

**Title/Subject:** Carers Act - Progress Report  
**Meeting:** Integration Joint Board  
**Date:** 16 June 2017  
**Submitted By:** General Manager, Community Services Directorate, NHS Forth Valley  
**Action:** For Noting

## 1. INTRODUCTION

- 1.1 The Carers (Scotland) Act 2016 is due to commence in April 2018 and discussions have been underway at a national level to address issues identified during the legislative programme.
- 1.2 The Carers Act National Steering Group has been established to oversee the process. They have produced an outline timeline, initiated a series of work streams, including pilots, and identified key areas that will be taken forward during 2017. A letter was also circulated to Chief Officers which identified the legislative and regulatory programme (Appendix 1).
- 1.3 Health and Social Care Partnerships have been identified as having a major role in the effective implementation of the Act as a local level. A working group has been established (Appendix 2) and met for the first time on 30<sup>th</sup> May 2017. It is expected that the working group will complete an audit of what the requirements would be for commencement of the Carers Act in April 2018 in the Falkirk Partnership area and develop an implementation plan.

## 2. RECOMMENDATION

The Integration Joint Board is asked to:

- 2.1 note the progress made with planning for the implementation of the Carers Act 2016.

## 3. BACKGROUND

- 3.1 The new Act will place significant responsibilities on public bodies. There are financial, organisational and planning implications and further guidance will be forthcoming from work streams nationally. Commencement of the Carers (Scotland) Act 2016 will be from April 2018.
- 3.2 Carers Act Reports were previously presented to the IJB on 3 June and 15 August 2016.

## **4. CARERS ACT - PROGRESS REPORT**

4.1 The Act has a range of new provisions to identify, assess and support carers, the definition of a carer is also widened from someone carrying out regular or substantial care to the focus on the individual receiving community care services. The main areas are summarised below:

- Development of local eligibility criteria with guidance expected in June 2017 with six months timeline to complete (see item Eligibility Criteria and RAS in agenda).
- A statutory duty to offer an Adult Carer Support Plan (ACSP) or Young Carers Statement for anyone identified as a carer, anyone who requests an assessment and appears to be a carer (this will have specific timescales associated for someone who is terminally ill).
- 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.
- The waiving of all charges for support provided to carers.
- A duty to include carers in hospital discharge planning.
- A power to provide support/and or information and advice to carers whose needs do not meet the eligibility criteria.
- A duty to establish and maintain, or where a service already exists, continue to provide an information and advice service to carers.

4.2 The areas already identified for action nationally include:

- Identification of carers
- Development of data to allow effective monitoring of implementation.
- The joint creation of local carers' strategies by Local Authorities and Health Boards.
- The publishing of a short breaks statement by Local Authorities.
- Requirements to involve carers in service design and delivery including in the development of the eligibility criteria.
- Development of a Toolkit to assess local progress against implementation of the Act.

4.3 While local partners are expected to deliver associated outcomes including:

- Mapping of current resources, information, service mapping and planning
- Estimation of impact of Carers Act locally and resource requirements
- Preparation of short breaks statement
- Development of eligibility criteria an associated carers assessment process.
- Development of Carers Strategy that reflects Partnership arrangements.
- Produce a communications/engagement plan
- Development of performance monitoring arrangements to reflect requirements of national programme.

## **5. CONCLUSIONS**

- 5.1 An audit of the current position in the Falkirk Partnership area is underway along with development of an implementation plan to deliver the Carers Act locally.
- 5.2 An initial awareness raising session for staff was held on 27<sup>th</sup> March 2017 (summary Report in Appendix 3) and engagement has progressed on the development of local eligibility criteria (see paper agenda item 9).
- 5.3 Although the national work streams have still to produce a number of outputs it should be possible to agree an overall strategy and have key building blocks in place to ensure that partnership meets the implementation date of April 2018.
- 5.4 The development of an integrated approach within the partnership area will require agencies to work together and produce an approach which builds on existing good practice and takes advantage of mechanisms that are already in place.
- 5.5 However a significant range of actions will need to be taken forward from June 2017 and over the lifetime of the new Carers Strategy from 2018-2021.

### **Resource Implications**

To be reviewed as part of the development process.

### **Impact on IJB Outcomes and Priorities**

Would support the delivery of Partnership priorities.

### **Legal and Risk Implications**

As commencement of the Carers Act will involve a statutory and regulatory framework a full risk assessment will have to be completed as these elements are published.

As a number of areas have still to be clarified a full financial and resource assessment will be completed as part of the development process.

### **Consultation**

An engagement and consultation plan will be developed as part of the development process.

### **Equalities Assessment**

The intention of the Carers Act is to ensure that the Equality and Human Rights of Carers are addressed and key elements of the Action Plan will require completion of an impact assessment.

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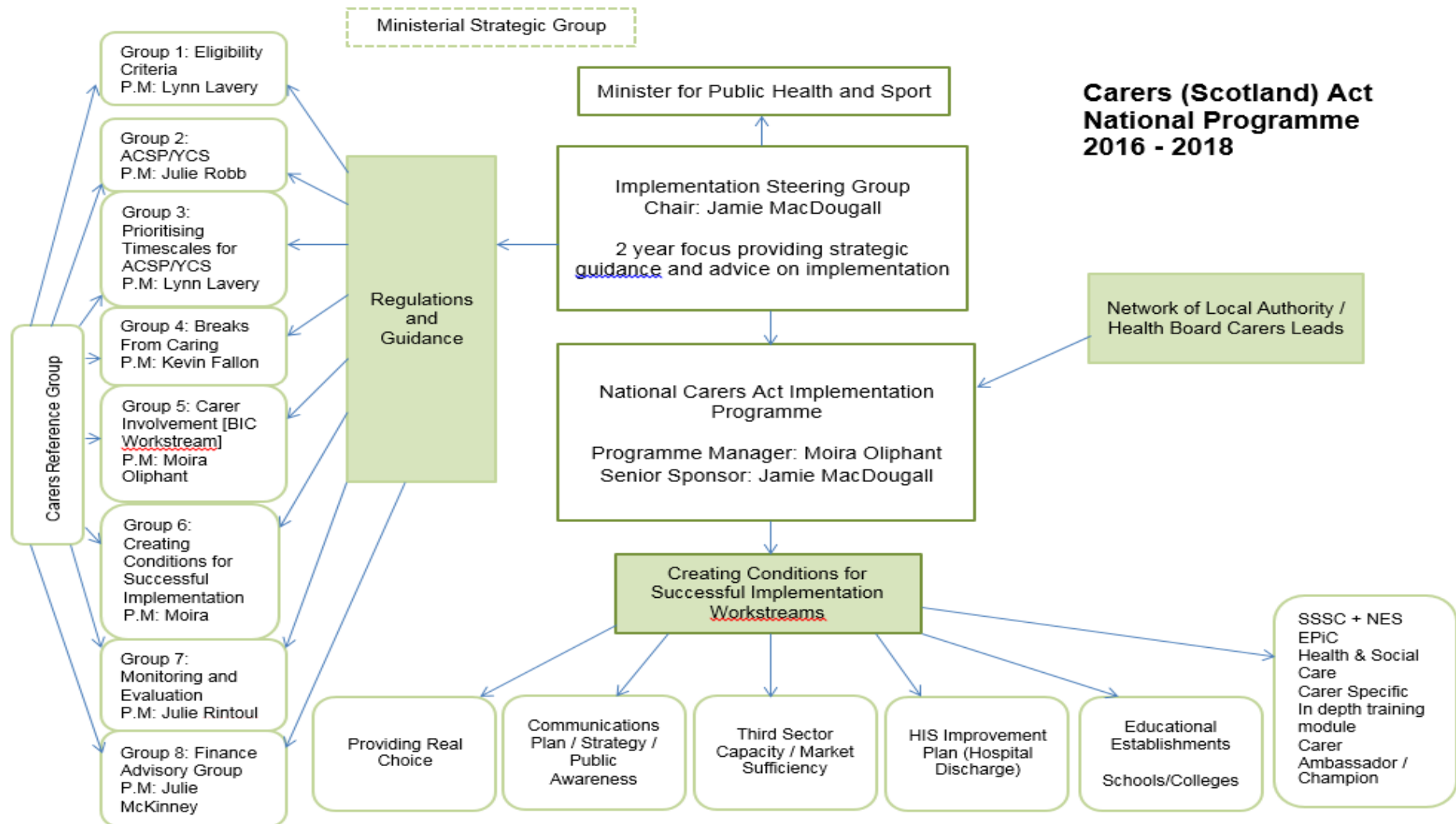
**Approved for Submission by:** Kathy O'Neil, General Manager, NHS Forth Valley

**Author:** Robert Stevenson, Senior Planning Manager, NHS Forth Valley

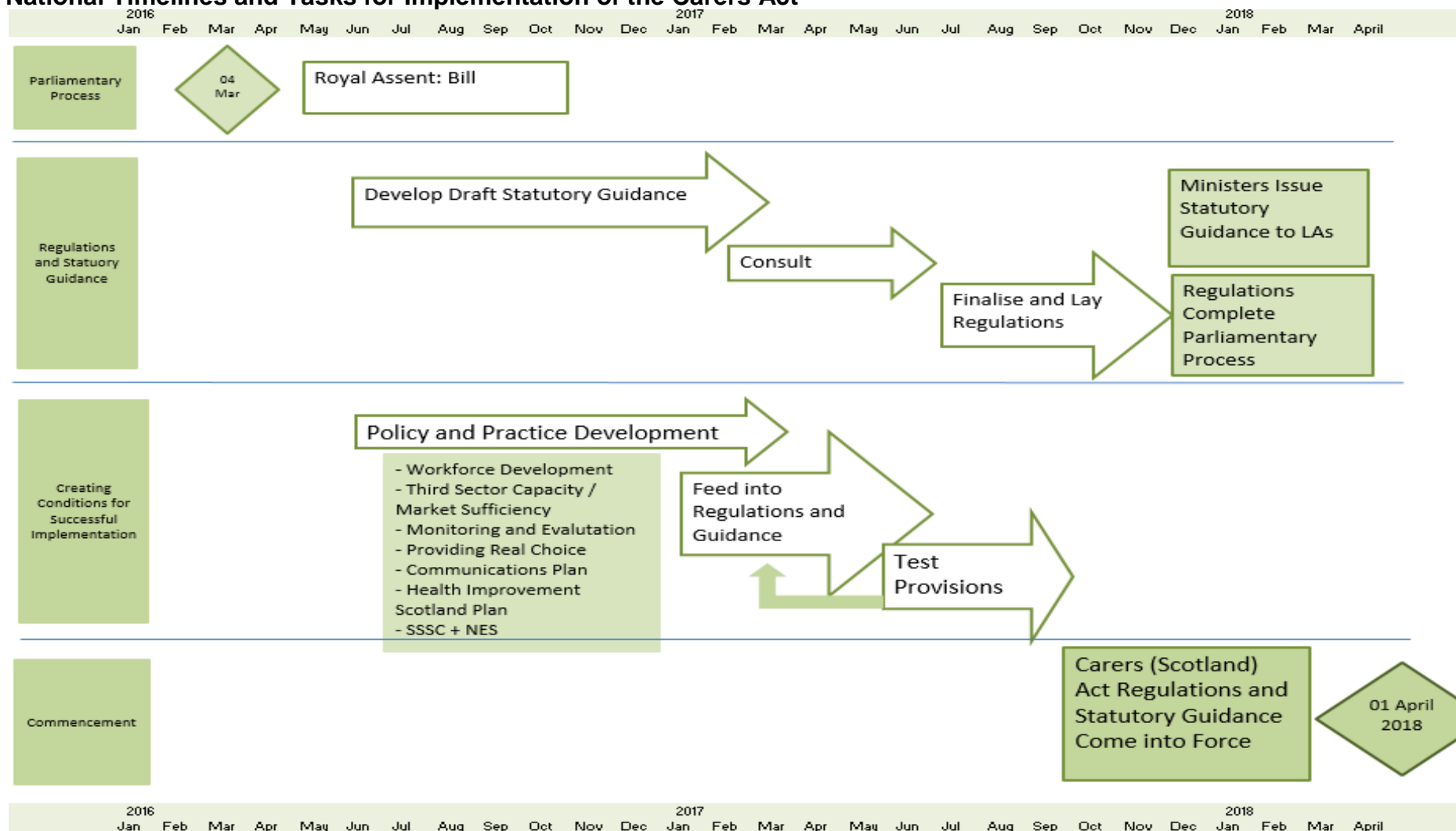
**Date:** 24 May 2017

**List of Background Papers:** The Carers (Scotland) Act 2016

## Appendix 1 Carers Act - National Steering Group and Programme for Implementation 2016-2018



## National Timelines and Tasks for Implementation of the Carers Act



<b><u>Tasks</u></b>	<b><u>Expected by</u></b>
<b>1. Commencement regulations</b>	Signed in May 2017
<b>2. Section 1 (3) Definition of carer to include kinship carer 1. This puts beyond doubt that kinship carers' "agreement" under regulation 12 of the Looked After Children (Scotland) Regulations 2009 with a local authority is not considered a "contract" for the purposes of the Carers Act under section 1(2)(b)(i).</b>	Laying in Parliament June 2017
<b>3. Sections 22(2) &amp; 22(3) prescription of date from which period of 6 month period of publication of first Local Eligibility Criteria</b>	Laying in Parliament June 2017
<b>4. 1<sup>st</sup> review and update of Impact Assessments</b>	June 2017
<b>5. Prescribed functions under Public Bodies (Joint working) Scotland Act 2014</b>	June 2017 (This is led by Integration, rather than Carers Branch)
<b>6. Public consultation on other regulations (see 11-14)</b>	TBC (Summer 2017)
<b>7. Pilot areas testing some provisions in the Act</b>	Work underway. Expected to report back in October 2017.
<b>8. Readiness toolkit for: local authorities where children's services are not integrated; ADES; COSLA and Social Work Scotland to use to self-evaluate, and to self-assess local activity and progress which supports implementation of the Act</b>	Being developed. Possibly to be issued in June 2017 and November 2017 for Integration Authorities to share information (this is an optional framework and dates TBC).
<b>9. Draft statutory guidance</b>	Draft prepared by December 2017 – publication date TBC
<b>10. Carers Charter (under section 36 of the Act)</b>	Basic draft charter prepared in time for public consultation – TBC (Summer 2017)
<b>11. Section 10(a) &amp; 16(a) Review of Adult Carer Support Plan and Young Carer Statement</b>	Laying in Parliament December 2017 (TBC)

<b><u>Tasks</u></b>	<b><u>Expected by</u></b>
<b>12. Section 25(2)(a) Specifying the form of support that may be provided as a break from caring</b>	Laying in Parliament December 2017 (TBC)
<b>13. Section 35(4) Specifying for local authorities further information about the preparation, publication, and review of short breaks services statements</b>	Laying in Parliament December 2017 (TBC)
<b>14. Section 43 Ancillary provision setting out, in particular, how carers who are already assessed and/or receiving support under existing legislation should be treated following commencement of the main provisions of the Act on 1<sup>st</sup> April 2018</b>	December 2017
<b>15. 2<sup>nd</sup> review and update of Impact Assessments</b>	November 2017
<b>16. Carer Act comes into force</b>	1 <sup>st</sup> April 2018



## Appendix 2 Carers Act Implementation Working Group Membership

Name	Job Title	Organisation
Marilyn Gardiner	Service Manager	NHS Forth Valley
Nikki Harvey	Service Manager	Falkirk Council
Calum McDonald	Principle Information Analyst	Information Services Division
Andi Hong	Finance	Falkirk Council
Holly McGoldrick	Deputy Centre Manager	Central Carers
Agnes McMillan	Centre Manager	Central Carers
Margaret Petherbridge	Project Development Manager	Falkirk Council
Robert Stevenson (Chair)	Senior Planning Manager	NHS Forth Valley
Lesley Thomson	Head of Community Nursing	NHS Forth Valley

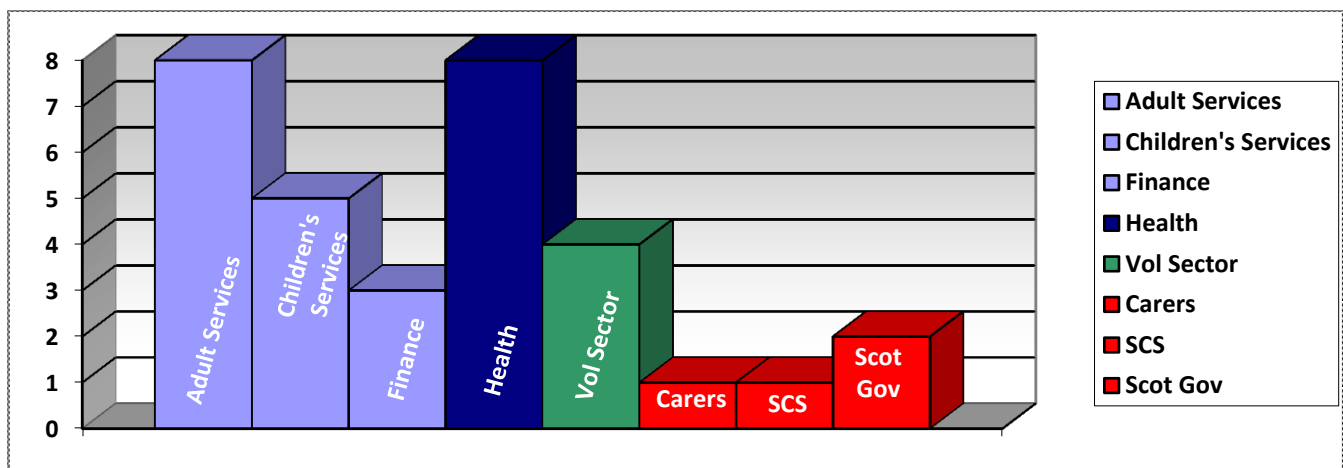
### Appendix 3 Summary Report, Carers (Scotland) Act 2016, Workshop to prepare for the implementation, 27 March 2017, Camelon Education Centre

Falkirk Council's Project Development Manager for Self-directed Support with assistance from the Development Worker for the Short Breaks Bureau arranged a workshop to help prepare for the implementation of the new carers act on 1 April 2018. The purpose of the workshop was:

- To provide an overview of the Carers (Scotland) Act 2016 and to explain why this legislation has been developed
- To set out the 'headline' provisions of the Act, including new statutory duties
- To explore the implications of the Act on our work, and also how it will support existing good practice
- To identify further actions to be taken forward to ensure we are ready for implementation

The workshop consisted of an introduction from a Service Manager for Adult Services at Falkirk Council (Laura Taylor-Howat), a presentation from Shared Care Scotland (Don Williamson), a carer's perspective (Lynne MacDonald, and an overview of the legislation by the Scottish Government (Moir Oliphant). A total of 32 people attended across a wide range of services:

**Attended:** Carers Centre, and Carer, Falkirk Council Adult Services, Children Services, and Corporate and Housing, NHS, Scottish Government, SDS Forth Valley Support Service, and Shared Care Scotland



#### What more can we do to help people prepare for the Carers Act

- Keep the momentum going following this workshop and arrange future workshops or similar events.
- Maintain good communication
- Provide access to further learning and opportunities to share learning with colleagues and partners.
- Ensure clarity in who would coordinate between adult, children, and education services.
- Encourage co-production and equal partnerships between people who access services, carers, and professionals.

### **What was interesting about today**

- Presentation from Scottish Government - led to a multi-agency discussion.
- Case study exercises interesting
- Carer's perspective presented by Lynne MacDonald.

### **What are you going to follow up on what you have learned today**

- Communication methods were high on the agenda going forward.
- Keen to develop stronger links with education and involve them in planning discussions for implementing the act.
- Keen to gather as much information as possible and view the legislation in more detail to establish how it relates to current practice.
- Attendees noted intentions to feedback learning from the case studies to colleagues to encourage further discussion
- Attendees involved in assessment and support planning as part of their role are motivated to continue with and record outcomes focussed conversations with carers

### **Unresolved questions**

Unresolved questions and concerns included the following:

1. Capacity / current resources – with additional carer assessments to be completed this will naturally increase workload and as resources have already been reduced how will this new duty impact on capacity?
2. Consent to share – who is responsible? Is there a universal document?
3. End of Life – How will this be defined?
4. Named Person – What will the role of the named person be in relation to Young Carers Statements
5. Carer needs – How do we differentiate between the carers needs and the supported person's needs?
6. Implementation – How do we implement the Act?
7. Assessments – Who will carry out the assessments?
8. Duty on Health Boards – What next if concerns / issues / support need identified?
9. Processes – Will our processes become more complex

The guidance to accompany the Carers (Scotland) Act 2016 is expected to be available late 2017/early 2018 and should clarify many of the above questions/points.