



Title/Subject: Carers (Scotland) Act 2016: Implementation Report
Meeting: Integration Joint Board
Date: 6 October 2017
Submitted By: Head of Social Work Adult Services
General Manager, Community Services Directorate
Action: For Decision

1. INTRODUCTION

1.1 On 16 June 2017, the Integration Joint Board received a progress report on the Carers Act. This report advised that:

- The Carers (Scotland) Act is due to commence on April 2018.
- The Carers Act National Steering Group had been established to oversee and direct planning, guidance and implementation of the Act. This Group has produced an outline timeline, progressed a series of workstreams and identified key areas to be taken forward.
- Locally we have established a Falkirk Carers Act Implementation Group to plan for and implement the requirements of the Act across the Falkirk area.

1.2 This report now advises on:

- The issuing of draft Regulation Guidance for consultation on the main requirements of the Act, and
- Sets out the Falkirk Health and Social Care Partnership (HSCP) state of readiness in preparation for the implementation of the Carers (Scotland) Act 2016 from 1 April 2018.

2. RECOMMENDATION

The Integration Joint Board is asked to:

- 2.1 note the actions already taken or planned locally in relation to preparation for the Carer's Act's commencement at Appendix 1
- 2.2 note the proposed stake holder engagement approach described in Appendix 2

- 2.3 remit the Leadership Team to consider proposals for allocations against the additional resources to support preparation for the Act as noted at 4.5
- 2.4 request that regular reports are presented to the IJB.

3. **BACKGROUND**

- 3.1 The Carers (Scotland) Act places new duties in relation to Carers and include:
- The preparation and publication of a “**Carers’ Charter**”. This is a responsibility under Section 36 of the act falling to Scottish Ministers
 - Supporting Carers to develop **Adult Carer Support Plans** (replacing Carers’ assessments) or **Young Carers’ Statements**
 - Setting local **Eligibility Criteria** to determine which Carers are eligible for support (and support must be given to meet their eligible needs)
 - Making information available about a wide range of **short breaks**
 - Involving Carers in the **planning and development** of Carers’ services and in the planning of care services for the person they care for
 - Involving Carers in **hospital discharge planning** for the person they care for
 - Maintaining an ‘**information and advice service**’ for Carers that provides information and advice about Carers’ rights, income maximisation, education and training, advocacy for Carers, health and wellbeing, bereavement support, and emergency planning and future care planning
 - Preparing a new local **Carers’ Strategy**.
- 3.2 A multiagency Falkirk Carers Act Implementation Group has been established to oversee the preparation required for the commencement of the Carers Act. As a HSCP we have also made a significant contribution to the development of the draft Regulations in concert with the Scottish Government Carers Policy Branch.
- 3.3 Draft Regulations have been issued for consultation on all of the above new duties.

4. **CARERS ACT IMPLEMENTATION**

Implementation Summary

- 4.1 The Scottish Government’s Carers Policy Branch requires HSCP to periodically demonstrate their state of readiness for the introduction of the Act by submitting evidence of progress and planned progress against the key requirements and additional duties of the Act. Appendix 1 sets out our current position. This will continue to be developed and updated by the Implementation Group as we move to April 2018 and will be supported by the inclusion of a risk register.

- 4.2 Key elements of the implementation process are underway with a focus on co-production with carers. A engagement and communication plan (Appendix 2) is being developed and will be further rolled out from November 2017 to January 2018. Stakeholder sessions will be held with carers to discuss legislative areas further, including eligibility criteria draft guidance (as it emerges) and the development of the carers strategy. The intention is to have a concentrated series of sessions and discussion across November and December 2017. Consideration of the outcomes from these sessions will be incorporated into a Falkirk Partnership Carers Strategy. This strategy will then be brought back to the IJB for approval early in 2018. All aspects of the progress made and to be made in relation to planning for and the implementation of our additional duties under the Carers Act will be reported through the Leadership Team.

Resource Implications

- 4.3 The Financial Memorandum associated with the Act has been the subject of much debate between the Scottish Government and COSLA. At this time we have no clarity on the overall additional funding level to be made available to allow the implementation of those requirements of the Act which place additional functions on Local Authorities, Health Boards and Integration Joint Boards. This lack of clarity allied to the timetable associated with the final issuing of Regulations is a significant issue in ensuring a smooth and planned approach to the implementation of the Act locally.
- 4.4 The announcement of the budget settlement for 2018/19 will provide clarity on the additional funding to be made available to HSCPs to meet the on-going new duties associated with the Act. This will, once available, be the subject of a future report to the IJB.
- 4.5 The Scottish Government recognised that the preparation for the implementation of the Act will bring with it some financial burdens. To this end additional resources were allocated as part of the 2017/18 settlement. In relation to the Falkirk HSCP this equates to £57k. Proposals on the use of this allocation are being considered. It is proposed that the Leadership Team consider and approve allocations against this to ensure pace of implementation between meetings. Regular updates will be reported to the Board.
- 4.6 It is also hoped that there will be greater clarity from the Scottish Government on the Waiving of Charges to carers. When the Regulations linked to the Social Care (Self Directed Support) (Scotland) Act were published in 2014, the waiving of charges did extend to the cost of replacement care with no financial memorandum to provide extra funding to cover the costs of this power. The Scottish Governments' view then was that this Regulation is a power and not a duty and so should be funded through existing budgets, if an authority decides to implement the waiving of charges. It is hoped that the on-going discussions with COSLA will bring clarity on the level of funding required for the waiving of charges as the power to support carers becomes a duty from next April, and also provide further guidance on the existing Regulations in relation to how respite support is classified as to benefit the carer or the cared for.

Governance

- 4.7 The Carers Act, in the main, directs Local Authorities and Health Boards to discharge duties under the terms of the Act, as opposed to IJBs. The issue has been raised with the Carers Policy Branch of the Scottish Government who advise that clarity on this will be issued in the form of Guidance/ Statutory Instrument.
- 4.8 Parallel to this we have the position of certain requirements of the Act such as those relating to young carers remaining with the local authority in line with the Public Bodies (Joint Working) Prescribed Local Authority Functions etc (Scotland) Amendment regulations. Where local authorities have chosen not to delegate carers support services for young carers, then the responsibility for deciding local eligibility criteria for young carers rests with the Local Authority.
- 4.9 It is important that the IJB is mindful of this as we move to implement our responsibilities under the Carers Act. This, from time to time may mean that issues which are being considered, for example the adoption of an approach to Young Carers Statements may require approval through the Children's Planning process and at Council level prior to being aligned to the wider IJB carers' strategy. Similarly, decisions on investment on carers matters where there is a young carers element may require consideration through this route.

Action on Adult Carer Support Plans

- 4.10 We will over the autumn/early winter look to develop our version of the Adult Carer Support plan (ACSP). This will build on the draft guidance, learning from the pilot sites on ACSP established by the Scottish Government and also developing on from the work already commissioned by the Carers Act Implementation Team, in concert with the Carers Centre and carers, to assess and modify current Adult Carer Support Plan documentation in light of current guidance.
- 4.11 Through the revised adult services Eligibility Criteria and Resource Allocation System one service will be able to identify those carers who carry out a substantive caring role. This will allow us to prioritise these carers as we move to introduce the Adult Carers Support Plans and carers eligibility criteria.

Action on Young Carers Statements

- 4.12 Through the Carers Act Implementation Group including those representing Children's Services we will look to prepare and plan for the local authority response required to meet the Council's obligations in respect of Young Carers Statements. We will look to co-produce our implementation arrangements with young carers and young carers' organisations.

- 4.13 Through the Carers Act Implementation Group we will also oversee and report on the progress of those responsibilities to be assumed by Health in respect of the pre-five age group who have caring responsibilities.
- 4.14 We will through the Council's Children's Services report back, subject to Council approval, on the approaches to be adopted in developing our local Young Carer Statement and our proposals on the roll out of Young Carers' Statements across Falkirk.

Appendix 3 sets out more detailed information on the draft guidance received to date.

5. CONCLUSIONS

- 5.1 The successful implementation of the requirements of the Carers Act is a significant challenge to the IJBs. However the importance of carers to the health and social care system, and their importance as equal partners in care is recognised and welcomed.

Resource Implications

These will be considered as part of the implementation process and outcome from the national Strategic Spending Review. The resource implications will be reported through the Chief Finance Officer reports to the Board.

Impact on IJB Outcomes and Priorities

Carers have been identified as one of the priorities within the Falkirk Health and Social Care Partnership Strategic Plan 2016-2019 and this is aligned to the National Health and well-being Outcome relating to carers.

Legal & Risk Implications

See Governance section of the report

Consultation

No consultation required at this stage on the content of this report.

Equalities Assessment

Not applicable in terms of the contents of this report.

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List of Background Papers

Appendices 1 - 3

Carers Act

Financial Memorandum on Carers- Scottish Government

Appendix1

Falkirk Partnership Carers Act – Implementation Plan Summary -21 July 2017

	Main Areas	Action (s)	Lead/s	Start	Comp	Progress
1.	Produce local carers' strategies by Local Authorities and Health Boards	Develop partnership Carers Strategy with implementation plans	RS	March 18	June 18 onwards	
2.	Develop communications/ engagement plan	Develop Communications/Engagement Plan	RS	Jun 17	Dec 17	Draft produced
3.	The publishing of a short breaks statement by Local Authorities	Design and publish short breaks statement	MP	April 18	Dec 18	
4.	Involve carers in the design of implementation plans including in the development of the eligibility criteria	Implement the Partnership Participation and Engagement Strategy Develop carers' eligibility criteria in partnership with carers and their representatives	MP/VT/AMM	Sept 17	Dec 17	Underway
5.	A statutory duty to offer Adult Carer Support Plan (ACSP) or Young Carers Statement to anyone identified as a carer, or anyone who requests an assessment and appears to be a carer (this will have specific timescales associated for someone who is terminally ill)	Development of: 1. Adult Carer Support Plans 2. Young Carer Statements 3. Timescales associated for those caring for someone who is terminally ill	MP/VT/AMM	June 17	Feb 18	Underway
6.	A duty to provide support to carers whose needs meet local eligibility criteria	Breaks from Caring - Regulations & Guidance will be published during 2017/18 Range of existing and new supports to be included in Local Carers Strategy	MP/NH/ Don	Jun 17	Dec 17	Underway
7.	A financial review to determine current resources and estimated impact of	Development of a more detailed resource plan based on potential impact of Act's	Resource Group led by	Nov 17	Feb 18	Some initial modelling

	Main Areas	Action (s)	Lead/s	Start	Comp	Progress
	implementing the Act including the cost of waiving of all charges for support provided to carers	requirements of waiving charges and underpinning delivery of the Local Carers strategy	Finance Services			underway
8.	A duty to include carers in hospital discharge planning with a focus on work force development	<p>Review current arrangements in relation to identification of carers including:</p> <ol style="list-style-type: none"> 1. Numbers of carers identified. 2. Referrals to appropriate agencies. <p>Deliver OD program once national guidance is produced.</p>	TBC	Oct 17	Jan 18	Need to develop models to discharge this duty involving acute and community hospital staff/ carers centre and hospital discharge team
9.	A duty to establish and maintain, or where a service already exists, continue to provide an information and advice service to carers	<p>Review and ensure services delivered continue to be aligned to Health & Social Care Partnership, local and national outcomes.</p> <p>Ensure that information and support provision is aligned to Carers Act by:</p> <ol style="list-style-type: none"> 1. Carers' rights, including those set out in the carers' charter (now scheduled for 2018/19) 2. Income maximisation for carers 3. Education and training for carers 4. Advocacy for carers 5. Health and wellbeing for carers 6. Bereavement support services for carers following the death of a cared-for person 7. Emergency care planning and future care planning for carers. 	Group to determine in September 17	Oct17	Dec 17	

	Main Areas	Action (s)	Lead/s	Start	Comp	Progress
10.	A power to provide support/and or information and advice to carers whose needs do not meet the eligibility criteria	Review current arrangements for provision of advice for information and ensure appropriate referral systems	Commissioning/ Carers Centre/ Point of contact	Oct 17	Dec 17	
11.	Publication of Carers Charter	Review of national Carers Charter to ensure effective local arrangements in place (now scheduled for 2018/19)			2018/19	Draft out for consultation with response required October
12.	Commissioning arrangements to support implementation of the Act	Strategic Commissioning of support to carers underway	Resource Group/ HSCP/ Commissioning	Jun 17	Dec 17	
13.	Local Carers Needs Assessment	Needs Assessment to be updated for adult and young carers.	LIST	Aug 17	Dec 17	Underway
14.	Workforce training and organisational development	Workforce training and organisational development plan.	OD Lead/EK	Sept 17	Dec 17	Discussed - new appointment in post
15.	Risk Assessment	Risk Register to be developed and updated	RS	Jul 17	Ongoing	
16.	Performance management of process	This will be achieved through <ul style="list-style-type: none"> regular reports to the Leadership Group and IJB Completion of the Readiness Toolkit. 	RS	Jun 17	April 18 onwards	

Carers Act Implementation - Falkirk Area, Stakeholder Engagement and Communication Plan

Background

Falkirk Health and Social Care Partnership in conjunction with Falkirk Children's Services and partners will continue to prepare for the commencement of the Carers (Scotland) Act 2016 from April 2018. As part of the process we will produce a carers strategy in the course of 2018. This will set out our plans and priorities for the next five years and explain what we need to do differently to support carers.

The Carers Act Implementation process will be taken forward covering the following areas:

- Carers Strategy
- Local Eligibility Criteria
- Adult Carer Support Plans
- Young Carers Statements
- Identification of Carers
- Involvement of Carers in Hospital Discharge
- Short Breaks
- Advice and Information Services.

These areas will be supported by:

- Carers Needs Assessment for both young carers and adults
- Communication and Engagement process (See Annex 1)
- Resource work stream

Each element will be led by senior staff and will directly involve Carers organisations who will be supported by a wider review steering group and support team. These processes will be developed to ensure carers staff, patients, Third Sector organisations and other key stakeholders have the opportunity to contribute to this important implementation process.

Timescales

The programme of engagement will be further rolled out from October 2017, aiming to complete the process by the end of January. There will then be a monitoring of the changes and evaluation carried out during 2018/19 and over the lifetime of the Carers Strategy.

Key Messages

- Explain what the Carers Act is aiming to achieve
- Raise awareness of plans to implement the Carers Act
- Highlight key changes and opportunities
- There will be a new Carers Strategy for the Falkirk area.

Key Aims

- Ensure service users and key stakeholders are informed from the outset
- Ensure staff and the general public are kept updated on progress.
- Involve carers, patients, staff, voluntary organisations and other key stakeholders from the outset to ensure they have a say
- Target Audiences
- Carers
- Cared for individuals
- Falkirk Health and Social Care Partnership staff
- Falkirk Council Staff
- NHS FV Staff
- Independent contractors across Forth Valley
- Patient, service user and patient representatives (including PPFs and PPP) and their families.
- Third Sector Organisations
- Community groups, community councils and voluntary organisations
- Community representatives (including local councillor and MSPs)
- Local Media
- General Public

Channels of communication

We intend to build on existing networks and make use of a wide range of existing communication tools and channels used by Falkirk Health and Social Care Partnership, and its partners to reach as wide an audience as possible. This will include the use of:

- Public websites
- Staff intranets
- Social Media channels (Twitter and Facebook)
- Staff magazine
- Community magazines and newspapers
- Staff Briefs
- Local Media
- Face-to-face updates at key stakeholder events and meetings.
- Email updates to key stakeholders and groups.

Evaluation

Monitoring and evaluation will be carried to assess the effectiveness of the different communication channels. This will include media monitoring, social media mentions, web statistics, online feedback, feedback from meetings and engagement events. This feedback will be used to inform the ongoing development and implementation of the communication plan.

Carers Act Implementation Summary

The **Carers' Charter** (covering both adult and young carers) is currently out for consultation with a response deadline of the 22 October 2017. The Charter in itself does not create any new rights for carers or alter any existing rights. The Charter therefore meets the aspiration of the National Carers Strategy 2101-2015, through the legislation, to ensure that carers have their rights recognised. The Charter is intended to ensure that carers are aware of their rights as carers and as such, just covers their rights in or under the Act. Linked to this is the requirement of local authorities to have a local information and advice service about a number of things including carers rights as set out in the Carers Charter.

Draft guidance on the new duty to set local **Eligibility Criteria** is well advanced and it is expected that the final guidance will be issued shortly before that duty to develop local eligibility criteria takes effect from the 1 October 2017. Section 21 of the Act sets a duty on each local authority to set local eligibility criteria which are to apply to its area. Section 22 sets out the duty on each local authority to publish its local eligibility criteria and duties regarding review of the local eligibility criteria

The Public Bodies (Joint Working) Prescribed Local Authority Functions etc) (Scotland) Amendment regulations requires that the responsibility of setting local eligibility criteria for adult carers lies with Integration Joint Boards but where local authorities have chosen not to delegate carer support services for young carers, then the responsibility for deciding local eligibility support for young carers rests with the local authority

This is the case locally, and this, and related matters associated with governance arrangements will be raised later in this report. What is needed locally is terms of eligibility criteria is a joint agreement between Children and Family services and the IJB on local eligibility for carers given the crossover relating to adult carers who are supporting disabled children and young carers supporting disabled adults.

Section 24 requires the responsible local authority to provide support for carer to meet their "eligible needs" i.e. those needs that cannot be met through support to the cared for person or through accessing services generally and which meet the threshold of support set by the eligibility criteria. The local authority also has the power to provide support to meet other identified needs which cannot be met through support to the cared for person, or services generally but which do not meet the threshold of support set by the eligibility criteria. If a carer's identified needs meet the local eligibility criteria and the carer is assessed as requiring a break from caring, and cannot take that break without replacement care being provided for the person they care for, then the local authority has a duty under Section 24(4)(a) to provide or arrange the replacement care, whether or not the cared for person has eligible social care needs in their own right.

To date we have within Adult Services developed revised eligibility criteria and associated RAS as previously reported to the Leadership Group and IJB, with agreed timelines for implementation and roll out.

We need to ensure that the national guidance on eligibility criteria is consistent with our revised local eligibility criteria and develop a separate eligibility criteria for carers. We need to ensure that we are clear across Adult Services and Children's Services how we deal with the young carer/ older adult cared for and older carer/younger cared for dimension and put in place any necessary joint agreement/protocol(s) associated with this.

Section 22(1) requires each local authority to publish its local eligibility criteria and it is recommended that the local eligibility criteria (indicators and threshold) are published at least on-line and be readily available across carers and managers and practitioners across the statutory and third sectors.

Section 22(2) provides that the eligibility criteria must be published by 31 March 2018.

Action on Eligibility Criteria

We will work with carers and carers' organisations to co-produce draft eligibility criteria for carers. This will be undertaken under the direction of the Carers Act Implementation Group over September to November 2017 followed by wider consultation on the same across December to January 2018. This will then be presented to the IJB for approval prior to its publication by the end of March 2018 and its introduction from April 2018. In undertaking this, we need to be mindful to ensure our developed systems meet the requirement to give the carer the opportunity to choose one of the options for self-directed support, where eligible.

Through the revised adult services eligibility criteria and Resource Allocation System we will be able to identify those carers who carry out a substantive caring role. This will allow us to prioritise these carers as we move to introduce the Adult Carers Support plans and carers eligibility criteria.

The Carers Act directs that adult carers have a right to an “**adult carers support plan**”. The responsible local authority must offer an adult carer support plan to anyone they identify as an adult carer and must prepare an adult carer support plan for anyone who accepts this offer. They must also prepare an adult carer support plan for anyone who appears to be an adult carer if that person requests one. The draft statutory guidance on adult carer support plans has been issued. However, it will be revised further in the light of feedback and the outcome of pilot work being undertaken resulting in a revised draft guidance with final guidance being issued alongside all relevant regulations around the end of March 2018.

The purpose of the Adult Carer Support Plan (ACSP) scheme is to provide a framework for identification of personal outcomes and individual needs for support of adult carers and thereafter the provision of support to meet these identified needs. The ACSP scheme will ensure that adult carers are valued as equal partners in the provision of care to the cared for person and that their knowledge, experience and views are taken into account when a support plan is developed with them. The ACSP scheme will be in itself help increase the number of carers identified.

The “responsible local authority “in relation to an adult carer means the local authority in which the carer resides. In the context of the integration of health and social care, duties to prepare an ACSP will be delegated to the integration authority (subject to regulations).

Section 6 (1) of the Act explains that the preparation of an ASCP entails the identification of the carers personal outcomes, an assessment of a carers need for support to help them achieve their personal outcomes and agreement about the support, if any, that is to be provided by the responsible local authority. The ACSP therefore functions as the mechanism through which needs for support are monitored and support is managed.

At a local level clear procedures for how an ACSP will be undertaken and by whom will require to be established and understood. Carers will need to know what to expect when they request or accept the offer of an ACSP.

The duties are to offer and prepare an ACSP, even if the carer is not eligible for support in line with our eligibility criteria. In these circumstances, the ACSP can include signposting and access to appropriate supports, for example, universal or community based services. In all cases, the responsible local authority must inform the carer of their eligibility judgement and why it has reached this eligibility determination. Where a carer is identified as having eligible needs for support, it must discuss what these eligible needs are and outline how they may be met through the 4 options of self-directed support.

The draft guidance also advises that responsible local authorities may also wish to consider providing for a carer’s self-assessment of need for support through which carers who are willing and able to do so can provide certain aspects of the information required for the ACSP.

Section 9(1) outlines what must be contained in an ACSP including, the carers personal circumstances covering the nature and extent of care provided, its impact on the carer’s health and wellbeing, and ability to have a life of their own, daily living activities and the impact of caring on these which would cover employment training and recreation.

Section 9(1)(b) requires information about the extent to which the adult carer is able and willing to provide care for the cared for person.

Section 9(1)(c) requires information about whether the adult carer has arrangements in place for the care of the cared for person in the event of an emergency for example illness of the carer.

Section 9(1)(d) requires the ASCP to include information about whether the adult carer has arrangements in place for the future care of the person they care for.

Section 9(1)(e) requires that the ASCP must include information about the identification of the adult carers personal outcomes, that is outcomes, if achieved would enable the carer to provide or continue to provide care for the cared for person.

Section 9(1)(f) requires the ACSP to identify information on the carer's need for support. Identified needs must be recorded in the ACSP.

Section 31(2)(h) states that the local carers' strategy must set out the intended timescales for preparing adult carer support plans and young carer statements.

Action on Adult Carer Support Plans

We will over the autumn/ early winter look to develop our version of the ACSP, building on the draft guidance, learning from the pilot sites on ACSP established by the Scottish Government and also developing on from the work already commissioned by the Carers Act Implementation Group, in concert with the Carers Centre and carers, to assess and modify current Adult Care Support Plan documentation in light of current guidance.

Through the revised adult services Eligibility Criteria and Resource Allocation System we will be able to identify those carers who carry out a substantive caring role. This will allow us to prioritise these carers as we move to introduce the Adult Carers Support Plans and carers eligibility criteria.

The draft guidance on **Young Carers Statements** has been recently issued and will be revised further, in light of feedback and the outcome of pilot work on the same. Final guidance will not be issued, we are advised until all relevant regulations are finalised and this will be around the 1st April 2018.

The purpose of the young carer statement (YCS) scheme is to provide a framework for the identification of the personal outcomes and individual needs for support of young carers by the responsible authority and the substantive provision of support by the responsible authority to meet those identified needs. The YCS scheme ensures that young carers are seen as children and young people first and that they are protected from undertaking caring responsibilities and tasks which are inappropriate having regard to their age and maturity.

In order to improve and clarify the situation of individual young carers in education, health and other settings, the YCS scheme places a requirement on responsible authorities to offer a young carer statement to an identified young carer and to prepare one if that offer is accepted. Any young carer statement prepared in relation to that carer continues to have effect until the carer is provided with an adult carer support plan.

Section 12 outlines the duty on the responsible authority to offer a YCS in respect of an identified young carer and to prepare one if that offer is accepted. The duty also applies to circumstances where the young carer has asked for a YCS. The responsible authority for pre-school young carers will be the health board for that area, where the young carer resides; for young carers who attend a grant aided or independent school, it will be the directing authority of that school and for most other carers, it will be the local authority in which they live.

Section 12 (1) requires the preparation of a YCS to include the identification of a young carer's outcomes, an assessment of a carer's need for support to help them achieve their personal outcomes and agreement on the support, if any, that should be provided to the young carer. The duty to offer and prepare a YCS still apply even if the young carer's needs are not deemed eligible for the provision of support. In this context the young carer would be signposted to information and advice services and to any community based services that may be available universally or from a local carers centre.

Section 12(2) requires that a YCS be offered to any child or young person who is identified as a carer whilst **Section 12(3) and (4)** require the responsible authority to prepare a young carer statement for anyone who accepts an offer and for anyone who requests one who appears to be a young carer.

At a local level, clear procedures for how and when a YCS will be undertaken, and by whom, require to be established and understood by the relevant staff groups. Young Carers will need to know what they can expect when they request or accept the offer of a YCS and this information should be freely available.

The draft guidance expects responsible authorities to give consideration to who is best placed to prepare the YCS. This may be the local authority, a health professional or by a third sector organisation such as a young carer support provider or a carers centre. Where this function is delegated there is still the need to oversee the delivery and quality of the young carers statement process and product.

The responsible authority should also take cognisance of when a young carer in an educational setting has a co-ordinated support plan alongside current codes of practice additional support learning and guidance on attendance as they may relate to caring duties.

Section 32 of the Act requires local authorities and the relevant health board to have regard to plans for services to young carers as set out in the local children services plan, in preparing the local carer strategy plan.

Section 15(1) sets out the range of information to be contained in the YCS to establish the young carer's personal circumstances at the time of undertaking the YCS. This must include the nature and extent of care provided or to be provided as well as the impact of caring on the young carer's wellbeing and day to day life. The guidance proposes that the 8 wellbeing factors of the national Getting it Right for Every Child should be used.

Section 15(1)(b) requires the YCS to include information about the extent the young carer is able and willing to provide care whilst **Section 15(1) (c)** requires information about the extent to which the responsible authority considers that the nature and extent of the care provided is appropriate

Action on Young Carers Statements

Through the Carers Act Implementation Group including those representing Children's Services we will look to prepare and plan for the local authority response required to meet the Council's obligations in respect of Young Carers statements. We will look to co-produce our implementation arrangements with young carers and young carers' organisations.

Through the Carers Act Implementation Group we will also oversee and report on the progress of those responsibilities to be assumed by Health in respect of the pre-five age group who have caring responsibilities.

We will through the Council's Children's Services report back, subject to Council approval, on the approaches to be adopted in developing our local Young Carer Statement and our proposals on the roll out of young carers' statements across Falkirk.

Section 35 of the Act sets out the duty for local authorities to prepare and publish a short breaks services statement. The draft regulations specify that short breaks statements must include:

- A statement about their purpose –to assist carers and the cared for person to understand their options when deciding about short breaks; and
- Contact details for those responsible for the statement and that
- The information must be accessible to, and proportionate to the needs of, the persons to whom it is provided

The draft regulations specify that the first short breaks services statement should be published by the 31st December 2018, to allow time for them to be prepared and consulted on. The draft regulations also require that the views of carers and carers representative must be taken into account when preparing or reviewing the short break services statement.

Action on Short Breaks Services Statement

We will work with Shared Care Scotland to develop our Shared Care Services Statement by the deadline of December of this year. We recognise that our short breaks bureau focuses on the cared for person as opposed to the carer. The challenge of the regulation will allow us to achieve this change including through increasing the range of breaks offered and building upon the success of the Time To Live Fund and the Respite initiatives with their clear focus on carers.

The National Carers' Strategy articulated Scottish Government policy that carers should be viewed as equal partners in care. The Carers' Act strengthens in law the principle of carer involvement in the development and delivery of services supporting both carers and the cared for persons. The draft guidance on **Carer Involvement** explains the provisions relating to carer involvement in the Act as well as relevant amendments to existing acts required to make this principle consistent across relevant legislation. Carer involvement can take many forms from informing carers,

to empowering carers and carers' representatives to make decisions, as with the four options of Self-directed Support. Carer involvement also applies to all stages of a carer providing, or intending to provide, care and to all relevant authorities. In summary, carer involvement requirements cover:

- Local authorities and health boards involving carers in planning services they provide.
- Local authorities involving carers is assessing their needs for support and providing that support.
- Local authorities taking carers views into account in assessing the needs of the cared for person and, specifically regarding the discharge from hospital; of the cared for person (Section 28) and in the care assessment of the cared for person (Section 30).

Local authorities and health boards having a duty to involve carers and carers representatives in the planning and evaluation of services in line with the provision within the Public Bodies (Joint Working)(Scotland) Act 2014 to ensure that carers' interests are present within the integration authority's strategic planning.

Section 27 (6) sets out what is meant by involvement in relation to carer services and includes:

- What needs might call for the provision of services and this includes the decision making process for the setting of local eligibility criteria
- What services might be provided to meet those needs
- How services might be commissioned
- How the provision of those services might be evaluated

Further to this we have already touched on above, on carers involvement in adult carer support plans and young carer statements. **Section 28** of the Act sets out specific provisions relating to carer involvement in hospital discharge for the cared for person.

Section 29 amends the Social Care (Self-directed Support) (Scotland) Act 2013 to ensure that certain key principles must be regarded when carrying out functions relating to adult carer support plans, young carer statements, eligibility criteria and the duty to support carers. These principles are:

- A person must have as much involvement as they wish with regards to their needs assessment and support provision
- A person must be provided with any reasonable assistance to enable them to express views the person may have about the self-directed support options or make an informed choice about the options, and
- A local authority must collaborate with the person regarding the person's needs assessment and support provision.

Action on Carers Involvement

In responding to the requirements of the Act, we will put into place arrangements to demonstrate our involvement of carers in the preparation of, planning for and implementation of, adult carer support plans, young carers statements, carers eligibility criteria, hospital discharge arrangements, and the future planning of services as well as in the strategic planning of services. Carers and their representatives are fully involved in the IJB and will also be, as we move to locality planning arrangements. We will look to maximise carer involvement in service planning, service reviews and evaluation and service commissioning routinely from the continuum of the carer in their caring role through to the strategic planning of services.

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Section 28 of the Act and the associated draft guidance relates to **carer involvement in hospital discharge** of cared for persons. Section 28 places a duty on each health board to involve the carer before a cared for person is discharged from hospital by “taking steps as it considers appropriate” to:

- Inform the carer as soon as reasonably practical of the intention to discharge
- Invite the views of carers about the discharge
- Take into account the views of carers in making decisions relating to the discharge.

Section 28(3) sets out that this duty only applies where the carer can be identified without delay and where it is likely the cared for requires care after discharge. Community hospitals are also covered by this as are day patients.

The arguments for Section 28 include the detailed knowledge carers have of the cared for person's medical history as well as an understanding of other relevant issues and personal beliefs which can be of benefit when making decisions around discharge and after care and support arrangements.

Action on Carer Involvement in Hospital Discharge

Involving carers in hospital discharge has been well developed in certain areas of Scotland. The duty will mean that the Forth Valley Health Board will look at all its hospital based services including community hospital services and day patient services to revise systems and procedures used in the hospital discharge planning process, taking account of good practice and ensuring that the most appropriate processes for involving carers in discharge are in place. This will look to build upon current discharge policy and procedural agreements, discharge hub arrangements and the role of hospital link Carers Centre support arrangements in discharge.

The Act requires local authorities and health boards to produce their **Carers Strategy**. Carers have been identified as one of the priorities within the Falkirk Integration Joint Board Health and Social Care Strategic Plan 2016-2019 and this is aligned to the National Health and well-being Outcome relating to carers. A Carers Strategy is a plan for unpaid carers that:-

- Recognises what Carers tell us matters to them
- Considers who provides unpaid care and how much care Carers are being valued, provide and their current well-being status
- Details how we engage and involve Carers in the development and delivery of services
- Focuses on achieving outcomes for Carers
- Draws together areas of focus in a single plan for Adult Carers, Young Adult Carers and Young Carers
- Identifies the measures and indicators that we will use to monitor progress against outcomes

Action on the Falkirk Carers Strategy

The local Carers Act Implementation Group are developing a draft Carers Strategy in conjunction with carers and carer's representatives with a further series of stakeholder during November and December 2017.

We will continue through the course of planning for and implementation of the Carers Act, look to review the content of the draft Carers strategy with a view to bringing the final draft strategy to an early IJB meeting in 2018.

Links to Other Plans

Locally there is also the development of the related:

- CPP Single Outcome Agreement
- The Children's Services Plan 2017 - 2020

The Children's Services Plan 2017-2020 seeks to improve the outcomes for all children and young people including the needs of Young Carers throughout Falkirk. This plan is dedicated to safeguarding, supporting and promoting child well-being. This is an integrated plan which focuses on securing quality and value through an early intervention and preventative approach.

The Forth Valley Alcohol and Drugs Partnership (FVADP) and Child Protection Committee, focuses on working with children, young people and families affected by problematic alcohol and/or drug use across Falkirk. This makes reference to Young Carers who undertake a Caring role as a result of parental substance misuse.

In addition to the Falkirk Health and Social Care Strategic Plan there are a number of national plans that will be implemented at a Falkirk level to support Carers including the Scottish Mental Health Strategy (2016 - 2025) and national Dementia Strategy (2016 - 2019).