

Title/Subject: Implementation of the Carers Act 2016
Meeting: Integration Joint Board
Date: 3 June 2016
Submitted By: Senior Planning Manager, NHS Forth Valley
Action: For decision

1. INTRODUCTION

The purpose of this report is to update members on the main provisions of the Carers (Scotland) Act 2016 and implications of its enactment from April 2017.

2. RECOMMENDATION

The Integration Joint Board is asked to:

- 2.1. note the passing of the Carers (Scotland) Act on 4 February 2016
- 2.2. note the main provisions and implications of implementing the Carers (Scotland) Act 2016, in particular the potential cost pressures
- 2.3. consider the establishment of a short life working group to take forward the actions required to meet the duties as described in the Act.

3. BACKGROUND

The role of carers is widely recognised as being fundamentally important in supporting people to continue to live in their own homes and communities. Carers often live with the consequences of caring: poor health and wellbeing, financial hardship and the inability to participate in activities that others take for granted, such as work, learning, leisure and family life. The provision of unpaid care is a key indicator of care needs and has important implications for the planning and delivery of health and social care services.

There are an estimated 492,231 carers in Scotland (Census, 2011). The Census estimated 28,014 of these carers are within the Forth Valley area. However as a large proportion of carers don't identify themselves in this role, using estimates based on the Scottish Household Survey, this would indicate that around 22,000 carers live in the Falkirk area.

The total contribution of carers has been estimated at £10.3 billion for Scotland which equates to around £283 million in the Falkirk area. Recognising the contribution of carers in supporting the delivery of care the Scottish Government decided to support carers through the establishment of a legislative framework.

The Carers (Scotland) Bill has now completed its passage through Parliament with stage 3 concluding on 4 February 2016. It is anticipated that the Act will be implemented from April 2017.

4. SUMMARY OF MAIN PROVISIONS AND IMPLICATIONS OF THE CARERS ACT 2016

The intention of the Act is to ensure that carers of any age are supported to continue with their caring role, should they wish to do so, and are able to have a life alongside their caring responsibilities. For young carers the intention is also to ensure that they have a childhood similar to their non-carer peers.

In addition, the legislation widens the definition of a carer, removing the requirement for a person to be providing or intending to provide regular and substantial care to someone receiving community care services.

The Act clarifies the position on which local authority is responsible for completing assessments where carers and the person cared for live in different local authority areas. For adult carers, it will be the local authority in which the person receiving care lives. For young carers the responsibility for preparing the statement will remain with the authority in which they live.

The legislation requires that Local Carers strategies are jointly authored by local authorities, NHS Boards and local carers' groups, for example Falkirk and Clackmannanshire Carers Centre are fully involved in this process.

The Carers Act 2016 introduces a range of new provisions to identify, assess and support carers which are subject to further guidance and regulation. These provisions could be delegated to the IJB but would require further discussion with partners before proceeding. A summary of the new provisions is provided below:

- The joint creation of local carers' strategies by Local Authorities and Health Boards
- requires local authorities and health boards to involve carers in the design, development and delivery of carer services
- A statutory duty to offer and prepare an Adult Carer Support Plan (ACSP) or Young Carers Statement (YCS) for anyone identified as a carer or for anyone who requests an assessment and appears to be a carer
- A duty to provide support to carers whose needs meet local eligibility criteria. Within this consideration must be given to whether support should include the provision of a short break
- A power to provide support and/or information and advice to carers whose needs do not meet eligibility criteria

- The waiving of all charges for support provided to carers
- A duty to establish and maintain, or where a service already exists, continue to provide an information and advice service for carers
- The publishing of a short breaks statement by Local Authorities
- Greater requirements to involve carers in service design and delivery including in the development of local eligibility criteria
- A duty to include carers in hospital discharge planning

To ensure delivery of the Carers Act 2016, a suite of regulations and guidelines supporting the legislation will be published over the coming year. Alongside these, Scottish Ministers will set timescales for the development of Adult Carer Support Plan (ACSP) and Young Carer Statement (YCS). There will also be specific regulations where the adult or young person cares for someone with a terminal illness. Processes and timescales for reviewing strategies and local policies and the monitoring and evaluation of the legislation will also be covered.

Scottish Ministers will retain a number of powers, including the power to set national eligibility criteria, should local criteria be deemed to be ineffective, and to make further regulations in relation to ACSP and YCS including what information they must contain and the frequency and procedure for reviews.

5. CONCLUSIONS

There are a number of initiatives already in place that will allow for further development of support for carers in the Falkirk Partnership area for example, Integration Fund, Carers Forum, existing support from carers provided by the Third Sector.

The partners will be required to put arrangements in place to meet the new statutory duties described above.

Preparation for implementation of the Act will require resources to ensure that services are in a position to meet the statutory requirements and development of a Local Carers Strategy.

Partners will have to discuss further what duties can be delegated to the IJB to ensure that the requirements of the Act are met.

Resource Implications

Advice and information for carers in Falkirk is provided by Falkirk and Clackmannanshire Carers' Centre who receive £206,000 from Falkirk Council to provide this service. NHS Forth Valley also provides funding to Carers organisations to support their work including the Carers Information Strategy. The level of financial support relating to the Falkirk Partnership is currently £191,000 per annum. Funding for Carers organisations is also provided through the Integrated Care Fund and equates to approximately £182,000.

The Carers Act is likely to result in an increased demand for assessment and support services. From enactment of the Act in 2017/18, the Scottish Government expects the demand for assessments to increase slowly with the percentage of carers receiving an Adult Carer's Support Plan rising to 16% by 2021/22.

For the whole of Scotland implementation, costs are estimated at between £17.5m and £19.4m in the first year, rising to between £76.8m and £88.5m by 2021-22. The majority of additional costs are expected to fall on local authorities and relate primarily to the preparation of ACSP/YCS and the provision of support for adult and young carers. Additional support for adult and young carers is expected to cost an additional £60.1m per annum by 2021-22. The estimated additional resource implications in the Falkirk area are £1.65 M

The Scottish Government estimates that 60% of adult carers with an Adult Carer's Support Plan and 69% of young carers with a Young Carers Statement will be eligible for additional care and support. Based on the figures for 2021/22

The Carers Act has financial implications in terms of direct service delivery costs and indirect resourcing costs due to the f waiving charges to carers. This impact has still to be assessed for the Falkirk area.

There is an assurance that the waiving of charges to carers will be funded from the point that the Carers (Scotland) Act comes in to force. Social Work Scotland Resources Committee and the Scottish Government Information Service Division have worked together to arrive at an estimate of the income councils will lose from charges. This work produced an estimate of £16 million.

In the meantime COSLA continues to pursue the matter of funding as their understanding is that no additional funding will be provided by the Scottish Government in 2016/17. Given the requirement to waive charges arises from the use of a power and not a duty, the government's policy position is that councils must find the funds from within existing resources, or choose not to use the power. COSLA is also pursuing an agreement with Scottish Government to re-open funding negotiations should demand exceed Government estimates.

Impact on IJB Outcomes and Priorities

The implementation of the Carers Act 2016 supports the delivery of the Partnership outcomes and priorities.

Legal & Risk Implications

The legal and risk implications should be evaluated as further regulation and guidance is published.

Consultation

It is anticipated that further engagement will be required during the development and implementation of further regulations and guidance especially in relation to the Carers Strategy.

Equalities Assessment

An EQIA should be carried out on the Carers Strategy and associated steps being taken in relation to delivery of the Carers Act 2016 within the Partnership area.

Approved for Submission by: Patricia Cassidy, Chief Officer

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Date: 13th May 2016

List of Background Papers:

None