



Item No: 15

Meeting Date: Wednesday 21st June 2017

Glasgow City Integration Joint Board

Report By: Susanne Millar, Chief Officer, Planning, Strategy & Commissioning / Chief Social Work Officer

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CARER (SCOTLAND) ACT 2015 IMPLEMENTATION PLAN

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| Purpose of Report: | The purpose of this paper is to set out a range of proposals, timelines and recommendations for the implementation of the Carer (Scotland) Act. It also provides Glasgow's position in terms of readiness against the key provisions required in advance of the Act's implementation on 1 st April 2018. |
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| Recommendations: | The Integration Joint Board is asked to: a) note the content of the report and appendices; and b) instruct the Chief Officer to report to the IJB in January/February 2018 on implementation plans for the new Act. |
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Relevance to Integration Joint Board Strategic Plan:

Directly contributes to early intervention and prevention approach to supporting carers and shifting the balance of care outlined in the strategic plan and to secure better outcomes for every child in Glasgow, with a targeted approach for those most in need.

Implications for Health and Social Care Partnership:

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| Reference to National Health & Wellbeing Outcome: | People who provide unpaid care are supported to look after their own health and wellbeing including to reduce the negative impact of their caring role on their own health and well-being. |
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| Personnel: | None |
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| Carers: | Partnership working with health, social work, education and third sector organisations will help improve the early identification and support for adult carers to enhance the caring role and for young carers by reducing any negative impact of their caring role on their own health and well-being. |
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| Provider Organisations: | Investment in voluntary sector carer support services and condition specific organisation. |
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| Equalities: | Specific investment to reach hard to reach carers. Carers Strategy requirement of Carers (Scotland) Act will require full EQIA. |
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| Financial: | Scottish Government have indicated that this will be final year of Carer Information Strategy Fund to be replaced by Financial Framework of Carer Scotland Act. |
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| Legal: | None |
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| Economic Impact: | None |
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| Sustainability: | Continuation of these carers services and supports will be dependent on financial framework to support implementation of Carer Scotland Act. |
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| Sustainable Procurement and Article 19: | NHS have previously allocated this money to voluntary sector through 'waiver to tender' on the basis that those service who receive the funding are tendered services through Glasgow City Council. |
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| Risk Implications: | None |
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| Implications for Glasgow City Council: | None |
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| Implications for NHS Greater Glasgow & Clyde: | None |
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| Direction Required to Council, Health Board or Both | Direction to: | |
| | 1. No Direction Required | |
| | 2. Glasgow City Council | |
| | 3. NHS Greater Glasgow & Clyde | |
| | 4. Glasgow City Council and NHS Greater Glasgow & Clyde | ✓ |

1. Introduction and Background

- 1.1 The Carer (Scotland) Act 2014 will be commenced on 1st April 2018. The Act relates to both adult and young carers.
- 1.2 Recent communication from Scottish Government in respect of the Act's implementation outlines its main provisions and the work required ahead of full commencement of the Act in April 2018.
- 1.3 This communication provided information on preparation and the key regulations and duties on local authorities this coming financial year. To support this work, the Scottish Government have allocated £265,714 to cover associated costs.

2. Readiness for Implementation

- 2.1 Glasgow HSCP has undertaken a desktop exercise to determine the readiness of the Partnership set against the Act's provisions and outlines the work that needs to be done in advance of 1st April 2018 and this is detailed at Appendix 1.
- 2.2 This exercise has highlighted that the HSCP is compliant with much of the requirements. The key areas that require attention are set out below.

Setting local eligibility criteria

- Duty to provide support for eligible carers and deem what needs are eligible
- Power for establishing and maintaining the information and advice services for those not eligible
- Where a carer is deemed eligible for support, this may take the form of a personal budget and offer of self-directed support options
- The local authority must deem eligible needs according to local eligibility criteria
- Provision and levels of support to carers through breaks from caring
- Waiving of Charging for support provided to carers

Assessment and Care Management processes and forms

- Content of adult carer support plan
- Review of adult support plan
- Emergency and future planning
- Young carer statement
- Young carer sharing of information
- Review of young carer statements

Strategic Work

- Duty to prepare and consult on a local carer strategy
- Short breaks services statements

Staff development and training around powers and duties of Act

- Ensure all HSCP staff are clear on roles and responsibilities.

Communication and engagement Strategy about the Act's provisions

- With adult carers and young carers
- With third sector
- Wider relevant stakeholders
- General public

3. Preparation of Local Eligibility Criteria

3.1 This is an important aspect in the work required for the Act's commencement on 1st April 2018.

3.2 There are three aspects to setting an eligibility framework

- the criteria that determine it
- the thresholds that must be passed to trigger it, and
- the services that follow it

3.3 While the Scottish Government has decided against setting national eligibility criteria, it is desirable for local eligibility criteria to reflect nationally agreed definitions of levels of need/risk, in order to promote consistency of response across Scotland.

3.4 The expectation is that the Scottish Government will issue guidance on eligibility criteria June 2017 which will need to be taken into account in the development of criteria for GCHSCP. This is likely to reflect 2009 national eligibility criteria framework for adult social care which sets out national definitions with thresholds being agreed locally.

3.5 Glasgow HSCP is in a good position in this area as carers services currently have a prioritisation system based on need and risk to carer and/or carer breakdown. This can be potentially reframed relatively straightforwardly as eligibility criteria for the purposes of the Act.

3.6 As the timeline at Appendix 2 sets out, the HSCP would expect draft eligibility criteria to be developed by the Autumn and consulted upon in the weeks thereafter to the end of the year/beginning of 2018.

4. Financial Framework

4.1 Glasgow HSCP has been allocated £265,714 by the Scottish Government to support the work that is required to be done in preparation for the Act's commencement over the coming year.

4.2 It is difficult to determine at this point how this funding will be spent and as such should be made available to the group overseeing the work plan who will be best placed to allocate the funding support their work.

5 Recommendations

5.1 The Integration Joint Board is asked to:

- a) note the content of the report and appendices; and
- b) instruct the Chief Officer to report to the IJB in January/February 2018 on implementation plans for the new Act.



DIRECTION FROM THE GLASGOW CITY INTEGRATION JOINT BOARD

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| 1 | Reference number | 210617-15-a |
| 2 | Date direction issued by Integration Joint Board | 21 June 2017 |
| 3 | Date from which direction takes effect | 21 June 2017 |
| 4 | Direction to: | Glasgow City Council and NHS Greater Glasgow and Clyde jointly |
| 5 | Does this direction supersede, amend or cancel a previous direction – if yes, include the reference number(s) | No |
| 6 | Functions covered by direction | Carers services |
| 7 | Full text of direction | The Council and Health Board are directed to carry out the necessary actions to prepare for full implementation of the Carer (Scotland) Act 2015 in April 2018 |
| 8 | Budget allocated by Integration Joint Board to carry out direction | £265,714 Scottish Government funding |
| 9 | Performance monitoring arrangements | In line with the agreed Performance Management Framework of the Glasgow City Integration Joint Board and the Glasgow City Health and Social Care Partnership. |
| 10 | Date direction will be reviewed | March 2018 |

| Part of Act | Summary | Key Points | Glasgow Position against compliance and comments |
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| Part 1 Key definitions 1,2,3 | Sets out meaning of: - carer - young carer - adult carer | <p>The meaning of “carer” includes an individual “who intends to provide care” as well as an individual who provides care².</p> <p>Individuals are not carers if the cared-for person under the age of 18 only needs care because of their age. This now brings within scope of the meaning of carer those individuals caring for children with conditions such as autism and Attention Deficit Hyperactivity Disorder (ADHD).</p> <p>Therefore, with regard to cared-for people who are children, the terminology, “disabled child” is not used.</p> <p>Young carers are aged under 18 or age 18 or over if they are still at school.</p> | <p>Compliant on both</p> <p>Insert definitions and additionally</p> <p>“A young carer becomes vulnerable when the level of care-giving and responsibility to the person in need of care becomes excessive or inappropriate for that child, risking impacting on his or her emotional or physical well-being or educational achievement and life chances.”</p> |
| 4 & 5 | Sets out meaning of: - personal outcomes - identified personal outcomes - identified needs | <p>Personal outcomes will, if achieved, enable carers to provide or continue to provide care for the cared-for person. Amongst other things, this aims to stop carers who already provide care from reaching breaking point. It is about sustaining and supporting the carer in the caring role. In order to achieve this, the carer will have a life alongside caring.</p> | <p>Compliant</p> <p>Glasgow work to the personal outcomes as described by Talking Points for adult carers which is a nationally recognised framework.</p> <p>For young carers we use the nationally recognised SHANARRI outcomes which are safe, healthy, active, nurtured, achieving, respected, responsible and included.</p> |

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| | | <p>As described above Glasgow uses the Outcome Star approach to work with young</p> | <p>For young carers, we use the outcomes star framework for individual young carers and their family's carers for them to identify what is important to them.</p> <p>The objective of Glasgow's Young Carers strategy to remove or alleviate the caring role and not to continue it.</p> <p>The outcomes for Young Carers are no different from those we hold for all children and young people in Glasgow.</p> <p>Needs for both adult and young carers are identified through carer assessment process and outcome based support planning for adult and young carers</p> |
| <p>PART 2 Adult Carer Support Plans and Young Carer Statements</p> <p>CHAPTER 1 6</p> | <p>Duty to prepare adult carer support plan</p> | <p>The section provides for the offering of an Adult Carer Support Plan (ACSP) by the responsible local authority and the requesting of an ACSP by an individual carer. This means there are now two ways in which an individual can access an ACSP.</p> <p>An ACSP must be prepared, even if the carer is not deemed eligible for support (according to local eligibility criteria). In these circumstances, the ACSP should include signposting and access to any relevant supports, for example, universal or community-based services.</p> | <p>Compliant</p> <p>Assessment and care management processes include outcome based support planning for all adult carers irrespective of level of need</p> |

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| | | The responsible local authority must exercise its functions under this section in a manner which encourages equal opportunities. | |
| PART 2 7 | Adult carers of terminally ill cared-for persons | <p>Scottish Ministers must prescribe timescales in regulations for the preparation of the ACSP in relation to adult carers of terminally ill cared-for persons.</p> <p>This regulation-making power is unlikely to be introduced now but there will be guidance.</p> | <p>Compliant</p> <p>End of life referrals are regarded as Priority 1 referrals and as such there will be a response within 24 working hours.</p> |
| PART 2 8 | Adult carers: identification of outcomes and needs for support | <p>This section contains a regulation-making power to define personal outcomes which is not being used. In identifying an adult carer's personal outcomes and needs for support, the responsible local authority must take into account any impact that having one or more protected characteristics has on the adult carer.</p> | <p>Compliant</p> <p>Evidenced through policies and procedures and Case Review and closure protocol. Glasgow response – compliant as the carer assessment will cover the above and the carer health review also provides conversation around able.</p> |
| PART 2 9 | Content of adult carer support plan | <p>This sets out, amongst other things, the range of information that the ACSP must contain.</p> <p>It includes information on the impact of caring on wellbeing and day-to-day life, and matters including, for example:</p> <ul style="list-style-type: none"> • the adult carer has arrangements in place for the provision of care in an emergency; • the adult carer has arrangements in place for the future care of the cared-for person; and • the carer is, or wishes to be, in employment or education. | <p>Partly compliant</p> <p>Emergency planning service is currently targeted at older carers only or carers of older people – further work is being taken forward around how we can implement for adult carer of those under 65 year.</p> |

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| | | This section contains a regulation-making power to further prescribe the content of an ACSP. This power is not being used. | |
| PART 2 10 | Review of adult carer support plans | <p>This section contains a regulation-making power about the review of adult carer support plans.</p> <p>There may be regulations under section 10(a) setting out the circumstances in which the ACSP is to be reviewed but there are unlikely to be regulations under section 10 (b), (c) and (d).</p> | <p>Partly compliant</p> <p>Review protocol and case closure protocol currently in place to ensure it includes</p> <ul style="list-style-type: none"> • Circumstances for review • Frequency of review • Procedure for review • Arrangements for obtaining views of adult carers and cared for |
| PART 2 11 | Adult carer support plan: provision of information to carer etc. | <p>This section places a duty on the responsible local authority to provide the adult carer with the information contained in the ACSP. The information may also be provided to any other person the adult carer requests.</p> <p>The section does not apply if the responsible local authority does not consider the sharing of the information appropriate.</p> | <p>Compliant</p> <p>All adult carers receive a copy of the adult support plan and this will be shared with others as requested by adult carer unless local authority does not consider the sharing of information to be appropriate.</p> |
| PART 2 CHAPTER 2 Young Carer Statements 12 | Duty to prepare young carer statement | <p>The section provides for the offering of a Young Carer Statement (YCS) by the responsible authority and the requesting by an individual young carer of a YCS. There are now therefore two ways in which a child or young person can access a YCS.</p> <p>A YCS must be prepared, even if the young carer is not deemed eligible for support (according to local eligibility criteria). In these circumstances, the YCS should</p> | <p>We are not currently compliant on this.</p> <p>Further guidance needed from Scottish Government to better understand the relationship between Young Carer statement and child's plan.</p> <p>Scottish Government highlights meeting Young Carer needs but does not reflect</p> |

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| | | <p>include signposting and access to any relevant supports, for example, universal or community-based services.</p> <p>The responsible authority must exercise its functions under this section in a manner which encourages equal opportunities.</p> | <p>Glasgow position where our key task to reduce or eliminate the caring role through our family based approach.</p> |
| 13 | Young carers of terminally ill cared-for persons | <p>Scottish Ministers must prescribe timescales in regulations for the preparation of the YCS in relation to young carers of terminally ill cared-for persons.</p> <p>The regulation-making power is unlikely to be introduced now but there will be guidance.</p> | <p>Compliant</p> <p>End of life referrals are regarded as Priority 1 referrals and as such there will be a response within 24 working hours.</p> |
| 14 | Young carers: identification of outcomes and needs for support | <p>This section contains a regulation-making power to define personal outcomes which is not being used. In identifying a young carer's personal outcomes and needs for support, the responsible local authority must take into account any impact that having one or more protected characteristics has on the young carer.</p> | <p>Further guidance needed from Scottish Government to better understand the relationship between Young Carers statement and child's plan.</p> |
| 15 | Content of young carer statement | <p>Similar to that for ACSP (section 9). In addition, the YCS must contain information about the extent to which the responsible authority considers that the nature and extent of the care provided by the young carer is appropriate.</p> <p>Therefore, for example, the responsible authority might consider that personal, intimate care provided by a young carer is not appropriate. Or they might consider that the young carer is caring for too many hours each week. Or they might consider that the young carer, as a</p> | <p>Compliant</p> <p>Glasgow aims to reduce or alleviate the care through a family based approach where the nature and extent of the care provided by the young carer is assessed an inappropriate including highlighting any child protection concerns.</p> |

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| | | very young child, should not be carrying out any caring. This section also contains a regulation-making power to further prescribe the content of an YCS. This power is not being used. | |
| 16 | Review of young carer statements | This section contains a regulation-making power about the review of young carer statements. There may be regulations under section 16(a) setting out the circumstances in which the YCS is to be reviewed but there are unlikely to be regulations under section 16 (b), (c) and (d). | Non-compliant A protocol around young carers statement reviews needs to be developed |
| 17 | Young carer statement: provision of information to carer etc. | Similar to that for ACSP (section 11). Information contained in the YCS can be provided to the child's named person. However there is no duty in the Carers (Scotland) Act 2016 to do so. Instead, provision for the sharing of information by the responsible authority for a YCS with the named person service provider exists in section 26 of the Children and Young People (Scotland) Act 2014.3 This section sets out the framework under which information requires to be shared between service providers and the named person service provider. The views of the young carer would be ascertained and had regard to if reasonably practicable and in having regard to the views of the young carer, an important consideration would be the young carer's age and maturity. | Non-compliant A protocol around young carer's statement reviews needs to be developed as does consideration on sharing of information protocol based on best practice as described by Children's Commissioner in response to legal issues highlighted by Named Person legislation. |
| 18 | Continuation of young carer statement | If a young carer reaches the age of 18, the YCS for that carer continues to have effect until an ACSP is provided | Compliant Glasgow has integrated adult and young carer services and if young carers continue to care |

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| | | | beyond 18 then then can seamlessly move to adult carer services/adult carer support plan |
| 19 | Responsible authority: general Responsible authority: special cases | Section 19 sets out who the responsible authority is in relation to a young carer. Where the young carer is a pre-school child, the responsible authority will be the health board for the area in which the child resides. In any other case, the responsible authority will be the local authority for the area in which the young carer resides. Section 20 sets out responsible authority special cases. These include the directing authority of schools being the responsible authority where the young carer is a pupil at a grant-aided school or an independent school. | Compliant |
| PART 3 CHAPTER 2 DUTY TO PROVIDE SUPPORT TO CARERS 24 | Duty to provide support | This section provides for a duty on the responsible local authority to support carers who have eligible needs. There is also a power to support carers to meet needs which do not meet the eligibility criteria. A carer's needs for support must be assessed within the framework of the ACSP/YCS scheme. The Act defines eligible needs for support as those which cannot be met through the provision of services available generally and/or by information and advice services, and/or by services provided to the cared-for person (with the exception of replacement care). The local authority must also deem eligible needs according to local eligibility criteria. Where a carer is deemed eligible for support, this may take the form of a personal budget and offer of self-directed support options. | Partly compliant Current prioritisation process needs to be re-visited and reframed as eligibility criteria. Carers deemed eligible for support may request a personal budget other self-directed support options. Finance need to be cited on this for processes to be developed. |

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| 25 | Provision of support to carers: breaks from caring | <p>A local authority is required to consider whether any support provided should include or take the form of a break from caring.</p> <p>Each local authority must have regard to the desirability of breaks from caring being provided on a planned basis.</p> <p>The 'market sufficiency' duty in the Social Care (Self-directed Support) Scotland Act 2013 applies in relation to support provided as a break from caring. This means that a local authority must, in so far as is reasonably practicable, promote short break providers and a variety of short breaks.</p> | <p>Partly compliant.</p> <p>Short breaks are provided and are normally temporary to meet an identified outcome by the carer or to support training, emergencies, end of life care, preventing hospital or long term care admissions. All agreed through carer assessment process.</p> <p>Framework Tender includes a range of short break providers.</p> |
| 26 | Charging for support provided to carers | <p>Regulations are already in place to waive charges for support to carers. These will be amended to reflect the Carers Act provisions but will not change policy. Guidance will be issued.</p> | <p>Awaiting guidance from Scottish Government Carer services are not chargeable.</p> |
| PART 5 LOCAL CARER STRATEGI ES 31,32,33 | Duty to prepare local carer strategy; Preparation of local carer strategy; Publication and review of local carer strategy | <p>Each local authority and relevant health board must jointly prepare a local carer strategy. It must contain, amongst other things, plans for identifying relevant carers; and plans for helping relevant carers put arrangements in place for the provision of care in emergencies.</p> <p>There are consultation requirements.</p> <p>There are factors which must be taken into account in preparing the local carer strategy. These include the national health and wellbeing outcomes.</p> <p>The local carer strategy must be published.</p> | <p>Partly compliant</p> <p>The carer strategy will be developed within the framework and timescales set by the Act and carer and wider stakeholder consultation will be central to this.</p> |

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| 35 | Short breaks services statements | <p>Each local authority is required to prepare and publish a short breaks services statement. This document will describe the short break services available in Scotland⁵ for carers and cared-for persons. Local authorities will be encouraged to identify gaps and plan and commission new short break provision to meet the needs of carers in their areas.</p> <p>Scottish Ministers are expected to use the regulation-making power to make further provision about the preparation, publication and review of short breaks services statements.</p> | <p>Non-compliant</p> <p>Will be addressed when further guidance is available</p> |
| 36 | Carers Charter | <p>Section 36 requires, amongst other things, that Scottish Ministers must prepare a carers' charter and may from time to time revise the charter.</p> | <p>Awaiting this from Scottish Government</p> |

Timeline and work plan outline for Implementation

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| June – Sept 2017 | <ul style="list-style-type: none"> • Report to IJB setting out legislative background to establishing eligibility criteria for carers, and other requirements, duties and powers from the Act • Establish a project board and work streams and include carer representations to produce draft eligibility framework. • Consider requirements for local eligibility criteria for carers, • Review any existing criteria, consider relationship to current eligibility criteria for adult social care and children with disabilities • Consider government guidance when available • Plan the local timetable for the work on eligibility, including the consultation, and the involvement of people and bodies representing carers • Consider any changes required to information systems to collect better data on carers |
| October – November 2017 | <ul style="list-style-type: none"> • Finalising draft eligibility criteria ready for consultation, • Plan consultation process including resources for receiving and analysing the responses. • Publish draft eligibility criteria • Plan and organise range of methods for consultation with carers, their organisations and wider stakeholders including general public |
| December 2017 | <ul style="list-style-type: none"> • Closure date for consultation responses • Complete analysis of consultation responses and meetings |
| January – February 2018 | <ul style="list-style-type: none"> • Report to IJB on consultation responses and proposed final eligibility criteria • IJB agree final first eligibility criteria, taking into account consultation responses • Deliver changes to information systems, • Plan and deliver communications to staff, • Develop Operational Guidance, • Develop public information including FAQs • Council agrees 2018-19 budget, including available IJB budget to support the implementation of the Act and will agreed by NHS Board. |
| April 2018 | <ul style="list-style-type: none"> • Commence Act in line with eligibility criteria |