



**REPORT TO: HEALTH AND SOCIAL CARE INTEGRATION JOINT BOARD –
29 AUGUST 2017**

REPORT ON: CARERS (SCOTLAND) ACT 2016 UPDATE

REPORT BY: CHIEF OFFICER

REPORT NO: DIJB34-2017

1.0 PURPOSE OF REPORT

- 1.1 This report provides information about the Carers (Scotland) Act 2016 and arrangements in place to prepare for its commencement in April 2018.
- 1.2 Reference is made to the report DIJB30-2016 submitted to the Integration Joint Board held on 28 June 2016.

2.0 RECOMMENDATIONS

It is recommended that the Integration Joint Board (IJB):

- 2.1 Notes the Royal Assent of the Carer's (Scotland) Act 2016 on 9 March 2016 and the duties and powers placed on Local Authorities and Health Boards through this Act as outlined in this report.
- 2.2 Requests a further report detailing financial and resource implications of the Act once confirmed.
- 2.3 Instructs the Chief Officer to provide information to the IJB on any changes in policy required as a consequence of the Act.
- 2.4 Notes the extensive preparatory work being undertaken by the Health and Social Care Partnership (HSCP) and its partners in preparation for commencement of the Act as outlined in this report.

3.0 FINANCIAL IMPLICATIONS

- 3.1 A finance group was established by Scottish Government in 2016 with representation from COSLA, National Carer Organisations, and Local Authorities to profile demand and costs of assessment and support for Carers. The report has recently been completed and it is planned to undertake a local review of financial and resource implications resulting from the report to inform a financial report outlining costs associated with implementation locally.

4.0 MAIN TEXT

4.1 Overview of Carers (Scotland) Act 2016 (The Act)

- 4.1.1 The Act aims for Adult and Young Carers to be better supported on a more consistent basis so that they can continue to care, if they so wish, in good health and to have a life alongside caring. For young Carers, the intention is similar to that for adult Carers but that young Carers should have a childhood similar to their non-carer peers. The Act will commence in April 2018.

- 4.1.2 The Act defines a Carer as an individual who provides or intends to provide care for another individual (the “cared-for person”). The Act removes the substantial and regular test used in previous legislation to define the caring role and the requirement that the cared-for person must access community care services in their own right. In doing so, the Act expands who can be defined as a Carer and supports a greater focus on the impact caring has on the Carer as well as the Carers Personal Outcomes related to the caring role.
- 4.1.3 The powers and duties outlined in the Act are welcomed and will help to consolidate the progress made in Dundee in supporting Carers. Within Dundee, support to Adult Carers is a delegated function of the Integration Joint Board. Support for Young Carers remains the responsibility of Children and Families Executive Board. The Carers Partnership reports to both of these Boards.

4.2 Information and Advice

- 4.2.1 The Act introduces a duty to establish and maintain an information and advice service for Carers in their area. In doing so, the Act repeals a previous duty on Health Boards to prepare a Carer Information Strategy. This new service must provide information and advice on: -
- Carers rights,
 - Emergency and future care planning,
 - Advocacy,
 - Education and training,
 - Income maximisation,
 - Health and wellbeing,
 - Bereavement support for Carers.
- 4.2.2 Dundee Health and Social Care Partnership already provide a range of information to Carers both directly and through a range of partners in the Third Sector. It is planned to review current commissioning arrangements so that this information can be directly provided through third sector partners.
- 4.2.3 In addition, to increase awareness, identification and availability of information to Carers, Dundee Carers Centre have been commissioned to update and maintain a website called “Carers of Dundee” with information required by the Act and a range of local information to Carers. Links will be made to the new HSCP website. It is anticipated that this initiative will be completed by commencement of the Act.

4.3 Young Carers

- 4.3.1 The Act introduces Young Carers Statements so that Young Carers are supported.
- 4.3.2. The legislation directs that the Young Carers Statement must set out the Young Carers identified personal outcomes, needs and the support to be provided to the Young Carer. The Act specifies that in addition to these the Young Carer Statement must contain a range of information which includes impact of caring on the Young Carer’s wellbeing and day to day life and arrangements for contingencies and emergencies. There is also a requirement to set clear timescales for the completion and review of the Young Carer Statement in particular for people caring for someone with a terminal illness.
- 4.3.3 As a Partnership we are committed to supporting Young Carers and due to this have established a Young Carers Group of the Carers Partnership as a collaborative approach with representatives of Children and Families, who lead on development of the Young Carers Statement and supports to Young Carers. By adopting this approach it is planned that developments relating to Young Carers will be integrated into implementation of the Tayside Plan for Children, Young People and Families, Getting it Right for Every Child and the Children and Young People (Scotland) Act 2014.

4.4 Adult Carers Support Plans

- 4.4.1 The Act introduces Adult Carer Support Plans (ACSP) to replace Carers' assessments.
- 4.4.2 The legislation directs that the ACSP must set out the Carer's identified personal outcomes, identified needs and the support to be provided to the Carers, which may include a break from caring. The Act specifies that in addition to these the ACSP must contain a range of information which includes impact of caring on the Carer's wellbeing, Carer's choices about the caring role and arrangements for contingencies and emergencies. There is also a requirement to set clear timescales for the completion and review of ACSP in particular for people caring for someone with a terminal illness.
- 4.4.3 Over the past year and half, representatives of the Health and Social Care Partnership and Dundee Carers Centre and other third sector agencies have worked with Carers to develop, pilot and launch a Dundee ACSP which reflects Carers views, outcomes and wishes and requirements set out by the Act. The ACSP was added to the new Social Work Recording System in November 2016.
- 4.4.4 Dundee were chosen by Scottish Government as a Pilot area based on our work to date for a number of parts of the Act. As part of the Pilot, Carers will be involved in finalising the ACSP and associated practice guidance so that the ACSP meets the Legislative requirements in a way that Carers want and is in place by commencement of the Act.

4.5 Eligibility Criteria

- 4.5.1 The Act introduces a duty to set and publish a local eligibility criteria which provides information about access to support. Before setting and publicising this criteria, Local Authorities are required to involve and consult with Carers, Carers Organisations and any other relevant partners in the preparation of the Criteria. The Act also requires that the Criteria must be reviewed within three years of the date of the Criteria being published.
- 4.5.2 In preparation for this Act, representatives of Health and Social Care Partnership and Dundee Carers Centre piloted an outcome focused Eligibility Criteria with Carers during the period 2016 - 2017. Based on this pilot an Eligibility Criteria for Adult Carers based on Carers outcomes was drafted.
- 4.5.3 The Pilot referred to in 4.4.4 also includes development of Eligibility Criteria based on our work to date. As part of the Pilot, Dundee Carers Centre are leading engagement and consultation on the draft Eligibility Criteria for Adult Carers and associated practice guidance.
- 4.5.4 The outcomes from this Pilot will then inform finalisation of proposed eligibility criteria for Adult Carers for consideration by the Integration Joint Board by December 2017 so that the Criteria will be in place and our workforce will have received training on the Criteria prior to commencement of the Act.

4.6 Involving Carers in Hospital Discharge

- 4.6.1 The Act places a duty on Health Boards to inform and involve Carers in discharge planning for the cared-for person. Within Dundee, discharge planning is seen as a partnership activity which should involve the patient, their Carers or family members and the multi-disciplinary team in the discharge planning process so that people can return home or to a homely place when they are well.
- 4.6.2 In anticipation of this Act, representatives from Dundee Health and Social Care Partnership have considered ways to support practical implementation of this duty. It is planned to undertake a test of change in a ward and use this test of change to inform an approach to involving Carers in discharge planning.

4.7 Supports to Carers and Short Breaks

- 4.7.1 The Act introduces a duty to provide support to Carers, based on the Carer's identified needs which meet the local eligibility criteria. In determining what support should be provided the Act also makes it a duty to consider if this support should take the form of, or include, a break from caring. The Act requires Local Authorities to waive any charges for any support provided to Carers and to publish a Short Breaks Services Statement which provides information about the short breaks services available for Carers and persons they care for.
- 4.7.2 Carers can currently directly access support, including access to short breaks, through a number of Third Sector services commissioned by Dundee Health and Social Care Partnership. In addition, Dundee City Council, NHS Tayside and Dundee Carers Centre became Carer Positive employers in 2016 so that Carers in employment feel able to balance work with caring responsibilities and access support.
- 4.7.3 To prepare for commencement of the Act a number of developments are underway as follows:
- Pilot of a locality based Carers Support Service led by Dundee Carers Centre through a partnership with Carers and communities as a means of enabling Carers to access a range of supports in their own local area. This includes developing a range of informal supports which Carers can directly access in their local communities.
 - Development of a Short Breaks Statement led by Dundee Carers Centre through a partnership with Carers.
 - Promotion of Carer Positive Award as a means of supporting Carers in employment across Dundee. This includes Dundee City Council and NHS Tayside working to achieve the second stage of the Carer Positive award.
 - Development of local guidance which will set out our approach to support to Carers, waiving of charges and self-directed support options.
- 4.7.4 The Pilot referred to in 4.4.4 includes development of supports and the Short Breaks Statement based on our work to date. The outcomes from this Pilot will then inform finalisation of the Short Breaks Statement and arrangements to further develop supports for Carers.
- 4.7.5 It is anticipated that enabling Carers Organisations to take a lead role in working with Carers to develop a range of supports which includes short breaks, self-directed support options and promoting the Carer Positive Award, Dundee Health and Social Care Partnership will be able to foster a range of supports which Carers can access directly in their local communities as well as through Adult Carer Support Plans.

4.8 Carer Involvement

- 4.8.1 The Act places a duty on Local Authorities and Health Boards to involve Carers in the Carer services that they provide. By involvement it is meant that Carers are involved in considering what needs might call for the provision of services, what services might be provided to meet those needs, how those services may be provided and how the provision of services might be evaluated.
- 4.8.2 Dundee, through its Strategic Planning Partnerships, has a long history of involving Carers within strategic planning processes with Carers being represented at Dundee Health and Social Care Integrated Strategic Planning Group, Carers Partnership and Older People Strategic Planning Group. We continue to support the ongoing development of "Carer's Voice", which allows carers to come together and engage with services in a co-productive, collaborative way.
- 4.8.3 Formal representation of carers on the IJB remains as an interim arrangement while options for longer term arrangements are agreed. These options are being developed through the Communication and Engagement sub group of the Integrated Strategic Planning Group, taking into account the recommendations of the Carers Collaborative (Equal, Expert and Valued). Recommendations will be brought to the IJB in due course.

4.9 Dundee Carers Strategy and Dundee Carers Charter

- 4.9.1 A further duty is on Local Authorities and Health Boards to jointly prepare and publish a Carers Strategy, with Carers and Carers Organisations. Draft Statutory Guidance accompanying the Act advises that this Strategy should be published after the next IJB Strategic Commissioning Statement is produced along with confirmation of delegation and governance arrangements. This means in practice that this duty would not require to be completed until 2020.
- 4.9.2 The Dundee Carers Partnership has, therefore, produced a Dundee Carers Strategic Plan for the period 2017-2020. This Strategic Plan will contribute to Dundee Health and Social Care Strategic Plan and Dundee Children and Families Strategic Plan and will set out how Adult and Young Carers will feel listened to, valued and supported so that they are able to live a fulfilled and healthy life. It is planned to submit the Carers Strategic Plan for ratification by the IJB by October 2017.
- 4.9.3 To accompany this Strategic Plan a Dundee Carers Charter will be published which will sets out and summarise our local commitments to Adult and Young Carers. Public Bodies (including the IJB) and Agencies will be invited to 'Sign up' to the Dundee Carers Charter on 24th November 2017 which is Carers Rights Day (UK).

4.10 Quality Assurance

- 4.10.1 As a Partnership we recognise that workforce development, communications, integrated budgets and quality assurance arrangements are key infrastructure requirements to support preparations for commencement of the Act and monitoring of our local implementation thereafter. To support this the following developments are underway:
- Development of a workforce development programme which will ensure that key workforce across health and social care partnership and its partners are supported to understand developments about the Act. The workforce development programme will commence in September 2017.
 - Development of multi-agency guidance which will provide an overview of local implementation arrangements.
 - A communications sub group who will provide a range of information about the Act prior to and after commencement of the Act. This will also be a means of raising ongoing awareness about Carers including identification of Carers.
- 4.10.2 The Carers Partnership will monitor implementation and compliance with the Act by way of a Carers Quality Assurance Group so as to support an ongoing focus on impact on Carers, learning and improvement once the Act commences.

4.11 Costs Associated with Implementing the Act

- 4.11.1 The Social Care (Self Directed Support) (Scotland) Act 2014 introduced regulations requiring Local Authorities to waive charges to Carers for support provided directly to them.
- 4.11.2 Throughout the Act's progress through Parliament, COSLA has raised concerns about the financial resources to support implementation of this Act in relation to:
- The amount of funding required to support implementation of waiving of charges for support provided to Carers, when providing support to Carers becomes a duty upon commencement of the Act in 2018; and
 - The definitions of replacement care and respite care to inform whether the Cared-For-Person or Carer can be charged for care when the cared for person is at respite or when replacement care is needed when the Carer is on a short break.
- 4.11.3 A national Finance Group was established to profile demand and unit costs of assessment and support for Carers. A report from this Group has been completed and will likely inform discussions around the spending review and settlement covering the period when the Act will be enacted which will be 2018/19 onwards.

- 4.11.4 Health Boards received funding to prepare Carer Information Strategies from Scottish Government. With the transfer of Health Boards responsibilities to undertake this function to Integration Joint Boards, funding which was previously allocated to NHS Tayside has now been transferred to the Health and Social Care Partnership and included in their integrated budget statements.
- 4.11.5 Funding has been provided through the Integrated Care Fund and Scottish Government Pre-Implementation Funding towards supporting arrangements to prepare for the Act commencement. This funding has supported tests of change including funding of a Carers Act Development Officer located within Dundee Carers Centre.
- 4.11.6 To enable maximise use of resources to support Carers, an integrated health and social care budget statement has been completed. Once the financial resource to accompany the Act has been confirmed this will be added to the budget statement. Adopting this integrated approach will support improved use of resources and identification of unmet demand.

5.0 POLICY IMPLICATIONS

This report has been screened for any policy implications in respect of Equality Impact Assessment. There are no major issues.

6.0 RISK ASSESSMENT

This report has not been subject to a risk assessment as it a status update and does not require any policy or financial decisions at this time.

7.0 CONSULTATIONS

The Chief Finance Officer and the Clerk were consulted in the preparation of this report.

8.0 BACKGROUND PAPERS

None.

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Chief Officer

DATE: 7 August 2017

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