

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:

It would be our view that changing the name of the carers assessment to carers support plan is consistent with aims of the legislation because;

- To develop early intervention and the wider identification of carers in Scotland there needs to be a consistency of process for agencies to work alongside carers.
- In terms of measuring the difference the legislation can make in practice, the name change and consistency of implementation should support the development of good quality data sets to shape the way forward.
- More importantly for carers, the subtle change of language from assessment to support plan re-affirms the purpose of the legislation and, the absolute commitment to deliver on improving carers rights in Scotland.

In practice for carers in Fife the change to support planning means, continuing to work alongside carers so we deliver the right support at the right time to ensure that, as far as reasonably possible, carers have an opportunity to a life outside their caring role.

Careful consideration needs to be given to the notion of universal provision of a carer's support plan. Local authorities have scarce resources to provide support to individuals and current provision is targeted on those with highest need and risks if needs are not met.

The implantation of the legislation needs careful consideration in relation to raising expectations where resources may not be available to implement carers support plans

Considerable additional Funding is likely to be necessary to implement proposals re providing carer support plans

Any developments in relation to Carer Support Plans should be done in partnership with carers and carers groups and should include, if necessary, advocacy support.

We note and agree that young carers wellbeing needs should be considered within the GIRFEC approach. The need for a Child's Plan should be the paramount concern and consideration of the Child's 'Named Person', however all practitioners involved with the Child have a responsibility to identify wellbeing needs and ensure

the Named Person is aware. To this end we are undertaking a major initiative in Fife to raise the awareness of all practitioners/agencies about the needs of Young Carers.

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:

The legislative focus running through Health and Social Care Integration, Self Directed Support and the proposed Carers legislation is all about shifting the balance of care towards early intervention. It would be consistent with the direction of legislative and practice developments to remove the substantial and regular test.

At a practice level, this also dovetails into Fife's commitment to valuing the assets and capabilities of carers to develop sustainable solutions. This approach supports carers to feel confident about continuing to provide support to the cared for person

The principles in the legislation seek to remove the substantial and regular test which might result in a reduction in public expenditure in terms of high cost crisis intervention because, there is an opportunity for earlier more pro-active support/signposting work to be undertaken with carers

In order for local authorities to implement the legislation and this change there would be significant funding and resource issues to be dealt with by the Scottish Government which would need to be addressed from before this legislation was introduced. There would also be a need to keep the level of funding provided under review so that changing demographic need was taken into account.

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:

The proposed legislation seeks to make a meaningful difference to carers rights and join up all the stages of the caring role

There is a basic question here in relation to why a carer would have a "universal" service, where a person requiring care would be assessed against eligibility criteria. Further – what would the legislation be trying to achieve by providing a support plan to a carer whose role was supporting an individual with no assessed needs? How would local authorities know that there was a "caring need" which would deliver good outcomes for the cared for person. How do we gain a balance in the legislation between early intervention and what could potentially be a paternalistic approach to supporting all carers irrespective of the level of their

caring role?

It would be necessary to undertake substantial financial modelling to project the current and future demands this proposal will have on the public sector both in terms of funding and workforce.

The modelling should consider the potential operational resources needed to deliver carers support plans in practice and, delivering on the commitment to provide the right services at the right time within a reasonable timescale.

In conjunction with this work and to complement any future statutory guidance, it would be good practice to develop a clear set of outcome measures and data set alongside any financial modelling.

This approach would provide a baseline for the public sector to report against the national outcomes framework. At a practice level, it would also provide clear evidence of how each local authority/health board is progressing community planning to deliver healthier, wealthier and fairer places to live.

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:

There should always be a route for a carer to make a request for support. It is not clear why and what circumstances the local authority would make an offer of support unless this was linked to the assessment of need for the cared for person.

The principles in the legislation are not clearly defined re how this would work in practice and whether the intention is actually a universal service for all carers.

Whilst we know carers save the economy of Scotland enormous amounts of money, there is a clear need for adequate resourcing of carers support plans if these are to be implemented, It is also important that we do not erode the informal support provided by families by the introduction of "state" intervention in providing care to carers and that a healthy balance of care between statutory and informal care is maintained

Therefore in principle, we would support two routes into a carers support plan linked to the needs of the cared for person, subject to a clear framework which encourages the role of informal caring, a good financial review of additional costs, agreed protocols between the Scottish Government and COSLA and an outcomes based reporting framework.

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

Yes

No

Comments:

The removal of ability to provide care needs to be balanced with a form of words that, recognises carers need a life of their own alongside a caring role but, in maintaining and managing that role, it has the safety of the service user at its heart.

Any change of wording should take account of the fact that for a large number of informal carers – it is important (to them) to be seen as being able to care for their relative /loved one

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:

The legislation is not clear about what will be delivered through a carers support plan which will be different to meeting the assessed needs of the cared for person. More consideration needs to be given to differentiate what might be specifically provided to the carer rather than a service delivered to the cared for person

The focus of the legislation has carers rights as a central theme and with the majority of health and social care services now subject to providing responses within a reasonable timescale, it follows that this would apply to carers support plans. This is usual practice in relation to the services delivered ie assessment of need.

It will be important that any statutory guidance following the legislation evidences how the financial, resource and outcome modelling will support the implementation of these new duties

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

Comments:

There is an increasing migration of families who care from a distance and portability of assessment is a real issue with different practices and approaches across Scotland. However, we do not know what the scope and practice evidence is across Scotland to support the need for protocols / arrangements etc. to deal with this issue

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:
Refer to above answer

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: There is already a good infrastructure in Fife to ensure good information and advice for carers.

There's a risk that imposing a duty becomes a minimum standard and not a commitment to strive for excellence in providing people with information.

The links from the national website, into the local carers centre and onto GP practices in Fife have grown organically with service users and carers as the key people developing work on gaps in advice and information. It is important that carers remain in the driving seat for such initiatives and that a legislative duty on local authorities does not erode the key role for service users.

This approach is both innovative and challenging but has partnership working at the heart of it. In summary, a duty will take you so far down the road but, our experience in Fife suggests, excellence has to come from attitude and approach in involving service users and carers.

For Young Carers, we are developing a variety of ways to signpost services for Young Carers

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:

It is our view that, Health and Social Care Integration will make the provision of Carer Information strategies redundant.

However, it's vital that monies committed to this work stream is maintained so developments led by carers and young carers continue to impact and drive forward services in all areas of Scotland.

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:

If not linked to eligibility criteria, the duty to support carers and young carers will not be possible given the finance and resources available to local authorities. Again, financial modelling will be necessary to identify suitable funding to support such a development.

Support to carers and young carers can continue through Carers groups and Carers centres which are already funded within Fife – however available funding does need to be targeted at those with highest need and risk if needs are not met.

Young Carers: our view is that all Young Carers should be entitled to an assessment as to whether a Child's Plan (within the GIRFEC framework) should be made for them or not.

The Child's Plan should be implemented according to and to reflect the level of need. Again, the Named Person will be key to this process. There may therefore be a need for guidance, either national or local, around the issue of assessment and eligibility for a Child's Plan.

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

Yes

No

Comments:

The discretionary powers in the Self Directed Support Bill have a focus on empowering both carers and service users using person centred approaches to support and develop innovative solutions.

Given this policy will contribute significantly to how assessment and care management services move forward, we are re-assured that, the discretionary powers relating to carers is sufficient given the structure and approach of Self Directed Support.

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

Yes

No

Comments: The definition of a short break and the reason why this would be provided is not clear.

The introduction of a duty to provide short breaks would be costly and a significant amount of work would need to be done to ensure this could be delivered in practice.

Alongside any work relating to cost, there needs to be consideration of the quality and variation of different types of short breaks that would fall within this duty

In Fife we work alongside all eligible service users to develop and deliver the right individual short break for them. Therefore in all but name, the eligibility criteria that currently exists in Fife acts as both our duty and statutory responsibility

Young Carers: No there should not be a duty – it should remain a part of discretionary powers. We would also like to stress the role that universal services can play in both the identification and support of Young Carers, e.g. through after school clubs, youth clubs, Young Carers champions in schools, without the need for additional funding. We would anticipate a range of supports being appropriate, short breaks would continue to be just be one strand.

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:

Careful consideration needs to be given to the notion of universal provision of a carer's support plan at all stages in caring. Local authorities have scarce resources to provide support to individuals and current provision is targeted on those with highest need and risks if needs are not met.

The implantation of the legislation needs careful consideration in relation to raising expectations where resources may not be available to implement carers support plans

Carers experience a whole range of individual changes and circumstances as they progress through a long term caring relationship.

In terms of making this commitment real, there needs to be dedicated time for skilled workers to complete the plan, implement any actions and most importantly, keep it under regular review.

Therefore, careful consideration needs to be given to the additional resources that will be required to ensure the quality and spirit of the legislation is maintained.

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:

All transitions of service need to be handled sensitively to ensure they are both personalised and joined up.

Young carers are at a crucial stage of their life and as such, all involved agencies strive to make sure that caring does not have a detrimental effect on young people.

Given the legislation proposes to give all adult carers the right to a carers support plan, it would be positive and consistent at an early stage, for young carers to have a carers support plan.

To ease the burden of a big life changing event, young carers should be involved in shaping and identifying important new supports through a carers support plan.

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:

In Fife, all policy developments that impact on service users and carers have the direct involvement of these groups on an individual, collective and independent basis

All strategic groups leading any policy development in Fife have service users and carers sitting as equal partners on implementation boards

This is an area which requires further development for Young Carers in Fife.

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:

In Fife, all policy developments that impact on service users and carers have the direct involvement of these groups on an individual, collective and independent basis

All strategic groups leading any policy development in Fife have service users and carers sitting as equal partners on implementation boards

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:

The provision for carers views to be taken into account during the assessment, care planning and review of service users exists within the Social Work Scotland Act 1968.

This provision has worked well over many years and, it is not clear at this stage of exactly how the carers legislation would enhance this existing provision

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 Fife, all policy developments that impact on young carers have the direct involvement of these groups on an individual, collective and independent basis

All strategic groups leading any policy development in Fife for young carers work alongside them as equal partners.

This area is included in the current Young Carers' Strategy and is a key development area for Young Carers. We use focus groups to enhance this.

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:

Statutory provision should only be introduced if there is widespread evidence that

carers are not involved in policy development

In Fife, all policy developments that impact on service users and carers have the direct involvement of these groups on an individual, collective and independent basis

All strategic groups leading any policy development in Fife have service users and carers sitting as equal partners on implementation boards

Therefore a local carers strategy in Fife has been developed without the need for statutory guidance.

The development of services across Scotland would suggest this is an area that does not require statutory guidance. In addition, reporting arrangements with the proposed legislation are robust in terms of carer involvement.

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:

Whilst there is no duty in social care law to provide a sufficient range of services for carers, any proposed duty would be difficult to monitor if the defining criteria of the duty stated 'as far as reasonably practicable'.

In Fife there is a strong history of partnership working with carers to develop positive support services for carers. This approach makes the maximum use of resources, develops the right support services for carers in Fife and clearly gives carers a powerful voice in shaping these vital services.

It would be our view in Fife that, existing partnership working with carers is preferable to any statutory provision.

Introduction of this duty would require to be supported by clear evidence that there would be improved outcomes for carers

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:

The primary way carers are identified is through a G.P practice and as part of their contract, they maintain a carers register.

There are real difficulties in keeping an accurate record of carers because of the different ways they identify themselves and more importantly, the way a large number of people who are carers don't recognise themselves as doing this role.

There's also the difficult issue of data sharing and protection which means, the efforts and resources needed to sustain a register have to be balanced against the purpose and outcomes any register can deliver.

For Young Carers it would be helpful for GPs to place more emphasis on liaising with schools and the Named Person, who will often be a teacher, to ensure the needs are met of Young Carers who come to the attention of GPs.

In Fife we are of the opinion, there should be no legislative provision at this stage

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:

There is always merit in learning from best practice and this approach is more favourable than a legislative requirement

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

Yes

No

Comments:

Learning from best practice combined with compliance with the GP contract should give an indicative figure of carers in each locality in Scotland without the deployment of large resources

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:

Careful consideration needs to be given to the notion of universal provision of a carer's support plan at all stages in caring. Local authorities have scarce resources to provide support to individuals and current provision is targeted on

those with highest need and risks if needs are not met.

Our view is that the provision of support to the carer would be linked to the provision of services to the cared for person. This would mean that the lead local authority was that where the cared for person was resident. The lead authority would be financially responsible for covering costs of support to the carer.

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:
As Q 23

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

Yes

No

Comments:

Yes there would be an expectation that a nationally agreed guidance would be issued.

In Summary

In the context of the proposed legislation, there is a lack of clarity about the benefits to carers of introducing statutory duties to support with caring responsibilities at this point in time. There is also good evidence in Fife that Carers are key partners in developing positive solutions to service provision and support without the need for statutory intervention.

Along with this, there is a danger that a lack of synergy with other currently developing legislation such as the Self Directed Support Bill and Health and Social Care Integration will confuse new arrangements for service delivery.

The context of the legislation aims to deliver consistency of approach and outcomes for carers across Scotland. This approach would also involve addressing some of the clear practical barriers that exist to this aspiration such as, improving accessible and public transport options in rural areas.

This would not seem to be an appropriate time to introduce statutory guidance which could be seen to be bureaucratic and cumbersome in nature and lacking clarity regarding purpose and outcomes.