



SIAA Response

Carers Legislation – Consultation on Proposals

April 2014

The Scottish Independent Advocacy Alliance is the national membership body for Scottish advocacy organisations. The SIAA promotes, supports and defends independent advocacy in Scotland.

The right to independent advocacy for those with mental disorders or who are potentially at risk is enshrined in Scottish legislation. This Consultation paper states that '*Ministers are clear that we need to accelerate the pace of change so that both adult carers and young carers are fully supported and achieve better outcomes as a result.*' Access to independent advocacy has a key role in supporting carers and helping them work towards better outcomes.

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

Question 2: Should we remove the substantial and regular test so that all carers will be eligible for the Carer's Support Plan?

Yes

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

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

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

No

Comments:

While the term 'ability to care' may sometimes have been interpreted to imply a negative view of the carer's competence or skills changing the wording to 'willingness' rather than 'ability' to continue caring could bring its own issues. That could be seen to suggest that this was simply a matter of choice for the carer rather than their need to limit or discontinue their caring role out of necessity in order to preserve their own mental/physical health and therefore not really a choice. Expanding on the wording about the carer's ability to provide care by taking the carer's own mental and physical health into account would address any perception of such a negative view.

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

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

Comments:

Having a standardised format for the assessment will help not only with cross border portability but with consistency of assessment of support required.

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

Yes

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

Comments:

An effective method for this would be to have a dedicated individual within each Local Authority with responsibility for providing such information and advice. Concerns about effectiveness in information giving techniques could be addressed by ensuring access for carers to independent advocacy. One important part of the advocacy role is to support people to gather and consider all relevant information and support individuals to make informed choices. Independent advocacy support will help the carer on a one-to-one basis to navigate through the system to appropriate supports and services. The legislation should therefore include a duty placed on Local Authorities to ensure that carers, in addition to having access to provision of information and advice, also are directed to independent advocacy support.

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?

No

Comments:

Although this provision may become redundant with the imminent integration, this should not be implemented until such time as more concrete plans and provisions are made for the integration process at a local level.

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

Comments:

Support for carers and young carers should include, where the carer feels they need it, access to independent advocacy.

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

No

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

Yes

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

Comments:

Having a standardised format for the assessment will not only help with cross border portability but will mean greater consistency of assessments. The current system, where each local authority designs their own format of assessment, means that some are inevitably much more detailed and

comprehensive than others. Assessing workers need to be able to give prompt questions and examples to carers in order to get a fuller picture of their caring role. Not everyone knows what constitutes 'personal care' or 'transferring weight' and may need time beforehand to prepare for the assessment. Having one national format and accompanying guidance notes for workers (to be used at the time) and carers (to be sent out in advance of assessment) would produce the most qualitative information of their role.

Independent advocacy should be made available for carers, especially young carers, undergoing assessment. While some may feel confident to deal with the assessment process without such support others are likely to find the process complex and will benefit from advocacy support in preparing for an assessment and in understanding the outcome.

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

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

Comments:

Recognised best practice as reported by the Christie Commission is to '*ensure that our public services are built around people and communities, their needs, aspirations, capacities and skills, and work to build up their autonomy and resilience.*'

It is therefore vital that carers' views be taken into account alongside the views of those they care for. Independent advocacy, collective and one-to-one can help ensure that all who wish to have their views heard can be supported to do so.

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

Comments:

Yes, but it should be noted that registered Carers Centre's are not the only appropriate organisations to involve. A range of Third Sector organisations support carers and those they care for, these may include collective advocacy groups.

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

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:

Recognised best practice as reported by the Christie Commission is to '*ensure that our public services are built around people and communities, their needs, aspirations, capacities and skills, and work to build up their autonomy and resilience.*'

As previously stated we believe that it is vital that all carers, including young carers alongside those they care for are involved in the planning, shaping and delivery of services. Collective and one-to-one independent advocacy should be available to ensure that all who wish have their views heard.

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

Comments:

It is important to make this as accessible as possible to ensure that all carers who wish and all relevant local organisations be involved in the development of local strategies. As previously stated local carers' collective advocacy groups can support carers' involvement.

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

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?

No

Comments:

There should be legislative provision for this, but as has been shown in areas where such registers already exist, the register itself does not have any positive impact on the carer unless there is a directive given on what should be done once someone's name is on the register. Inclusion in a carers' Register must ensure that carers will then be contacted with useful information, resources and support in the local area.

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

Question 24: Should the Scottish Government ask Health Boards to monitor compliance with the core contractual elements of the GP contract?

Yes

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)?

It would be best if the lead local authority for carrying out assessment and providing support to the carer was where the carer resides.

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

No comment

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

Yes

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