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Report to: Housing, Health and Care Committee

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Date of Meeting: 31st March 2016

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Subject: Carers (Scotland) Act 2016

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Report by: Head of Social Services

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### 1.0 Purpose

- 1.1. The purpose of this report is to update members on the Carers (Scotland) Act and its implications for Clackmannanshire Council.

### 2.0 Recommendations

It is recommended that Committee:

- 2.1. Note the passing of the Carers (Scotland) Act on 4th February 2016.
- 2.2. Note the financial implications of the Carers (Scotland) Act.

### 3.0 Considerations

- 3.1. The Carers (Scotland) Bill has now completed its passage through Parliament with stage 3 concluding on 4th February 2016. **It is anticipated that the Act will be implemented from April 2017.**
- 3.2. The intention of the Act is to ensure that carers of any age are supported to continue with their caring role, and are able to have a life and access to support alongside their caring responsibilities. For young carers the intention is to ensure that they are supported to ensure that they have a childhood similar to their non-carer peers.
- 3.3. The Act introduces a universal entitlement to assessment for carers, regardless of the level or frequency of care they provide. It also includes a detailed prescription of the processes that support carers namely assessment, support planning and review. A more detailed breakdown of the main provisions of the legislation is attached as Appendix 1.
- 3.4. The legislation also places a duty on local authorities to provide support to those carers who meet local eligibility criteria. Following on from The Carers (Waiving of Charges for Support) (Scotland) Regulations 2014, all support provided to carers must be free of charge.

## **Caring in Clackmannanshire**

- 3.5. The 2011 Census records 4693 carers across Clackmannanshire. This equates to 9.1% of the total population of Clackmannanshire. Of those who identify as carers:
- 2452 (52.2%) provide up to 19hrs of care a week
  - 443 (9.4%) provide between 20 and 34hrs care per week
  - 412 (8.8%) provide between 35 to 49hrs per week
  - 1386 (29.5%) provide over 50hrs of care per week
- 3.6. In addition many people who fulfil a caring role do not identify themselves as carers and it is therefore likely that these figures will underestimate the true extent of caring in the area. The Scottish Health Survey 2013/14 estimated that 17% of the adult population and 4% of people under the age of 16 provided unpaid care. If this is applied to Clackmannanshire it would suggest the number of carers in the area could be as high as 8745.
- 3.7. Advice and information for carers in Clackmannanshire currently commissioned through the Central Carers' Association. Clackmannanshire Council currently allocates £58,188 of funding for the service, which is contracted until 31st March 2017. During 2015/16 there were 759 adult carers and 226 young carers registered with the service. This represents anywhere between 11% and 21% of total carers in the area, dependent on which estimate of total carers is used. Of those registered with the service 226 adult carers and 34 young carers were new referrals to the service during the period.

## **Financial Implications**

- 3.8. The Carers (Scotland) Act 2011 is likely to result in an increased demand both in terms of assessment support planning and the provision of social care services.
- 3.9. It is anticipated that demand for assessments will increase over a period of 5 years from enactment of the legislation in 2017/18. Based on demographics and planning assumptions, the percentage of carers receiving an Adult Carer's Support Plan is expected to rise by 16% in Scotland by 2021/22.
- 3.10. In Clackmannanshire this could result in a requirement for Social Services to undertake up to an additional 1399 assessments during 2017/18. During 2015/16 Clackmannanshire Social Services completed 91 Carers Support Plans.
- 3.11. Further, the Scottish Government has assumed 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 this would mean that the Council will be required to provide additional care and support services to anywhere from 450 to 839 people.
- 3.12. A Carers Act finance group has been established with representation from COSLA carers organisations Scottish Government and Social Work Scotland to undertake financial modelling in relation to the demand pressures outlined in the legislative proposals. COSLA is also pursuing an agreement with

Scottish Government that once the Bill is enacted should demand exceed Government estimates this will trigger the re-opening of funding negotiations.

- 3.13. It is anticipated that the legislation will also have significant financial implications in terms of the direct, provision of care . The proposed waiving of charges to carers is also likely to result in a loss of potential income to the Council which has been estimated to be in the region of £180k per annum. These projections need to be incorporated in cost pressures during 2016/17 as part of the budget setting process This additional cost pressure will also be considered nationally by the Carers Bill finance Group and further guidance will be issued to Councils in due course.

### **Other Implications**

- 3.14. The introduction of a universal entitlement to assessment for carers could make it more difficult for the Council to respond to local need and variance as it will restrict the ability of the Council to target resource at those most in need.
- 3.15. The Act also contains significant detail prescribing assessment processes and the provision of support. This may make it more difficult for the council to support people flexibly due to specific requirements of the assessment and care planning process. The anticipated increased demand for assessment could also lead to resources being focussed on processes rather than direct support.
- 3.16. By disregarding the financial circumstances of carers the implementation of the Act creates an inequity in service provision that is inconsistent with the way in which the council more generally approaches social care provision.
- 3.17 The Act also clarified the position in relation to ordinary residence where a 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. Responsibility for agreeing and administering support will lie with the local authority in which the person they care for resides. The Scottish Government have indicated that the implementation of the proposed regulations would be an estimated cost of £16million for Scotland.
- 3.18 This therefore means that, where the situation arises, the Council will be responsible for agreeing and administering services to people outwith the local authority area but who care for Clackmannanshire residents.
- 3.19 The local authority will need to invest resource in the development and review of local eligibility criteria, short break statements and carers' strategies. The legislation requires that carers are fully involved in this process and that local criteria and strategies are jointly authored by local authorities and NHS boards. Social services will therefore need to work in partnership with the Integration Joint Board and local carers' groups, such as Central Carers' Association to define the local response.

## **4.0 Sustainability Implications**

4.1. N/A

## 5.0 Resource Implications

5.1. The implementation of the Act presents significant resource implications although these are difficult to quantify exactly at this stage however these cost pressures will be factored into the budget setting process for 2016/17.

5.2. Financial estimates based on anticipated level of demand and cost of providing services per year in 17/18 are:

Carer assessments ( <i>Preparation &amp; review of ACSPs &amp; YCSs</i> )	£100,000
Service provision ( <i>Support provided to carers including respite</i> )	£28,305*
Lost income ( <i>Loss of service charge through waiving of charges</i> )	<u>£180,000</u>
Total:	<b>£308,305</b>

In 2021/22, this rises to:

Carer assessments ( <i>Preparation &amp; review of ACSPs &amp; YCSs</i> )	£100,000
Service provision ( <i>Support provided to carers including respite</i> )	£150,183*
Lost income ( <i>Loss of service charge through waiving of charges</i> )	<u>£180,000</u>
Total:	<b>£430,183</b>

*\*These figures are based on the lower estimate of carer numbers derived from the 2011 Census and may therefore underestimate the cost of support.*

*The figure also does not include the current cost of the service provided by Central Carers' Association.*

5.3. To mitigate the financial impact of these additional cost, Clackmannanshire Council has submitted a bid to cover the costs of lost income (£180,000) for 2017/18 against the additional funding allocated by the Scottish Government to support Health and Social Care integration.

5.5 It should also be noted that the responsibility for delivering adult carers will come under the jurisdiction of the Integration Joint Board from 1st April 2016. Young carers will remain the responsibility of the Local Authority. consideration will need to be given to the monitoring of the implementation of the Act and the cost pressures in relation to changing governance arrangements.

## 6.0 Exempt Reports

6.1. Is this report exempt? Yes  (please detail the reasons for exemption below) No

## 7.0 Declarations

7.1 The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.

(1) **Our Priorities** (Please double click on the check box )

- The area has a positive image and attracts people and businesses
- Our communities are more cohesive and inclusive
- People are better skilled, trained and ready for learning and employment
- Our communities are safer
- Vulnerable people and families are supported
- Substance misuse and its effects are reduced
- Health is improving and health inequalities are reducing
- The environment is protected and enhanced for all
- The Council is effective, efficient and recognised for excellence

(2) **Council Policies** (Please detail)

**8.0 Equalities Impact**

- 8.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations?  
Yes  No

**9.0 Legality**

- 9.1 It has been confirmed that in adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes

**10.0 Appendices**

- 10.1 Please list any appendices attached to this report. If there are no appendices, please state "none".

Appendix 1 - Main provisions of Carers (Scotland) Act 2016

**11.0 Background Papers**

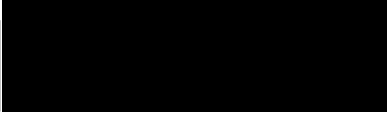
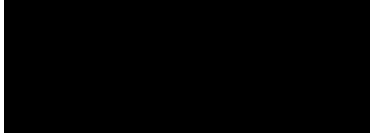
- 11.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)  
Yes  (please list the documents below) No

Carers (Scotland) Bill 2016

**Author(s)**

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**Approved by**

<b>NAME</b>	<b>DESIGNATION</b>	<b>SIGNATURE</b>
Val de Souza	Head of Social Services	
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## **Appendix 1 – Main Provisions of the Carers (Scotland) Act 2016**

The Act introduces a range of new provisions to identify, assess and support carers. These include:

- 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 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 joint creation of local carers' strategies by Local Authorities and Health Boards
- 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

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.

A suite of regulations and guidelines will accompany the legislation. Amongst this, Scottish Ministers will set timescales for the development of ACSP and YCS where the person cares for someone with a terminal illness, processes and timescales for review for strategies and local policy and the monitoring and evaluation of the legislation.

Scottish Ministers also 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.

