of support or activities which could provide a break from caring.

#### **3.1 Background**

As explained in the introduction, all unpaid carers have the right to an ACSP or YCS, which must contain information about whether support should be provided in the form of a break from caring.

At the moment, the law does not provide a list of the types of support that would be considered as a break for a carer. Guidance states that a break can be any form of support that enables a carer to have time away from their normal caring responsibilities. Guidance also includes some examples of suitable break support.

The 2025 Act will allow Ministers to provide more certainty on what should be seen as a break, to help ensure that a wide variety of breaks should be open to carers. Importantly, it will ensure that short breaks can be taken with or without the cared-for person, depending on the carer's needs and preferences. It will also confirm that breaks do not need to be a complete break from providing care if that is the carer's preference. They could involve a break from the normal caring routine:

- through limiting the intensity of caring or the time spent caring;
- or through changing the circumstances or location in which the care is provided.

#### **3.2 Why this is important**

Carers and carer organisations have told us that variations in local practice mean that in some areas it can be challenging to access some types of breaks that are easy to access in other areas. Therefore we are seeking to clarify some of these types of breaks which local areas may not typically consider as a break. We aim to set out examples of types of breaks which should be permitted once the right to breaks is introduced to improve consistency between areas. The following lists are not intended to be exhaustive, but to emphasise creativity and flexibility, to make

sure that the types of breaks offered locally can meet carers' diverse needs and priorities.

### 3.3 Proposed approach

We are looking for views on the draft lists we have created which identify some of the types of break options we want to clarify are acceptable. The first list covers breaks which may often be challenging for carers to access and the second list covers breaks which may sometimes be difficult depending on the availability of appropriate facilities.

- a. List One (carers are currently more likely to have difficulty accessing this type of break)
  - Group based breaks / carer peer support activities (e.g. carers' craft group, choir, exercise classes)
  - Targeted breaks for young carers - including breaks with other young carers (e.g. young carer vouchers for cinema, zoo etc, as well as young carer group activities such as residentials, days out, movie nights)
  - Funding support for young carers to join activity-group based breaks (e.g. Scouts, Guides)
  - One-off family breaks at or immediately following transition periods/periods of significant change (e.g. during / after periods of significant illness, transition from children to adult services)
  - Culturally appropriate / culturally diverse breaks - including measures to address potential language barriers (e.g. linking with ethnic minority community groups to deliver targeted breaks for ethnic minority carers, ensuring diversity of short breaks under regulations, translating information about right to breaks)
  - Replacement care within the home, allowing the carer and cared-for person to enjoy activities without the need for the carer to provide care
  - Giving carers more time for themselves by providing support with regular tasks (e.g. housework, gardening etc.)
  
- b. List Two (carers are currently less likely to have difficulty accessing this type of break where suitable facilities are available)
  - Building-based day care for the cared-for person - allowing the carer to have a break whilst the cared-for person is away from home (e.g. day services for older adults or people with learning disabilities or dementia)
  - Overnight short break stays for the cared-for person
  - Overnight short break stays for the carer, with replacement care for the cared-for person
  - Longer-term holiday breaks (e.g. hotel stay, holiday park, caravan etc) for the carer (with or without the cared-for person and/or wider family) with or without replacement care
  - Day trips and activities for the carer with or without the cared-for person (spa day, zoo, sporting event etc)
  - Subscription-based or item-based grants to enable the carer to try new activities/undertake hobbies etc

We are also considering specifying a list of circumstances that should not be viewed as short break support for a carer, such as:

- the carer going to work
- the carer attending medical appointments
- the cared for person attending education.

### 3.4 Questions

3. Do you agree that it would be helpful to specify some of the types of support or activities which provide a break from caring?

- Yes
- No

If not, why not?

4. List One: (Carers are more likely to have difficulty accessing this type of break)

- a. Are there any types of breaks you think are missing from this list?
- b. Are there any types of breaks listed which you think should **not** be included?

5. List Two: (Carers are less likely to have difficulty accessing this type of break)

- a. Are there any types of breaks you think are missing from this list?
- b. Are there any types of breaks listed which you think should **not** be included?

6. Do you have any concerns that providing a detailed list would have any unintended consequences?

- Yes
- No

7. Would it be valuable to specify a list of circumstances (as above) that should not be viewed as a break from caring?

- Yes
- No

8. List of circumstances (as above) that should not be viewed as a break from caring:

- a. Are there any circumstances you think are missing from this list?
- b. Are there any circumstances listed which you think should **not** be included?

## **4. Timescales for preparing adult carer support plans and young carer statements**

This section asks for views on new mandatory timescales for preparing adult carer support plans (ACSP) and young carer statements (YCS).

### 4.1 Background

As explained in the introduction, all unpaid carers have the right to an ACSP or YCS to look at their caring situation and decide what support they might need.

At the moment, there are timescales set in law to make sure that this is done quickly for people caring for someone with a terminal illness. For these carers:

- Once the authority is aware of a carer in this situation, an ACSP/YCS must be offered within 2 working days
- There must be a substantive conversation focusing on their urgent personal outcomes and support needs – within 5 working days of them requesting an ACSP/YCS
- They must be given a light touch plan based on that conversation - within 10 working days of them requesting an ACSP/YCS
- That plan must include a review date for completion of full ACSP/YCS at a date that the authority and carer agree

For all other carers, there are no timescales currently set in law, but the guidance says that ACSPs and YCSs should be prepared within “reasonable timescales”.

The 2025 Act says that Ministers must now set timescales for preparation of ACSPs and YCSs for all carers.

While local authorities (and Health and Social Care Partnerships) often commission local carer organisations to prepare ACSPs and YCSs, the legal responsibility to do so, and achieve the new timescales, remains with them.

#### 4.2 Why this is important

Because an ACSP or YCS has to be in place to decide on what support the carer needs, including under the new right to breaks, long delays can have a negative impact for the carer. Setting timescales in law will make practice more consistent across Scotland.

We want to do this in a way that benefits carers while not adding undue pressure on local authorities and the organisations they commission to prepare ACSPs and YCSs.

#### 4.3 Proposed approach

We are looking for views on the following proposals:

- a. to maintain the existing accelerated timescales for carers of terminally ill people noted above (We are giving consideration to creating an updated definition of terminal illness in line with the definition that appears in the 2025 Act<sup>1</sup>)
- b. not to prescribe any additional priority carer groups who would receive accelerated ACSP/YCS timescales (i.e. time limit), because local practitioners will be best placed to decide how to prioritise, based on an individual’s circumstances
- c. to set a single timescale for preparation of a light-touch plan for all other carers, covering at least:

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<sup>1</sup> “A person has a terminal illness if, having had regard to the relevant guidance, it is the clinical judgement of an appropriate healthcare professional that the person has a progressive disease that can reasonably be expected to cause the individual’s death.”

- the carer's personal circumstances
- the extent to which they are able and willing to provide care
- their personal outcomes
- their identified needs
- support to be provided
- timescales for reviewing the ACSP/YCS and for any outstanding issues to be addressed

We would also propose new guidance to ensure preparation is not left to the last minute and to assist with prioritisation depending on need.

#### 4.4 Questions

9. Do you agree that the law should specify accelerated timescales only for carers of terminally ill people? This is because (a) these carers can often need urgent support and (b) because local practitioners will be best placed to decide when other people need urgent support, based on their individual situation.
10. In setting a timescale (i.e. time limit) for preparing an ACSP for other adult carers, would you support:
- 8 weeks
  - 10 weeks
  - another timescale (please state)

Please explain the reasons for your answer. You may wish to reflect on points which are relevant to you, such as what may be achievable for local authorities or carer organisations who develop ACSPs on their behalf, or what seems reasonable for adult carers.

11. Should the timescales (i.e. time limit) for preparing a YCS for other young carers be the same timescales as for ACSPs?
- Yes
  - No

12. Would you support:
- 8 weeks
  - 10 weeks
  - another timescale (please state)

Please explain the reasons for your answer. You may wish to reflect on points which are relevant to you, such as what may be achievable for local authorities or carer organisations who develop YCSs on their behalf, or what seems reasonable for young carers. We would also welcome views on whether timescales should take account of key staff availability during school holidays.

## 5. Transitional arrangements

This section asks for views on two transitional measures to help ensure the introduction of the right to breaks works smoothly:

- a phased approach to moving carers with existing ACSPs and YCSs into the new system
- prioritising carers with the greatest need, using an interim definition of “sufficient breaks”.

## 5.1 Background

We are aware of concerns about current system capacity to deliver the new right to breaks. As with any new legislation, it is important to consider whether adjustments can be made to avoid bottlenecks and help make delivery more effective while the new system is bedding in.

When the Carers (Scotland) Act 2016 came into force in 2018, transitional arrangements were put in place so that local authorities had three years to offer an ACSP or YCS to all carers who already had a carer’s assessment under the previous legislation. These rules enabled a managed transition, where carers already receiving support moved onto the new system on a phased basis, alongside providing ACSPs and YCSs to ‘new’ carers who needed support for the first time.

To help ensure a smooth transition to deliver the new right to breaks we are considering a similar phased approach to moving carers with existing ACSPs and YCSs into the new system.

In addition, again because of concerns about system capacity, we are considering measures to prioritise carers with the greatest need for a limited period, by using an interim definition of “sufficient breaks”.

## 5.2 Why this is important

Transitional arrangements are important to ensure the right to breaks can be introduced smoothly and without bottlenecks. Recognising that local authorities and carer support organisations have limited capacity, we are looking to help them:

- balance the needs of existing carers and those who are seeking support for the first time
- ensure that carers in greatest need can access support.

## 5.3 Proposal - Phased approach

We are looking for views on having a phased approach to moving carers from the current system into the new system. This would be achieved by introducing a deadline for local authorities of either 2 years or 3 years from the go-live date. All carers who are already being supported before the right takes effect would need to have their plan and support needs reviewed under the new rules by that final deadline.

## 5.4 Proposal - Prioritising carers in greatest need

We are also proposing to create an interim definition of “sufficient breaks” when the right first takes effect, to ensure that early delivery of this right is prioritised towards those in greatest need. This would mean a smaller number of carers being entitled to

support, while the sector manages the expected initial increase in demand. To achieve this, we are seeking views on using the following definition for an initial period:

“Sufficient breaks” means “breaks from caring which enable a carer to have enough rest, leisure and time to:

- a. Minimise significant negative impacts from their caring role on their health and wellbeing; relationships with others; and life balance; and
- b. help to support their priority personal outcomes in these same areas”.

This definition deliberately uses similar language to that proposed in the “Definition of sufficient breaks” section of this consultation but focuses on the most significant negative impacts and priority personal outcomes.

#### 5.5 Questions – Phased approach

13. Do you agree with a phased approach for moving carers from the current system into the new system?

- Yes
- No

14. Under such a phased approach, how long should be allowed for all carers to have their needs reviewed:

- 2 years
- 3 years
- Another period – please specify

Please explain the reasons for your answer. You may wish to reflect on points which are relevant to you, such as what may be achievable for local authorities or carer organisations who develop ACSPs and YCSs on their behalf, or what is reasonable for carers.

#### 5.6 Questions - Prioritising carers in greatest need

15. Do you agree with using an interim definition of “sufficient breaks” as proposed above, to prioritise carers in the greatest need while the new right is bedding in?

- Yes
- No

Please explain the reasons for your answer.

16. What would be the main benefits and risks of using an interim definition of “sufficient breaks” as proposed?

17. Do you think the timescale for moving from an interim definition of “sufficient breaks” to a broader definition covering more carers should be:

- set at the outset to provide certainty, e.g. 3 years, or
- be guided by monitoring and evaluation of take-up, to ensure systems are geared up to support a greater number of carers?

## 6. Responding to this consultation

Please respond to this consultation using the Scottish Government's consultation hub, Citizen Space. Access and respond to this consultation online at [Right to Breaks and Timescales for Support Plans for Unpaid Carers](#). You can save and return to your responses while the consultation is still open. Please ensure that consultation responses are submitted before the closing date.

If you are unable to respond using our consultation hub, please complete and send the Respondent Information Form and Consultation Questionnaire to:

### Email

[Carerspolicy@gov.scot](mailto:Carerspolicy@gov.scot)

### Post

Unpaid Carers Team  
Scottish Government  
Directorate for Health and Social Care  
St Andrew's House  
Edinburgh, EH1 3DG

### Handling your response

If you respond using the consultation hub, you will be directed to the About You page before submitting your response. Please indicate how you wish your response to be handled and, in particular, whether you are content for your response to be published. If you ask for your response not to be published, we will regard it as confidential, and we will treat it accordingly.

All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

If you are unable to respond via Citizen Space, please complete and return the Respondent Information Form provided alongside this document.

To find out how we handle your personal data you can view the privacy policy here: [Privacy - gov.scot \(www.gov.scot\)](#)

### Next steps in the process

Where respondents have given permission for their response to be made public, and after we have checked that they contain no potentially defamatory material, responses will be made available to the public at [Citizen Space](#). If you use the consultation hub to respond, you will receive a copy of your response via email.

Following the closing date, all responses will be analysed and considered along with any other available evidence to help us. Responses will be published where we have been given permission to do so. An analysis report will also be made available.

### **Comments and complaints**

If you have any comments about how this consultation exercise has been conducted, please send them to the contact address above or email above.

### **Scottish Government consultation process**

Consultation is an essential part of the policymaking process. It gives us the opportunity to consider your opinion and expertise on a proposed area of work.

You can find all our consultations online: [Citizen Space](#). Each consultation details the issues under consideration, as well as a way for you to give us your views, either online, by email or by post.

Responses will be analysed and used as part of the decision making process, along with a range of other available information and evidence. We will publish a report of this analysis for every consultation. Depending on the nature of the consultation exercise the responses received may:

- indicate the need for policy development or review
- inform the development of a particular policy
- help decisions to be made between alternative policy proposals
- be used to finalise legislation before it is implemented

While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.



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