

Consultation on Carers Legislation

Background

The Scottish Youth Parliament welcomes the opportunity to respond to these proposals. As the democratically elected voice for Scotland's young people, we seek to provide a platform for young people to have their say about the issues that affect their lives.

As such, as part of our national campaign, which focuses on young carers, we undertook significant consultation activity with young people and young carers. More than 1,000 young people and young carers were involved in this consultation activity.

This activity included:

- Over 900 responses to the Scottish Youth Parliament's consultation cards activity;
- Focus groups with 160 Members of the Scottish Youth Parliament at our March National Sitting;
- Further analysis from our Health and Wellbeing Subject Committee; and,
- A consultation event with over 50 young carers undertaken jointly with the Scottish Government.

Therefore, our response to these proposals is grounded in primary evidence which details the genuine views of young carers, young adult carers and other young people.

We welcome these proposals and view their development as significant progress in improving the lives of young carers and young adult carers. However, our consultation with young carers, young adult carers and other young people, as well as our ongoing dialogue with national and local carers' organisations, has led us to have serious concerns about the provisions for young carers, and young adult carers in the current proposals.

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:

The Scottish Youth Parliament believes that the Scottish Government should change the name of the "Carer's Assessment" to "Carer's Support Plan." In addition, we believe that a Carer's Support Plan (CSP) should be offered to young carers as well as, or instead of, a Child's Plan.

Broadly speaking, the young people and young carers we consulted with support changing the name of the "Carer's Assessment" to the "Carer's Support Plan." It was felt that the word "assessment" carried negative connotations and the proposed change would be less intimidating.

We note that the proposals contained in this section do not apply to young carers, those below the age of 18. Instead of receiving a Carer's Support Plan, young carers may be entitled to Child's Plan, under the provisions of the Children and Young People Act.

Whilst the Scottish Youth Parliament were supportive, and continue to be supportive, of many of the provisions of the Children and Young People Act, including the Child's Plan, we have serious concerns about relying solely on this approach when considering the needs of young carers.

The Scottish Government acknowledge in Paragraph 14 of Chapter 5 that '**not all young carers will have a Child's Plan due to them not all having a wellbeing need justifying the creation of a Plan**' (p.27-8), nor will they be entitled to a Carer's Support Plan because they are under 18. The young carers, young adult carers, and other young people we consulted felt that because not every young carer will necessarily have, or be entitled to, a Child's Plan, that there is significant potential for many young carers to "fall through the net."

Indeed, it was further felt that a Child's Plan could be potentially too wide ranging in its scope to be able to properly identify and support the very specific needs and challenges faced by young carers.

The young people we consulted with also expressed concern about the lack of

detail and clarity of how a Child's Plan would identify their support needs, and how they would move from a Child's Plan to a Carer's Support Plan.

A poll was taken at our consultation day with young carers, and an overwhelming majority of young carers indicated that they would prefer to have a Carer's Support Plan, or a Young Carer's Support Plan. This sentiment was further echoed by an overwhelming number of Members of the Scottish Youth Parliament and our Health and Wellbeing Subject Committee who, whilst supportive of a Child's Plan in principle, felt that it would not be sufficiently focused for young carers.

Without significantly more detail as to how a Child's Plan will properly identify young carers, and provide them with the appropriate support, we share the view of other organisations that a Young Carer's Support Plan in addition to/ or instead of a Child's Plan would be a more appropriate way of meeting the needs of young carers.

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:

The Scottish Youth Parliament agrees that the substantial and regular test should be removed from the eligibility criteria for the Carer's Support Plan.

The young people we consulted with felt that this acted as a barrier to many young adult carers receiving the support they require. Young adult carers are often juggling caring responsibilities with part time work, education and other responsibilities.

Whilst they may not provide the same amount of care as other adult carers, their contribution is vitally important and they should be entitled to a Carer's Support Plan, particularly given the importance of this period in their lives for their future opportunities.

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:

The Scottish Youth Parliament agrees with removing this element of the

assessment process.

The young carers and young people we consulted with felt that, in many situations, the cared-for person does not want, or perhaps need, this type of support, but still requires a significant amount of care.

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:

The Scottish Youth Parliament supports the introduction of two routes through to the Carer's Support Plan, including the ability for a young adult carer to request a Carer's Support Plan and a requirement for the local authority to offer a CSP where a young adult carer has been identified. The young carers and other young people we consulted felt that this would have a positive impact.

However, again, we are concerned about the inconsistency between the approach to adult/young adult carers and young carers.

Under these proposals, any carer or young adult carer will be able to request a CSP, or be automatically offered one where they have been identified as a carer. Yet, the Scottish Government has acknowledged that not every young carer will be eligible to receive a Child's Plan where they have been identified as a young carer.

There is a further question as to whether a young carer will be able to *request* a Child's Plan and receive it, in the same way that an adult carer or young adult carer could request a CSP.

Whilst we believe that this proposal is a positive step for young adult carers, the inconsistency in approach by not extending the same provisions to young carers could in fact have a negative impact, especially in terms of identification.

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

Yes

No

Comments:

The Scottish Youth Parliament supports the removal of "ability".

The young people we consulted with felt that this was inappropriate and narrow in focus. As well as being disrespectful, it was felt that this placed very little importance on the emotional support provided by a family member or a loved one as an integral part of the caring role.

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:

The Scottish Youth Parliament supports the introduction of a duty in this regard.

The young people and young carers we consulted felt that this would improve the timely planning and delivery of the Carer's Support Plan and empower carers to hold local authorities to account where they have failed to meet expectations.

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

Comments:

The young adult carers we consulted suggested that this is a potentially very important issue.

Many young adult carers continue to provide care, but may have moved out of the family home to attend college, university or work in a different local authority area.

The portability of assessment for young adult carers in this situation is potentially very important in order to ensure they receive the support that is appropriate for the person they care for and for themselves.

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:

The Scottish Youth Parliament believes that the Scottish Government and COSLA should work with local authorities to take forward improvements to the portability of assessment.

The young carers and young adult carers we consulted felt that specific guidance should be issued to ensure that there is a uniform process for this. They also felt that it was important to mention the specific needs of young adult carers who live in a different local authority area to attend college, university or work.

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:

The Scottish Youth Parliament believes that the Scottish Government should introduce a duty for local authorities to establish and maintain a service for providing carers with information and advice relating to support.

During our consultation activity, the young carers, young adult carers and other young people felt that the timely provision of age appropriate information is vitally important and noted the potential positive impact of this proposal. However, they expressed concerns about a "postcode lottery" scenario whereby the quality of information depends on where you live.

It was suggested that national guidance should be issued through the Scottish Government and COLSA that details best practice principles and guidance which should be adhered to across the whole of Scotland.

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:

The Scottish Youth Parliament believes the current requirement to submit Carer's Information Strategies should be retained.

Even if new proposals will require local authorities to provide more information, we believe that this present measure provides a safeguard to ensure that local authorities are taking this duty seriously and complying with it. We do not see

anything in the current legislative proposals for carers that would indicate a requirement to report progress on information and advice to the Scottish Government. In the absence of these measures, we would not support the removal of this safeguard.

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:

The Scottish Youth Parliament believes that the Scottish Government should introduce a duty to support carers and young carers.

The feedback we received in our consultation with young carers indicated significant support for this measure. Indeed, the young people and young carers we consulted supported even stronger proposals.

Notable findings included:

- **92% (840)** of our consultation cards agreed when asked *“Do you think all local authorities have a duty to support young carers, allowing them to participate in leisure and recreational activities without financial burden?”*
- **86% (780)** of our consultation cards agreed when asked *“Do you think all local authorities should be required to meet minimum national expectations about providing services and support to young carers (and young adult carers)?”*

There was a strong feeling of dissatisfaction with the young carers and young adult carers who were consulted. They felt that the present system was a “postcode lottery” and the provision and quality of services depended on where you lived. There was a consensus among those consulted that there should be some form of national minimum expectations.

All young carers and young adult carers should have the access to the same high quality services, no matter where they live.

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

Yes

No

Comments:

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

Yes

No

Comments:

The Scottish Youth Parliament believes that the Scottish Government should introduce a duty on local authorities to provide short breaks.

The young carers and young adult carers we consulted felt that short breaks were an important source of respite and stress relief. However, concerns were expressed about the current provision and quality of short breaks as being dependent on where you live.

It was also suggested that young carers and young adult carers should be given more flexibility in terms of “short breaks”. This could include simple things such as going the cinema with friends.

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:

The Scottish Youth Parliament believes that the Scottish Government should issue statutory guidance on the Carer’s Support Plan which will include guidance for those undertaking the Carer’s Support Plan on managing the stages of caring.

Again, we are concerned about the difference in approach between young carers and young adult/adult carers.

The young carers and young adult carers we consulted were concerned about the lack of distinction between a young carer, a young adult carer and an adult carer. It was felt that young adult carers face particular sets of circumstances and challenges different to those of a young carer or an adult carer and this distinction should be acknowledged.

Whilst we acknowledge that there is already a legal precedent for the definition of young people and adults, we feel that the specific needs of young adult carers could be highlighted in the statutory guidance, and consideration should be given to how this could be represented on the face of the Bill.

-87% (788) of our consultation cards indicated that young people and young/ young adult carers agreed when asked “Do you think the carers legislation and the guidance that follows should specifically mention the needs of young adult carers as they move into adulthood in order to highlight the different challenges they face at this point in their lives?”

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:

The Scottish Youth Parliament believes that the legislation should include provisions for a young carer to get a CSP if it is likely they will become an adult carer.

As previously mentioned, we are concerned that the present proposals mean that young carers will not get a CSP until they become adult carers.

In a situation where this remains the case, young carers and young adult carers felt that they should automatically be offered/receive a CSP before they turn 18 in order to ensure an easy transition if it is likely their caring responsibilities will continue into adulthood.

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:

The Scottish Youth Parliament believes there must be genuine carer involvement, including young carers, young adult carers and adult carers, in the planning shaping and delivery of services for the people they care for and support for carers.

As an organisation that fundamentally supports the United Nations Conventions

on the Rights of the Child, particularly Article 12 to which this is relevant, we believe that young people must have a genuine input into the services that affect them.

Supporting the incorporation of the UNCRC into Scottish Law, wherever possible, is a key manifesto statement in the Scottish Youth Parliament's last youth manifesto, "Change the Picture."

-In addition, **92% (835)** of our consultation cards agreed with the question *"Do you think young carers should be involved in the planning, shaping and delivery of services both for cared-for people and young carers?"*.

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:

The Scottish Youth Parliament believes the Scottish Government should make provision for the involvement of carers' organisations as well.

The young carers, young adult carers and other young people we consulted agreed that carers' organisations can offer valuable insight into what is happening in practice and would be useful partners in planning and delivery.

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:

The Scottish Youth Parliament believes the Scottish Government should establish a principle about carer and young carer involvement in care planning for service users and support for themselves in areas not covered in existing legislation.

The young carers we consulted asserted that being left out of the care planning process was a significant barrier to being able to provide care effectively and safely.

Many young carers mentioned that they are unable to attend important medical appointments with those who they care for where important decisions are made about future treatment and support.

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?

As mentioned previously, we are fully supportive of incorporation of the UNCRC wherever possible into Scottish Law.

In addition to this principle, we believe that it is vitally important for young people to be involved in the planning of services that affect those they care for, purely from a practical point of view as they will be the designated care givers.

We believe that the involvement of young carers must be enshrined on the face of any forthcoming primary legislation.

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 Scottish Youth Parliament believes that the Scottish Government should introduce a duty for local authorities to produce local carers' strategies and local young carers' strategies.

Again, we are concerned about adopting a different approach for young carers. The young carers and other young people we consulted with felt that keeping young carers within wider children services planning would not place sufficient focus or emphasis on the particular challenges and needs faced by young carers.

The young people and young carers we consulted with felt that this proposal should include a duty on all local authorities to establish young carers' strategies. In those local authorities where this happens presently, they have proved to be very effective.

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:

The Scottish Youth Parliament believes that the Scottish Government should introduce statutory provision to this effect.

As mentioned previously, the young people we consulted with believe that there should be national minimum expectations, in terms of support and services, established so that every young carer and young adult carer has access to the same provision and quality of services.

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:

The Scottish Youth Parliament believes there should be legislative provision for GPs and/or local authorities to maintain a Carers Register in order to support the identification of carers and young carers.

The young carers and organisations that were consulted suggested that identification was one of the biggest issues that needed to be resolved. It was felt that, whilst there needs to be flexibility to tailor to local needs, there should be a uniform framework in which young carers are identified. The young carers we consulted expressed concern about leaving this responsibility solely with GPs. It was felt that on many occasions, GPs fail to identify young carers and prioritise this responsibility, and that other organisations including carers services and educational institutions should have a role as well.

We believe that identification is a very important issue and should be comprehensively addressed within this legislation. The current piecemeal approach to identification across Scotland is one of the biggest barriers to improving support and access to services.

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:

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

Yes

No

Comments:

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:

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:

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

Yes

No

Comments: