

## CONSULTATION QUESTIONS

### Additional notes:

To ensure that the Scottish Government's proposals for Carers Legislation are fully assessed in terms of their impact on the rights of children, a child rights impact assessment (CRIA) must be undertaken on the proposals. This will ensure that the impact of the proposals are predicted, monitored, and if necessary, avoided or mitigated.

Undertaking a CRIA would be in line with the Scottish Government's commitment to children's rights. During Stage 3 of Parliamentary scrutiny of the Children and Young People (Scotland) Bill, the Minister for Children and Young People, Aileen Campbell MSP, stated that:

*“the Scottish Government recognises the importance of assessing our decisions against the rights of children, and we are developing a children’s rights impact assessment for use across Government as a direct consequence of the duty in section 1(1).”*

Together strongly recommends that the Scottish Government demonstrates this commitment by carrying out a full CRIA on the proposals outlined in the consultation document.

We have reviewed and commented on these proposals from two perspectives: how they directly affect young carers and how they indirectly affect children and young people whose parents are carers (for example, for the child or a sibling).

### 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:

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:

It is essential that **all** carers have the right to access support for their individual needs. Therefore, Together supports the proposal to remove the regular and substantial test and extend the Carer’s Support Plan to all carers. It would help

ensure the needs of carers who would not have met this test are supported.

A report on children and young people's experiences of issues relating to the implementation of the UN Convention on the Rights of the Child (UNCRC) in Scotland has indicated that children and young people with caring responsibilities continue to want more support,<sup>1</sup> and research has shown that young carers regularly feel marginalised.<sup>2</sup> A case study published in Together's 2011 State of Children's Rights report on participation and children's rights found that young carers identified the importance of their right to be treated equally as one of the rights most relevant to their lives.<sup>3</sup>

Young carers must be provided with the support they need without discrimination of any kind and irrespective of any status including age, sex, disability, language and religion, in line with Article 2 of the UNCRC.<sup>4</sup>

The consultation document states that a Carers Support Plan would not apply to young carers and that their wellbeing needs should instead be considered within the GIRFEC approach. This would mean that consideration would be given as to whether they require a Child's Plan under the Children and Young People (Scotland) Act 2014. The consultation document later indicates that not all young carers will have a Child's Plan as some young carers may not have a wellbeing need that justifies the creation of a Plan.<sup>5</sup> Therefore, Together has concerns that there could be potential for some young carers to "fall through the net."

Whilst supportive of the Child's Plan in principle, a number of Together's members have also raised concern that relying solely on a Child's Plan may not be sufficiently focused and specialised with regards to the needs of young carers. The proposals do not outline how a Child's Plan would identify young carers, assess their needs and provide them with the appropriate support. As guidance for the Children and Young People (Scotland) Act 2014 is yet to be published, significantly more detail is needed as to how a Child's Plan will properly identify young carers and provide them with appropriate support.

Consultation with young carers facilitated by the Scottish Youth Parliament found that an overwhelming majority of young carers would prefer to have a Carer's Support Plan, or a Young Carer's Support Plan, in place of the current proposals. Together recommends that the Scottish Government takes into account the views of young carers and considers the proposals put forward through the Scottish Youth Parliament consultation. This would ensure a more targeted response to the very specific needs of young carers.

As stated in the Scottish Government's 'Getting it Right for Young Carers' strategy, it is important that all agencies that have an impact on the lives of young carers

---

<sup>1</sup> <http://www.scotland.gov.uk/Resource/0042/00427287.pdf>

<sup>2</sup> <http://www.scotland.gov.uk/Resource/0040/00406575.pdf>

<sup>3</sup> Together (2011). State of Children's Rights in Scotland (pg 7)

<sup>4</sup> UN General Assembly (1989). UN Convention on the Rights of the Child. Article 2.

<sup>5</sup> Scottish Government (2014). Carers Legislation: Consultation on Proposals: January 2014 (pg 27-28)

promote and protect their rights, taking into account the general principles of the UNCRC.<sup>6</sup> These include Article 12; that every child who is capable of forming their own views has the right to express those views freely.<sup>7</sup> Young carers and young adult carer's views should influence further development of the proposals and they must continue to be involved in shaping the legislation going forward.

Alongside the proposal to remove the substantial and regular test, Together recommends that local authorities and local carer and other community support services are sufficiently resourced to respond to and support all carers.

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

Comments: Together welcomes the proposal to introduce two routes through to the Carer's Support Plan. This could help to ensure that more adults with caring responsibilities for children and young people are able to access support through the Carer's Support Plan and thus ensure the needs of a greater number of carers are met.

However, Together's members have subsequently highlighted an inconsistency between the approach to adult/young adult carers and young carers within the proposals. This could have a negative impact on young carers and hinder the Scottish Government's commitment in the 2012 'Do the Right Thing: process report' to secure better outcomes for young carers.<sup>8</sup>

The consultation document indicates that not all young carers will have a Child's Plan.<sup>9</sup> If a young carer does have a Child's Plan, this will not determine eligibility for support: access to support will be determined by the needs and circumstances of individual children.<sup>10</sup>

The proposals seem unclear in relation to supporting young carers who are not

<sup>6</sup> <http://www.scotland.gov.uk/Resource/Doc/319441/0102105.pdf>

<sup>7</sup> UN General Assembly (1989). UN Convention on the Rights of the Child. Article 12.

<sup>8</sup> Scottish Government (2012). Do the Right Thing: Progress Report

<sup>9</sup> Scottish Government (2014). Carers Legislation: Consultation on Proposals: January 2014 (pg 27-28)

<sup>10</sup> Scottish Government (2014). Carers Legislation: Consultation on Proposals: January 2014 (pg 22)

eligible for a Child's Plan. There could be a risk that young people are not identified as carers which would affect their ability to access the range of support measures available to carers. The proposals do not go into sufficient detail about how the rights of young carers will be strengthened.

Due to the specific circumstances and caring responsibilities of young carer's, their rights are challenged and often denied. All children have the right to rest and leisure and to engage in play and recreational activities (Article 31); the right to an education (Article 28 and 29); the right to enjoy the highest attainable standard of health (Article 24) and the right to a standard of living adequate for the child's physical, mental, spiritual, moral and social development (Article 27).

The consultation document foreword includes that new carers legislation will strengthen and extend the rights of carers and young carers.<sup>11</sup> This would be in line with the duties within Part 1 of the Children and Young People (Scotland) Act 2014, which include for public authorities to better or further effect within its areas of responsibility of the UNCRC requirements.<sup>12</sup>

Together recommends that the Scottish Government ensures that future carers' legislation is underpinned by a child rights framework and that the proposals are based on the need to protect, respect and fulfil the rights of young carers as set forth in the UNCRC. Regarding the decision of whether to introduce two routes through to the Carer's Support Plan, it must be ensured that young carers have at least the equal rights to assessment and support as adult carers.

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: It is important that carers are aware of the length of time it is likely to take to receive a Carer's Support Plan and that they are kept informed and involved throughout the process. In line with the above proposal, there should be a corresponding duty for local authorities to inform a young carer of timescales regarding access to support.

<sup>11</sup> <http://www.scotland.gov.uk/Resource/0044/00442248.pdf> (pg iii)

<sup>12</sup> [http://www.legislation.gov.uk/asp/2014/8/pdfs/asp\\_20140008\\_en.pdf](http://www.legislation.gov.uk/asp/2014/8/pdfs/asp_20140008_en.pdf) (pg 3)

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

Comments: Together's members have repeatedly raised the significant disparity in the level and type of services provided for young carers across different local authority areas in Scotland<sup>13</sup>. Members have reported families feeling forced to move into an area where they are able to receive better services and support or feeling prevented from moving due to less adequate support and services in other local authorities.

Portability of assessment is a significant issue and whilst recognising that some differences in service provision is likely, such variability should not impact on the rights of young carers to receive appropriate and timely support. Portability can also be a considerable issue for young adult carers who are in a period of transition which often leads to leaving home and moving some distance away, and Together recommends that the Scottish Government takes this into consideration.

Barriers to consistent service provision mentioned in the consultation document include physical geography, the availability of trained staff and attitudes to different types of care. These barriers are referred to as 'inevitable'; however they must be addressed and overcome so that young carers have their rights (as enshrined in the UNCRC) and access to appropriate and timely support respected and realised equally across Scotland.

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: In taking this work forward, the Scottish Government and COSLA should consult widely with carers across Scotland, to gather their views and experiences in order to shape developments to improve portability of assessment. In line with Article 12 of the UNCRC, young carers must be assured their right to express their views freely in all matters affecting them, with their views taken seriously and given due weight in accordance with their age and maturity.<sup>14</sup> In all actions to improve portability of assessment, the best interests of the child should be a primary consideration as required by Article 3 of the UNCRC.<sup>15</sup>

At the heart of any work to improve portability of assessment should be the rights as set forth in the UNCRC. All children should have their right to be protected; to education; to health care; a family life, leisure and play, amongst other rights, realised on an equal basis and regardless of any status (Article 2 of the UNCRC). Appropriate and timely support must be offered consistently throughout Scotland so that all children with caring responsibilities can access tailored support in order

<sup>13</sup> Together (2011). State of Children's Rights in Scotland (pg 34).

<sup>14</sup> UN General Assembly (1989). UN Convention on the Rights of the Child. Article 12.

<sup>15</sup> UN General Assembly (1989). UN Convention on the Rights of the Child. Article 3.

for them to enjoy their rights. Together recommends that further improvements must be informed using a child rights approach, with respect for the specific rights and needs of young carers at the centre of developments.

## 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

Comments: Young carers must be fully informed of the services and support that are available to them. Timely provision of information and advice must be widely accessible to all children and young people consistently across local authorities, and regardless of whether they have been identified as a young carer, in a clear and easily understood format. There must also be age appropriate child-friendly versions available.

The consultation document indicates that Statutory Guidance will set out the level and type of information and advice that is to be available through the service. This guidance must include widespread provision of information and advice on support for young carers, including provision for professionals working with children and young people and the general public.

Together welcomes the decision to commission a Young Carers' Rights Charter to recognise the specific needs of young carers. To further promote, respect and fulfil the rights of all carers in Scotland, it is important that the Carers Rights Charter (currently in progress) and proposed Young Carers Rights Charter are included within the guidance for such a service. Guidance should also refer to the Common Core of Skills and Knowledge & Understanding and Values for the Children's Workforce in Scotland.<sup>16</sup> This could help to further the implementation of Article 42 of the UNCRC; to make the principles and provisions of the UNCRC widely known, by appropriate and active means, to adults and children alike.<sup>17</sup>

As of April 2015, the Children and Young People (Scotland) Act will place a duty on Scottish Ministers to promote public awareness and understanding (including appropriate awareness and understanding among children) of the rights of children.<sup>18</sup> In order to support this Ministerial duty and to further the Scottish Government's commitment to *'make rights real'*, Together recommends that a duty for local authorities to establish and maintain a service for providing carers with information and advice should be developed using a child rights approach and include information on children's rights.

<sup>16</sup> <http://www.scotland.gov.uk/Resource/0039/00395179.pdf>

<sup>17</sup> UN General Assembly (1989). UN Convention on the Rights of the Child. Article 42.

<sup>18</sup> Scottish Government (2014). Children and Young People (Scotland) Act

Strong communication must take place between those drafting guidance for future carers legislation and for the Children and Young People (Scotland) Act 2014.

Together recommends that if there are already services in place to offer information and advice to young carers, that these established services are supported to continue their work.

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

Comments: Together welcomes the proposal to introduce a duty to support carers and young carers, but is concerned about what an 'eligibility framework' might mean in practice. Together's members have noted that several parent/carers have reported that they have been denied services identified as needed through a formal assessment because they did not meet the 'eligibility criteria' established by local authorities. Together's members have also highlighted that discretion by the local authority as to the needs of a young carer could provide a postcode and professional lottery for carers and young carers alike.

A duty to support young carers must ensure that a holistic approach is taken when supporting a family; it is also important that the young carer's needs are separated from the cared-for persons needs. A duty must also require that access to support is determined by the individual needs and circumstances of a young carer and must be underpinned by the UNCRC: a child rights approach must be taken during the identification, assessment and support of young carers. Article 2 of the UNCRC requires that:

*'States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex,*

*language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.*<sup>19</sup>

A duty to support young carers and any eligibility framework must be in line with Article 2 in order to ensure that the rights of young carers are respected, protected and fulfilled on an equal basis with all children and young people.

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

Comments: Together welcomes the recognition in the consultation document that short breaks can make a valuable contribution to young carers' wellbeing.

We also welcome the recognition that a 'short break' can include *"any provision which supports carers and young carers to have time out from caring in order to recharge their batteries. The short break can include holidays, time out for leisure activities, time to meet up with friends and breaks away together."*<sup>20</sup>

Together's members have highlighted that more creative, flexible and tailored respite could be delivered outwith the traditional approach currently explored. Other support measures could be equally or more valuable depending on what the young carer needs and it is with this in mind that any duty to provide support measures must be wide-reaching and specific to a young carer's individual needs.

Supporting YouthLink Scotland's response, 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. It is essential that young carers are listened to and that their views and preferences are fully taken into account and acted upon in the planning and delivery of support measures, reflecting Article 12 of the UNCRC<sup>21</sup>. Fulfilling the obligations set by Article 3 of the UNCRC, the best interests of the young carer must be at the centre of any decision that affects them when planning support measures such as short breaks.<sup>22</sup>

<sup>19</sup> UN General Assembly (1989) UN Convention on the Rights of the Child, Article 2

<sup>20</sup> Scottish Government (2014). Carers Legislation: Consultation on Proposals: January 2014 (pg 22)

<sup>21</sup> UN General Assembly (1989). UN Convention on the Rights of the Child: Article 12

<sup>22</sup> UN General Assembly (1989). UN Convention on the Rights of the Child: Article 3

Together recommends that further developments regarding the provision of short breaks is wide-ranging, based on the realisation of the rights enshrined in the UNCRC, tailored to reflect the individual needs and preferences of young carers. Furthermore, it is important that the provision of short breaks for young carers reflects on Article 31 of the UNCRC, which requires State Parties to *“recognise the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child... and to encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.”*<sup>23</sup> Together recommends that the Scottish Government reflects on the UN Committee's General Comment No. 17 when developing guidance around such a duty.

Together's members have raised concern that linking short breaks to an eligibility criteria might not be appropriate, as at times, small amounts of support can prevent families and carers reaching crisis. An early intervention preventative approach could therefore be more fully explored that might not align to eligibility. Together recommends that the Scottish Government fully considers the implications of eligibility criteria regarding short breaks going forward.

## 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

Comments: Together welcomes Chapter 5 of the consultation document 'Stages and Transitions' and the recognition that in order to improve outcomes for young carers, transitions involving a change in service need to be planned and managed well and handled sensitively in a personalised manner.

<sup>23</sup> UN General Assembly (1989). UN Convention on the Rights of the Child: Article 31

Planning for transitions should start early and proportionately, fully involving and consulting the child (as required by Article 12 of the UNCRC) and with their best interests as a primary consideration in decisions affecting them (as required by Article 3). In line with the recommendation made by the Scottish Young Carers Services Alliance (SYCSA), Together suggests that young carers who are likely to become adult carers should have a Carer's Support Plan, and that planning for this should be carried out well in advance of the young person reaching the age of 18. As planning for transitions for children with disabilities begins at age 14, this should also be the age when children who are caring should first be assessed as to their likelihood of them still being carers at age 18.

Planning for the transition from young carer to young adult carer must be person centred: the best interests of the young carer should be at the centre of any planning process that takes place and not be secondary to professional concerns. Together's members have suggested that dovetailing the process and the professionals involved around the young person can help to create a more proactive rather than reactive nature of support throughout the transition period. The wishes and needs of young carers must be understood and listened to, with their views fully taken into account. Young carers should be provided with the right information and support in relation to the transition to adult services, and such information must be widely accessible in a clear and easily understood format and there must be age appropriate child-friendly versions available.

Participating in the planning for transitions can be a large undertaking for some young people and the provision of advocacy should be considered. The importance of advocacy services for children has been stressed by many children's organisations, as highlighted in Together's 2011, 2012 and 2013 State of Children's Rights reports.<sup>24</sup> Advocacy services can build supportive relationships with children and young people to help ensure that sharing their views becomes more natural and less threatening. Together's members report that there is not enough advocacy provision in Scotland and that access to advocacy is patchy across different local authority areas. Together recommends that in moving forward with any legislative proposals regarding transitions, the Scottish Government ensure that all young carers are aware of and have access to advocacy services.

The Scottish Transitions Forum has highlighted that support for carers must be held within a multidisciplinary framework, and that budgets across different sectors need to be pooled and utilised to help support any outcomes that the young person or family wish to achieve. Good planning is the key to this and this process should not be seen as tokenistic and a "one off event".

The Scottish Transitions Forum Principles of good Transitions document 1 and 2 provide a good backbone to explore the process of transitions from child to adult carer, amongst many other concerns including those highlighted above.

As mentioned in our response to Question 2 above, Together is concerned that the

---

<sup>24</sup> Together (2011,2012,2013). State of Children's Rights in Scotland report

current proposals mean that young carers are not able to receive a Carer's Support Plan until they become adult carers. As highlighted by YouthLink Scotland, young carers who do not have a Child's Plan may fall between the gaps. The consultation document states that not all young carers will be deemed to have a wellbeing need and so may not have a Child's Plan.<sup>25</sup> It may therefore be difficult to identify young carers who do not have a Child's Plan but who need support through a Carers Support Plan. In line with the recommendation made by YouthLink Scotland, the creation of a Young Carer's Support Plan/eligibility for a Carer's Support Plan could help to resolve the current issues concerning transition from children to adult services.

Together believes that further detail is required in relation to Chapter 5 and how the transition from child to adult carer services would work out in practice and how services would integrate. Together recommends that this is clarified and developed moving forward with the proposals.

## 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

Comments: Together welcomes the Scottish Government's recognition that all carers should be involved in the planning, shaping and delivery of services for themselves and the people they care for.

We support proposals to enhance legislation on the involvement of young carers in planning for the person they care for and in shaping the support they need to help them manage their caring role and have a life outside caring. The knowledge and experience of young carers should be recognised and valued.

As required by Article 12 of the UNCRC, young carers must be able to express their views freely; to be listened to and for their views to be taken fully into account with regards to the planning, shaping and delivery of services for themselves and the people they care for.<sup>26</sup> Listening to the experiences and opinions of young carers can help to shape more effective and person-centred services and as recommended by Together's members, it is important that efforts are made to ensure that such valuable information is adequately captured and appropriately utilised.

As included within the "core principles for working with carers and young carers"<sup>27</sup>, the person they care for and workers from health and social services should work together as partners to achieve better outcomes for all involved: all young carers

<sup>25</sup> Scottish Government (2014). Carers Legislation: Consultation on Proposals: January 2014 (Chapter 5, Para. 23)

<sup>26</sup> UN General Assembly (1989). UN Convention on the Rights of the Child. Article 12.

<sup>27</sup> <http://www.sssc.uk.com/Educators-and-training-providers/better-outcomes-for-carers-and-young-carers.html>

have the right to the support and information they need and to be involved as they choose to be. Appropriate information and assistance, including advocacy services, must be widely available to all young carers, recognising and taking into account young carers with complex needs or communication difficulties.

Together recommends that young carers should also have the opportunity to become involved in shaping services in their community. This can be done using methods which are age appropriate and in partnership with young carer support projects, such as local and national young carer forums and the Scottish Young Carers Festival.

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:

A number of Together's members are carers' organisations and organisations who work with people who are cared for (such as disability organisations). They have a wealth of knowledge and experience that provides an invaluable resource to service planning.

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:

See response to question 16.

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?

Comments: The consultation document highlights that the overriding concern of young carers is that their views are taken into account by professionals when decisions are made about the person they care for and especially when they have been the sole family carer.<sup>28</sup>

Together strongly believes that young carers should be involved in the planning,

---

<sup>28</sup> Scottish Government (2014). Carers Legislation: Consultation on Proposals: January 2014 (pg 32)

shaping and delivery of both services for themselves and the people they care for, and that their views must be at the centre of any developments affecting them (reflecting Article 12 of the UNCRC).<sup>29</sup> Advocacy services must be available to young carers and information and awareness of such services should be widely promoted, should they wish to access support in getting their voices heard.

As stated in the consultation document, young carers sometimes feel that health and social care professionals do not understand them. Furthermore, the Young Carers Festival has found that children and young people want more support at school; for teachers to listen more and treat them fairly; for the school to know more and understand, while respecting their privacy.<sup>30</sup>

Following the launch of 'Getting It Right for Young Carers'<sup>31</sup> members of Together reported an increase in awareness of the needs of young carers, particularly in relation to service planners, managers, health practitioners and social workers. This is welcome but Together's members still tell us that greater awareness of young carers is needed. As recommended in Together's 2011 State of Children's Rights report, the Scottish Government must work to ensure that there is heightened awareness and understanding of young carers and their specific circumstances and needs within these areas and amongst professionals across other services, including teachers and support workers.<sup>32</sup>

The consultation document states that a 'Young Carers Card' has been piloted to address the issues of involving young carers in the planning, shaping and delivery of services for themselves and those they care for. Together urges the Scottish Government to take forward an evaluation of the Young Carers Card and for this to be publicly available.

Please also refer to Question 16.

## 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

Comments: Together further recommends that there should also be statutory provision for local authorities and health boards to involve and collaborate with young carers and carers' organisations in the development of local young carers' strategies. Members of Together have highlighted that in local authorities where young carers' strategies have been produced, they have proved instrumental and

<sup>29</sup> UN General Assembly (1989). UN Convention on the Rights of the Child. Article 12.

<sup>30</sup> <http://www.scotland.gov.uk/Resource/0042/00427287.pdf> (pg 24)

<sup>31</sup> <http://www.scotland.gov.uk/Resource/Doc/319441/0102105.pdf>

<sup>32</sup> Together (2011). State of Children's Rights in Scotland 2011 report (pg 7)

effective for young carers.

This should be in addition to the requirement in the Children and Young People (Scotland) Act 2014 to develop a children's services plan, in order to place sufficient focus emphasis on the particular challenges faced by and needs of young carers.

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: Together believes that the Scottish Government should introduce statutory provision as outlined above.

A sufficient range of services must be available to effectively meet the individual needs of and provide the necessary support for all young carers consistently across all local authorities. As previously stated, all young carers must have access to the same provision and quality of services regardless of where they live.

All children must be supported to access their rights equally as enshrined in the UNCRC and Together urges the Scottish Government to ensure that young carers are not denied access to their rights due to their circumstance.

Together's members have highlighted that there should be national minimum standards and expectations, for support and services provided to young carers.

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

Comments: Effective identification of young carers and timely support is crucial to prevent caring responsibilities from denying a young person their rights as set forth in the UNCRC.

Representing the views of many of Together's members, we recommend that GPs and/or local authorities should maintain a Carers Register in order to support the identification of carers and young carers. As highlighted in 'Getting it Right for Young Carers'<sup>33</sup>, young carers are very much a hidden population, not recognised by the services that could support them nor often recognising themselves as

<sup>33</sup> <http://www.scotland.gov.uk/Resource/Doc/319441/0102105.pdf>

young carers. Identification of young carers must be improved in order to provide support and access to services for all young carers.

A uniform framework through which carers and young carers are identified should include the responsibility on schools, social workers, GPs, carers services and other professionals including the Named Person (as outlined in the Children and Young People (Scotland) Act 2014). Legislative provision to identify carers and young carers should be integrated with statutory guidance for Named Persons to ensure consistency in approach by professionals across Scotland. Named Persons must be skilled to recognise young carers and any training must include awareness and understanding of identifying young carers.

Greater awareness of the special circumstances and specific needs of young carers could increase the likeliness that young carers are identified sooner and provided with more timely support. Raising awareness of the existence of young carers, their role and contribution could encourage more young carers to identify themselves, and greater public awareness could also help to challenge negative attitudes about young people, disability and particular conditions.<sup>34</sup>

As of April 2015, the Children and Young People (Scotland) Act 2014 will require Ministers to promote public awareness and understanding (including appropriate awareness and understanding among children) of the rights of children.<sup>35</sup> This must specifically include raising awareness and understanding of the rights of young carers. The Common Core of Skills, Knowledge & Understanding and Values for the 'Children's Workforce' in Scotland must be used to strengthen this duty and to help promote children's rights.<sup>36</sup> The Common Core is explicitly cross-referenced to the general principles of the UNCRC and recognises that the Convention is fundamental to all work with children and young people.

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:

<sup>34</sup> <http://www.scotland.gov.uk/Resource/Doc/319441/0102105.pdf>

<sup>35</sup> Scottish Government (2014). Children and Young People (Scotland) Act 2014. Part 1 (3)

<sup>36</sup> <http://www.scotland.gov.uk/Resource/0039/00395179.pdf>

## 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: