

The Getting it Right for Every Midlothian Child Partnership welcomes the work being undertaken by the Scottish Government to strengthen the support in place for young carers, to clarify roles and responsibilities and to provide appropriate legislation and guidance. The Partnership is multi-agency and includes Midlothian Council, NHS Lothian, Police Scotland, voluntary organisations, Scottish Children's Reporter Administration, Child Protection Committee etc and sets the strategic direction for services for children and young people in Midlothian. It works hard to support young carers and has an established Young Carers Support Service.

The following response is on behalf of the Partnership and a separate response has been submitted by the Midlothian Joint Carers Strategic Planning Group. The Carers Planning Group has wide representation from statutory and voluntary organisations and carers and the differences in membership between the Partnership and the Group are reflected in the different perspectives of the responses to this consultation.

CONSULTATION QUESTIONS

The Carer's Assessment: Carer's Support Plan

Question 1: Should we change the name of the carer's assessment to the Carer's Support Plan?

Yes

No

Comments: Young carers' needs will be addressed through the Child's Plan under Getting it Right for Every Child (GIRFEC) rather than the Carer's Support Plan.

Note that the acronym CSP is already used for other terms, such as the Coordinated Support Plan, so care should be taken to avoid confusion.

Question 2: Should we remove the substantial and regular test so that all carers will be eligible for the Carer's Support Plan?

Yes

No

Comments: We are already developing eligibility criteria for children with disabilities as part of implementing Self Directed Support. The substantial and regular test does not apply to young carers. Councils already have a duty to assess a child's needs under GIRFEC and our preventative and early intervention approach leads us to try to put in place the right support at the right time, rather than leaving things until they escalate.

Question 3: Should we remove that part of the existing carer assessment process whereby the cared-for person is a person for whom the local authority must or may provide community care services/children's services?

Yes

No

Comments: This depends on the individual and the legislation should take care not to lose sight of individuals' needs and ensure it retains an outcome focussed approach

Question 4: Should we introduce two routes through to the Carer's Support Plan – at the carer's request and by the local authority making an offer?

Yes

No

Comments: There is already a duty to assess under Section 22 of the Children (Scotland) Act 1995 and this provision is adequate, therefore there is not a need for further legislation in this regard. We believe that local authorities are already moving to a holistic view, looking at everyone involved.

Question 5: Should we remove from statute the wording about the carer's ability to provide care?

Yes

No

Comments: This is a judgemental and stigmatising element that does not fit the modern thinking of strength models and valuing carers.

Question 6: Should we introduce a duty for local authorities to inform the carer of the length of time it is likely to take to receive the Carer's Support Plan and if it exceeds this time, to be advised of the reasons?

Yes

No

Comments: We agree with the principle of notifying carers of timescales and giving an explanation if it is exceeded, however we feel that this should be through guidance rather than legislation. Some local authorities have adopted templates for letters to carers that include sections on timescales and this good practice could be adopted more widely.

Question 7: How significant an issue is portability of assessment for service users and carers?

Comments: This is a very significant issue although the question remains regarding whether legislation is the best way to resolve it or if multi-agency partnerships can provide the solution. Should access to support be through local authorities or can appropriate and timely intervention be obtained through an agency with delegated authority?

Question 8: Should the Scottish Government and COSLA with relevant interests work together to take forward improvements to the portability of assessment?

Yes

No

Comments: Need to ensure the working party has appropriate membership and includes representation from across the organisations involved in supporting young carers.

Information and Advice

Question 9: Should we introduce a duty for local authorities to establish and maintain a service for providing people with information and advice relating to the Carer's Support Plan and support for carers and young carers?

Yes

No

Comments: Already in place through Section 22 of the Children (Scotland) Act 1995. Would need to clarify what is meant by "duty" with an awareness of the resource implications that carries with it. Any legislation would need to take cognisance of the integration of health and social care along with the Children and Young People (Scotland) Act 2014 and GIRFEC. Much of the information and advice is provided through carers' forums rather than directly through the local authority.

Question 10: Should we repeal section 12 of the Community Care and Health (Scotland) Act 2002 about the submission of Carer information Strategies to Scottish Ministers, subject to reassurances, which are subject in turn to Spending Review decisions, about the continuation of funding to Health Boards for support to carers and young carers?

Yes

No

Comments: This ties in with the integration of health and social care and community planning, and links with commissioning work and provider partnerships. More information is required on how funding would be distributed if these strategies are not submitted before an opinion can be given.

Support to Carers (other than information and advice)

Question 11: Should we introduce a duty to support carers and young carers, linked to an eligibility framework?

Yes

No

Comments: Not required as most local authorities have eligibility frameworks for adult services and are developing them for children's services for Self Directed Support. Young carers are dealt with under the GIRFEC staged approach which looks at individual needs.

Question 12: Alternatively, should we retain the existing discretionary power to support carers and young carers?

Yes

No

Comments: See response to Q11

Question 13: Should we introduce a duty to provide short breaks?

Yes

No

Comments: We recognise the value and importance of short breaks to carers however they should be left as discretionary as it is difficult to classify/quantify (overnight respite, evenings, care at home...) and they should be in keeping with the local community planning and prevention and early intervention approaches. Imposing a duty to provide would also incur costs to local authorities and would conflict with the ethos underpinning the outcome-focused approach of Self Directed Support.

Stages and Transitions

Question 14: Should we issue statutory guidance on the Carer's Support Plan which will include guidance for those undertaking the Carer's Support Plan on managing stages of caring? This would apply to adult carers only. (For young carers, practice guidance will be developed to support management of a Child's Plan through the stages of caring).

Yes

No

Comments: Carer's Support Plan does not apply to young carers.

Note that we don't feel that there is such a thing as "statutory guidance" – is it not either statutory or guidance, but not both?

Question 15: Should new carers' legislation provide for young carers to have a Carer's Support Plan if they seem likely to become an adult carer? Any agreed support recorded in the Carer's Support Plan would be put in place after the young carer becomes a (young) adult carer.

Yes

No

Comments: In principle we wholly embrace the concept of a transitions Carer Support Plan, but more effective, integrated services should manage this already. There may be a need to ensure that consistent support is in place during this transition within and across local authorities. Adult services already pick up a lot of young carers as they transition into adulthood however there is a need to close a gap where young carers aged 16+ who are still in education or are in training are not able to access the same supports/benefits as someone who is caring full time/in employment/not in education.

We need a clear definition of “adult” for these purposes.

Carer Involvement

Question 16: Should there be carer involvement in the planning, shaping and delivery of services for the people they care for and support for carers in areas outwith the scope of integration?

Yes

No

Comments: In Midlothian we already have carer, youth and advocacy groups with providers involved in this work and the recent Joint Inspection of Children’s Services found that this was good. Any legislation that is introduced needs to be worthwhile and not tokenistic.

Question 17: Should we make provision for the involvement of carers’ organisations in the planning, shaping and delivery of services and support falling outwith the scope of integration?

Yes

No

Comments: This is already happening with providers involved in commissioning and community planning. Tensions exist that need to be managed in relation to providers being involved in strategic planning of service delivery, and account needs to be taken of how well individual organisations can represent the views of all, or a range of, providers.

Question 18: Should we establish a principle about carer and young carer involvement in care planning for service users (subject to consent) and support for themselves in areas not covered in existing legislation?

Yes

No

Comments: This principle is already embedded in GIRFEC as stated earlier, with a wide range of providers and support groups already involved. Care must be taken to ensure a balanced approach so that the particular wishes of an individual do not have a disproportionate affect on overall planning and priority setting.

Question 19: What are your views on making provision for young carer involvement in the planning, shaping and delivery of services for cared-for people and support for young carers?

Comments: Young carers are already involved in the strategic shaping of services

Planning and Delivery

Question 20: Should we introduce statutory provision to the effect that a local authority and each relevant Health Board must collaborate and involve relevant organisations and carers in the development of local carers' strategies which must be kept under review and updated every three years?

Yes

No

Comments: The Community Planning, health and social care, Children and Young People (Scotland) Act 2014 already cover this.

Question 21: Should we introduce statutory provision to the effect that local authorities with Health Boards must take steps to ensure, in so far as is reasonably practicable, that a sufficient range of services is available for meeting the needs for support to carers and young carers in the area?

Yes

No

Comments: Statutory provision is not necessary as community planning already seeks to do this, and Self Directed Support should allow individuals to shape the services in their area. There are risks inherent in placing a statutory duty on local authorities (and health boards) to make available a range of services as it leaves them open to costly legal challenge on "as far as reasonably practicable".

Identification

Question 22: Should there be no legislative provision for GPs or local authorities to maintain a Carers Register in order to support the identification of carers?

Yes

No

Comments: Not quite clear what this question is asking. GPs are often the best, central, source of information however to legislate for a Carers' Register could be complex and challenging. Good practice in this area in North and South Lanarkshire should be shared with other local authorities.

Question 23: Should the Scottish Government ensure that good practice is widely spread amongst Health Boards about the proactive use of Registers of Carers within GP practices?

Yes

No

Comments: See response to Q22

Question 24: Should the Scottish Government ask Health Boards to monitor compliance with the core contractual elements of the GP contract?

Yes

No

Comments: This links in with the integration agenda and adult services/GPs/NHS therefore it is not appropriate for the Getting it Right for Every Midlothian Child Partnership Board to respond.

Carer and Cared-for Person(s) in Different Local Authority Areas

Question 25: What are the views of respondents on the lead local authority for undertaking the Carer's Support Plan and agreeing support to the carer where the carer lives in a different local authority area to the cared-for person(s)?

Comments: This is a very difficult area and support plans etc. should be led by the individual's needs and be flexible enough to adapt to meet those needs. Local authorities and health boards need to look at cross-border challenges. For young carers it is already set out who the Named Person and Lead Professional is.

Question 26: What are the views of respondents on which local authority should cover the costs of support to the carer in these circumstances?

Comments: This is a topic that needs further discussion and debate.

Question 27: Should the Scottish Government with COSLA produce guidance for local authorities?

Yes

No

Comments: Guidance should take into account all the relevant issues and legislation (existing and forthcoming) such as cost modelling, Self Directed Support, GIRFEC, Children and Young People (Scotland) Act 2014. The working party needs to have appropriate representation in order to cover these issues.