



Meeting of East Renfrewshire Health and Social Care Partnership	Integration Joint Board
Held on	16 August 2017
Agenda Item	8
Title	Preparation for Implementation of Carers (Scotland) Act 2016
Summary	
To inform the Integration Joint Board of the range of local and national activities currently underway to prepare for the commencement of the carers legislation by April 2018.	
Presented by	Kevin Beveridge Commissioning and Contracts Manager
Action Required	
IJB members are asked to note the content of this report and the progress being made in preparation of the commencement of the Carer's (Scotland) Act in 2018.	
Implications checklist – check box if applicable and include detail in report	
<input checked="" type="checkbox"/> Finance/Efficiency	<input type="checkbox"/> Policy
<input type="checkbox"/> Risk	<input type="checkbox"/> Staffing
<input checked="" type="checkbox"/> Legal	<input type="checkbox"/> Property/Capital
<input checked="" type="checkbox"/> Equalities	<input type="checkbox"/> Directions

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EAST RENFREWSHIRE INTEGRATION JOINT BOARD

16 August 2017

Report by Julie Murray, Chief Officer

PREPARATION FOR IMPLEMENTATION OF THE CARERS (SCOTLAND) ACT 2016

PURPOSE OF REPORT

1. To inform the IJB of the range of local and national activities currently underway to prepare for the commencement of the carers legislation by April 2018.

RECOMMENDATION

2. It is recommended that IJB members note the content of this report and the progress being made in preparation of the commencement of the Carers (Scotland) Act in 2018.

BACKGROUND

3. Scottish Government passed the Carers (Scotland) Act in 2016, and will be commenced on 1 April 2018. The package of provisions in the Act is designed to support carers' health and wellbeing (see appendix 1). These include:
 - a duty on local authorities to provide support to carers, based on the carer's identified needs which meet the local eligibility criteria.
 - a specific Adult Carer Support Plan and Young Carer Statement to identify carers' needs and personal outcomes.
 - a requirement for each local authority to have its own information and advice service for carers which must provide information and advice on, amongst other things, emergency and future care planning, advocacy, income maximisation and carers' rights.
 - publication of a short breaks statement
 - that each health board must ensure that, before a cared-for person is discharged from hospital, it involves any carer of that person in the discharge
4. National planning for the commencement of the Act has included a number of networking groups to agree aspects of joint working between Cosla, Social Work Scotland and Scottish Government, and also to inform the statutory guidance for the Act. East Renfrewshire has been involved in national carer work and is a pilot area for the Young Carers Statement (YCS) aspect of the legislation with other partnerships supporting other aspects of the Act's provisions.
5. A programme of work across the wider Greater Glasgow & Clyde board area is underway to support the provisions of the Act looking at involving carers within the discharge arrangements.
6. This report provides an update on local activity to prepare for the implementation of the legislation and develop a revised Carers Strategy.

REPORT

Introduction

7. The HSCP, in partnership with ERCarers and VAER (Voluntary Action East Renfrewshire), established an implementation group to agree a range of preparatory activities to inform the implementation of the Act and to ensure all stakeholders were represented in the planning process.
8. In March 2017 the Carers Act Implementation Group (CAIG) met to agree the range and scope of its activities. The group is composed of a range of relevant stakeholders, including: practitioners, carer's representatives, and the Third sector. The CAIG has a range of objectives including:
 - Understand and respond to the scope of the Act and its provisions
 - Steering the Scottish government sponsored pilot
 - Coordinating the development of a Carers Strategy and our approach to carers services across East Renfrewshire
 - Testing and supporting activities in support of the Act across the range of the health and social work requirements of the legislation

Engagement Activity

9. To support a wider and more extensive engagement across East Renfrewshire, VAER has commissioned a national group 'Thrive' to work with it to develop a series of conversations with local citizens within a 'Care Collective'. Some of the initial Care Collective engagement activity was reported in the annual performance report.
10. The engagement activity has two main objectives: Firstly, it is to raise awareness of Care Collective and encourage people to participate in shaping support for carers. Secondly, it aims to support a social movement that reduces the stigma associated with support for caring responsibilities and consequently support prevention and early intervention strategies. Local people have told us that they find it difficult to talk about caring responsibilities and feel there can be stigma associated with needing a bit of help and support sometimes. The Care Collective aims to change that by encouraging more people to talk about what it's like looking after someone else, appreciating the great job that local people do and connecting people to sources of help and advice.
11. The social media campaign is progressing well and is connecting with a range of groups and individuals, raising awareness and creating new networks. Young carers in particular have told us that they are happy to engage with us via social media but they are reluctant to engage by attending events and meetings or engaging in any processes that identify them individually as young carers.
12. A number of themes have emerged through the initial engagement phase and in the next phase of Care Collective activity will focus on the following design questions:
 - How might we reduce the stigma associated with caring and support for carers?
 - How might we improve access to information about the support available to people who care for others?
 - How might we enable people to assess their own wellbeing and need for support?
 - How might we ensure young carers have access to appropriate support when they need it?

- How might we best meet the needs of the legislation and the community in ensuring support for carers when people who look after others do not necessarily identify themselves as “Carers”?
- How do we ensure the resources available within East Ren, including community assets and public sector assets, are used for maximum impact on improving outcomes for carers?

Community led support

13. Work is already under way within the community led support work stream to model practice within community based ‘What Matters’ sessions which will similarly be used to capture information about carer needs and to agree a plan. The needs of carers will simultaneously be assessed and understood within the arrangements for offering appointments within the emerging ‘What Matters’ meetings that are being arranged across East Renfrewshire.

Eligibility criteria

14. It is a specific requirement of preparation for the Act that East Renfrewshire drafts and has approved by Scottish Government its local eligibility criteria. Work is currently underway across strategic and financial services to prepare a relevant eligibility framework.

Young Carers Pilot

15. ERC is a pilot site for the Young Carers Statement provisions of the Act, recognising that young carers are more readily identifiable within the school system and consequently East Renfrewshire’s pilot includes joint working with colleagues from education. The majority of the work will commence once local schools reopen for the new academic year.

Carers Information and Advice Services –

16. Services to carers are currently provided by ERCarers. It will be necessary in preparation for the Act’s commencement to consider revising the scope and role of the service going forward. It is proposed that we enter into direct negotiations with ERCarers based on the findings of the Care Collective and the strategic development work of the Carer’s Act Implementation Group.

Health Board and hospital arrangements

17. We are involved with NHSGGC activities to develop a Board wide approach to the Act’s requirements to involve and consult carers throughout a person’s time in hospital. The work has focused on three main priority areas for carers:

- Being informed
- Involvement in care arrangements
- Involvement in discharge process

FINANCE AND EFFICIENCY

18. The HSCP has received £29k funding to support the implementation of carers legislation along with a £21k of Carers Information funding has been granted to VAER to support the Care Collective activity.

CONSULTATION AND PARTNERSHIP WORKING

19. The HSCP has developed this work in partnership with ERCarers and VAER (Voluntary Action East Renfrewshire). A recent feedback report from the engagement activity of the Care Collective is attached as appendix 2.

IMPLICATIONS OF THE PROPOSALS

Legal

20. This report details the work of the HSCP and partners to prepare to implement Carers legislation in advance of the publication of statutory guidance

Equalities

21. The Care Collective approach to engagement has considered the particular needs of different equality groups and worked to include their voices.

CONCLUSIONS

22. This report gives an overview of the range of local and national activities currently underway to prepare for the commencement of the carers legislation by April 2018. It is proposed to bring a further update paper in the new year once statutory guidance has been issued by Scottish Government.

RECOMMENDATIONS

23. It is recommended that IJB members note the content of this report and the progress being made in preparation of the commencement of the Carers (Scotland) Act in 2018.

REPORT AUTHOR AND PERSON TO CONTACT

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July 2017

CARERS (SCOTLAND) ACT 2016

SUMMARY OF PROVISIONS¹

PART OF ACT	SECTION(S)	SUMMARY	KEY POINTS
PART 1 KEY DEFINITIONS	1,2,3	Sets out meaning of: - carer - young carer - adult carer	<p>The meaning of “carer” includes an individual “who intends to provide care” as well as an individual who provides care².</p> <p>Individuals are <u>not</u> carers if the cared-for person under the age of 18 only needs care because of their age. This now brings within scope of the meaning of carer those individuals caring for children with conditions such as autism and Attention Deficit Hyperactivity Disorder (ADHD). Therefore, with regard to cared-for people who are children, the terminology, “disabled child” is not used.</p> <p>Young carers are aged under 18 or age 18 or over if they are still at school.</p>
	4 & 5	Sets out meaning of: - personal outcomes - identified personal outcomes	Personal outcomes will, if achieved, enable carers to provide or continue to provide care for the cared-for person. Amongst other things, this aims to stop carers who already provide care

¹Excludes Parts 7 and 8 of the Act dealing with General Provision and Final Provisions respectively. Also excludes Schedule, Consequential modifications.

²The meaning of “carer” excludes paid care workers (individuals providing care as part of a contract of employment) and volunteers.

		- identified needs	from reaching breaking point. It is about sustaining and supporting the carer in the caring role. In order to achieve this, the carer will have a life alongside caring.
PART 2 ACSPs & YCSs CHAPTER 1 ACSPs	6	Duty to prepare adult carer support plan	<p>The section provides for the offering of an ACSP by the responsible local authority and the requesting of an ACSP by an individual carer. This means there are now two ways in which an individual can access an ACSP.</p> <p>An ACSP must be prepared, even if the carer is not deemed eligible for support (according to local eligibility criteria). In these circumstances, the ACSP should include signposting and access to any relevant supports, for example, universal or community-based services.</p> <p>The responsible local authority must exercise its functions under this section in a manner which encourages equal opportunities.</p>
PART 2	7	Adult carers of terminally ill cared-for persons	<p>Scottish Ministers must prescribe timescales in regulations for the preparation of the ACSP in relation to adult carers of terminally ill cared-for persons.</p> <p>This regulation-making power is unlikely to be</p>

			introduced now but there will be guidance.
PART 2	8	Adult carers: identification of outcomes and needs for support	<p>This section contains a regulation-making power to define personal outcomes which is not being used.</p> <p>In identifying an adult carer's personal outcomes and needs for support, the responsible local authority must take into account any impact that having one or more protected characteristics has on the adult carer.</p>
PART 2	9	Content of adult carer support plan	<p>This sets out, amongst other things, the range of information that the ACSP must contain.</p> <p>It includes information on the impact of caring on wellbeing and day-to-day life, and matters including, for example:</p> <ul style="list-style-type: none"> • whether the adult carer has arrangements in place for the provision of care in an emergency; • whether the adult carer has arrangements in place for the future care of the cared-for person; and • whether the carer is, or wishes to be, in employment or education. <p>This section contains a regulation-making power to further prescribe the content of an ACSP. This power is not being used.</p>

PART 2	10	Review of adult carer support plans	<p>This section contains a regulation-making power about the review of adult carer support plans. There may be regulations under section 10(a) setting out the circumstances in which the ACSP is to be reviewed but there are unlikely to be regulations under section 10 (b), (c) and (d).</p>
PART 2	11	Adult carer support plan: provision of information to carer etc	<p>This section places a duty on the responsible local authority to provide the adult carer with the information contained in the ACSP. The information may also be provided to any other person the adult carer requests.</p> <p>The section does not apply if the responsible local authority does not consider the sharing of the information appropriate.</p>
PART 2 CHAPTER 2 YCSs	12	Duty to prepare young carer statement	<p>The section provides for the offering of a YCS by the responsible authority and the requesting by an individual young carer of a YCS. There are now therefore two ways in which a child or young person can access a YCS.</p> <p>A YCS must be prepared, even if the young carer is not deemed eligible for support (according to local eligibility criteria). In these circumstances, the YCS should include signposting and access to any relevant supports, for example, universal or community-based services.</p>

			The responsible authority must exercise its functions under this section in a manner which encourages equal opportunities.
	13	Young carers of terminally ill cared-for persons	<p>Scottish Ministers must prescribe timescales in regulations for the preparation of the YCS in relation to young carers of terminally ill cared-for persons.</p> <p>The regulation-making power is unlikely to be introduced now but there will be guidance.</p>
	14	Young carers: identification of outcomes and needs for support	<p>This section contains a regulation-making power to define personal outcomes which is not being used.</p> <p>In identifying a young carer's personal outcomes and needs for support, the responsible local authority must take into account any impact that having one or more protected characteristics has on the young carer.</p>
	15	Content of young carer statement	<p>Similar to that for ACSP (section 9). In addition, the YCS must contain information about the extent to which the responsible authority considers that the nature and extent of the care provided by the young carer is <u>appropriate</u>.</p> <p>Therefore, for example, the responsible authority</p>

			<p>might consider that personal, intimate care provided by a young carer is not appropriate. Or they might consider that the young carer is caring for too many hours each week. Or they might consider that the young carer, as a very young child, should not be carrying out any caring.</p> <p>This section also contains a regulation-making power to further prescribe the content of an YCS. This power is not being used.</p>
	16	Review of young carer statements	<p>This section contains a regulation-making power about the review of young carer statements. There may be regulations under section 16(a) setting out the circumstances in which the YCS is to be reviewed but there are unlikely to be regulations under section 16 (b), (c) and (d).</p>
	17	Young carer statement: provision of information to carer etc	<p>Similar to that for ACSP (section 11).</p> <p>Information contained in the YCS can be provided to the child's named person. However there is no duty in the Carers (Scotland) Act 2016 to do so.</p> <p>Instead, provision for the sharing of information by the responsible authority for a YCS with the named person service provider exists in section</p>

			26 of the Children and Young People (Scotland) Act 2014. ³ This section sets out the framework under which information requires to be shared between service providers and the named person service provider. The views of the young carer would be ascertained and had regard to if reasonably practicable and in having regard to the views of the young carer, an important consideration would be the young carer's age and maturity.
	18	Continuation of young carer statement	If a young carer reaches the age of 18, the YCS for that carer continues to have effect until an ACSP is provided.
	19 & 20	Responsible authority: general Responsible authority: special cases	Section 19 sets out who the responsible authority is in relation to a young carer. Where the young carer is a pre-school child, the responsible authority will be the health board for the area in which the child resides. In any other case, the responsible authority will be the local authority for

³Section 26 of the Children and Young People (Scotland) Act 2014 summary - The information that ought to be shared under section 26 is intended only to be that which is considered likely to be relevant to the exercise of the named person's functions (set out in section 19(5) of the CYP Act). It is to be shared only for that purpose. Section 26 of the CYP Act also sets out that in considering whether information ought to be provided, the information holder is so far as reasonably practicable to ascertain and have regard to the views of the child or young person and in having regard to the views of the child/young person, an information holder is to take account of the child's age and maturity.

			<p>the area in which the young carer resides.</p> <p>Section 20 sets out responsible authority special cases. These include the directing authority⁴ of schools being the responsible authority where the young carer is a pupil at a grant-aided school or an independent school.</p>
<p>PART 3 PROVISION OF SUPPORT TO CARERS</p> <p>CHAPTER 1 ELIGIBILITY CRITERIA</p>	<p>21,22 & 23</p>	<p>Duty to set local eligibility criteria; Publication and review of criteria; National eligibility criteria</p>	<p>Each local authority is to set local eligibility criteria. Before setting eligibility criteria, each local authority must consult persons and bodies representative of carers and it must take steps it considers appropriate to involve carers. A local authority must have regard to such matters as the Scottish Ministers may by regulations specify when setting its local eligibility criteria. However, this regulation-making power is not being used at present and the matters will be set out in guidance.</p> <p>Each local authority is required to publish and review its eligibility criteria. There is a regulation-making power which will be used regarding review of the local eligibility criteria.</p> <p>This section contains a further power for Scottish</p>

⁴“Directing authority” has the same meaning as in section 45 of the CYP Act, that is the managers of a grant-aided school or the proprietor of an independent school.

			Ministers to make regulations setting out national eligibility criteria. This is a reserve power to be used at a later date if necessary.
PART 3 CHAPTER 2 DUTY TO PROVIDE SUPPORT TO CARERS	24	Duty to provide support	<p>This section provides for a duty on the responsible local authority to support carers who have eligible needs. There is also a power to support carers to meet needs which do not meet the eligibility criteria.</p> <p>A carer's needs for support must be assessed within the framework of the ACSP/YCS scheme. The Act defines eligible needs for support as those which cannot be met through the provision of services available generally and/or by information and advice services, and/or by services provided to the cared-for person (with the exception of replacement care). The local authority must also deem eligible needs according to local eligibility criteria.</p> <p>Where a carer is deemed eligible for support, this may take the form of a personal budget and offer of self-directed support options.</p>
	25	Provision of support to carers: breaks from caring	A local authority is required to consider whether any support provided should include or take the form of a break from caring.

			<p>Each local authority must have regard to the desirability of breaks from caring being provided on a planned basis.</p> <p>The ‘market sufficiency’ duty in the Social Care (Self-directed Support) Scotland Act 2013 applies in relation to support provided as a break from caring. This means that a local authority must, in so far as is reasonably practicable, promote short break providers and a variety of short breaks.</p>
	26	Charging for support provided to carers	Regulations are already in place to waive charges for support to carers. These will be amended to reflect the Carers Act provisions but will not change policy. Guidance will be issued.
PART 4 CARER INVOLVEMENT	27, 28, 29 & 30	<p>Duty to involve carers in carer services;</p> <p>Carer involvement in hospital discharge of cared-for persons;</p> <p>Involvement of, assistance to and collaboration with carers;</p> <p>Care assessments: duty to take account of care and views of carers</p>	<p>A number of different provisions about carer involvement and taking into account the views of carers. The duty to involve carers in carer services complements what exists in the CYP Act and the Public Bodies (Joint Working) (Scotland) Act 2014.</p> <p>Health boards must involve carers in the planning of discharge from hospital of cared-for persons.</p> <p>Guidance will be issued.</p>

PART 5 LOCAL CARER STRATEGIES	31, 32, 33	Duty to prepare local carer strategy; Preparation of local carer strategy; Publication and review of local carer strategy	<p>Each local authority and relevant health board must jointly prepare a local carer strategy. It must contain, amongst other things, plans for identifying relevant carers; and plans for helping relevant carers put arrangements in place for the provision of care in emergencies.</p> <p>There are consultation requirements.</p> <p>There are factors which must be taken into account in preparing the local carer strategy. These include the national health and wellbeing outcomes.</p> <p>The local carer strategy must be published.</p>
PART 6 INFORMATION AND ADVICE FOR CARERS	34	Information and advice service for carers	<p>Each local authority must establish and maintain, or ensure the establishment and maintenance of an information and advice service in its area. The service must provide information and advice for carers in particular about:</p> <ul style="list-style-type: none"> • carers' rights, including those set out in the carers' charter (when it is published), • income maximisation, • education and training,

			<ul style="list-style-type: none"> • advocacy, • health and wellbeing (including counselling), • bereavement support services following the death of a cared-for person, • emergency and future care planning. <p>Each local authority must identify information and advice that is likely to be of particular relevance to persons who have one or more protected characteristics of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.</p>
	35	Short breaks services statements	<p>Each local authority is required to prepare and publish a short breaks services statement. This document will describe the short break services available in Scotland⁵ for carers and cared-for persons. Local authorities will be encouraged to identify gaps and plan and commission new short break provision to meet the needs of carers in their areas.</p> <p>Scottish Ministers are expected to use the regulation-making power to make further provision about the preparation, publication and review of short breaks services statements.</p>

⁵To include any short breaks services located in one place but available to carers or cared-for people or both on a Scotland-wide basis.

	36	Carers' charter	Section 36 requires, amongst other things, that Scottish Ministers must prepare a carers' charter and may from time to time revise the charter.
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NB: There will be consultation in June on those regulations the Scottish Government proposes to introduce for April 2018.

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Care Collective

Update | July 2017

Hello!

Through the summer we've been busy out and about talking to people and finding out about their experiences of caring for someone. We've also been working with people from health, social care, education and local community organisations to understand more about the upcoming Carers' Act and the opportunities for local people to get involved in shaping the future of a 'Caring East Ren'.

This message is to keep everyone connected, to update you on progress so far and to let you know about opportunities to get involved as we go forward.

Continuing the Conversations

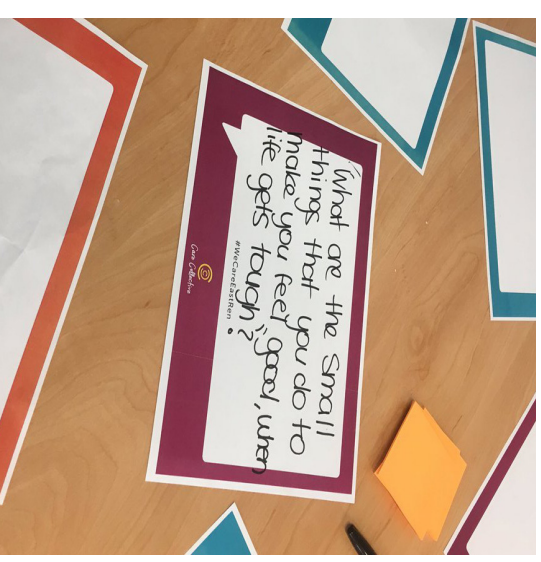
Following the Conversation Café in Barrhead, we've kept the discussions going. You might have seen the team out and about in their bright 'Care Collective' t-shirts having a chat with people they meet and asking what matters to them when it comes to looking after someone or being looked after themselves.

Some of you offered to take part in more in-depth interviews and shared in detail what it was like to look after a loved one, what can be difficult and what ideas you have for making things better.

57 Look out for a summary of the insights people shared during the interviews and conversations in our next update.

Carers Week

This year, Carers' Week ran from the 12 to 18 June. Carers week is an annual awareness campaign to recognise the vital role played by the 6.5million people in the UK who look after a friend or relative. This year Carers' Week focused on building carer-friendly communities. Alongside a wide range of events around the area, the Care Collective team popped up at the Foundry, the Avenue, the Greenhouse Café and locations around Eaglesham and Busby.



Working Together to Implement the Carers' Act in East Ren

New legislation aimed to improve support for Carers will come into force in April 2018 and before then, local people and organisations will be working together to shape the Carers' Strategy and design the processes and services needed to support the Act.

The main themes of the new legislation are:

- Information and Advice Services for Carers
- Provision of Breaks from Caring
- Adult Carer Support Plans
- Short Breaks Service Statement
- Young Carer's Statement
- Involving Carers in Hospital Discharge

Members of the Care Collective were invited to join a workshop hosted by the Health and Social Care Partnership to explore the requirements of the new legislation and what it means locally. The Carers' Act will interact with existing legislation, for example legislation relating to children and young people and legislation to enable self directed support.

People participating in the workshop were keen to find ways to make sure that people who look after someone else are genuinely at the centre of strategies and plans locally and that the new legislation makes things easier, not more bureaucratic, for carers.

There's work to be done within local organisations to make the necessary changes to systems and processes to support the legislation and to make the best use of the resources available. To have the best chance of success, local people need to be involved at the outset to shape the strategy and design the services to provide the support they want and need.

The Care Collective aims to support collaboration between local people and organisations to get the best possible results for carers. We'll be bringing people together to work on each of the themes of the Carers' Act in the coming weeks and we hope you'll join in and get involved.

Creating a 'Caring East Ren' Workshops

We're keeping up momentum over the summer with two workshops this week.

On Thursday parent carers will get together to share their insights and challenges and to begin to home in on areas for improvement across the whole system of support for parent carers.

On Wednesday, local community organisations that provide support for carers, either explicitly or more informally, will get together to explore where there might be gaps in provision or opportunities for greater collaboration to bring about a 'Caring East Ren'.



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Coming Up Next

The Care Collective team will continue to be out and about across East Renfrewshire. If you spot us in our Care Collective T-shirts, stop and have a chat!

Local people have told us that they find it difficult to talk about caring responsibilities and feel there can be stigma associated with needing a bit of help and support sometimes. We're aiming to change that by encouraging more people to talk about what it's like looking after someone else, appreciating the great job that local people do and connecting people to sources of help and advice. In our next update, we'll be sharing insights from our many conversations and shining a spotlight on sources of help and support recommended by you.

This week's workshops will set the direction of our collaboration in the coming weeks and months. We'll let you know the outcomes of the workshops, the next steps and how you can get involved.

We'll continue to work with the health and social care partnership to explore the themes of the Carers' Act and promote opportunities for local people to get involved. We'll say more about this in our next update.

Please Keep in Touch

You can contact us via the website
www.wecareeastren.com

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Best wishes

The Care Collective