

Carers (Scotland) Act 2016:

Consultation on a Carers' Charter

August 2017



Scottish Government
Riaghaltas na h-Alba
gov.scot

EXECUTIVE SUMMARY

The Carers (Scotland) Act 2016 (“the Act”)¹ will come into force on 1 April 2018.

The intention of the Act is to ensure that Scotland’s estimated 745,000 adult carers and 44,000 young carers² are 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.

Moreover, in relation to young carers, the intention is that young carers should have a childhood similar to their non-carer peers.

The Act sits within the wider context of the Scottish Government’s intention to build a fairer Scotland and strong sustainable economy; tackling inequalities in society; and delivering public services in communities.

The case for supporting carers and the potential impact of caring is recognised in national health and well-being outcome 6, which the Act supports –

“People who provide unpaid care are supported to look after their own health and wellbeing, including to reduce any negative impact of their caring role on their own health and wellbeing.”

A key aspiration from the 2010-2015 National Carers Strategy was to ensure that carers have their rights recognised. This is realised through the new legislation. The Act will extend and enhance the rights of carers.

Section 36 of the Act requires Scottish Ministers to prepare and publish a Carers’ Charter (“the Charter”), setting out the rights of carers in or under the Act. The Charter cannot and does not create any new rights or alter any existing rights. There is also a requirement to consult with carers and carer representatives and to lay the Charter before the Scottish Parliament.

The Charter is intended to ensure first and foremost that carers are aware of their rights as carers.

The draft Charter in this consultation just covers the rights in or under the Act. There will be scope in future to produce an updated version covering carers rights under other legislation.

This consultation will run in parallel with a consultation on a number of draft regulations, which can also be found on the Citizen Space area of the Scottish Government website. Please note that to align with legislative timeframes the consultation on draft regulations will close on 24 September, while the Charter consultation will remain open until 22 October.

¹ <http://www.legislation.gov.uk/asp/2016/9/contents>

² <http://www.gov.scot/Publications/2015/03/1081>

Future Opportunities

Analysis of the responses to this consultation will be considered by the Scottish Ministers, and help to inform the published version of the Charter.

ABOUT THIS CONSULTATION

The purpose of this consultation is to ask if the draft Charter is fit for purpose, and about the possibility of publishing a revised version of the Charter in due course.

This consultation is open for a period from 1 August to 22 October.

We invite your views to each of the questions below.

QUESTIONS

Content of a Carers' Charter Section 36

Intention of the Carers' Charter

To set out the rights of carers as provided for under the Carers (Scotland) Act 2016. The document is intended to provide a summary of the rights of carers under the Carers (Scotland) Act 2016 in a readily accessible and understandable format for both young and adult carers alike.

The draft Charter for your consideration can be found in the accompanying attachments.

Questions

1) Is the information presented in Chapter 1 – “Am I a carer?” clear? Please indicate in the comments box any information that should be added, removed, or particular parts of the chapter which would benefit by being presented differently.

Yes / No

Comments

2) Is the information presented in Chapter 2 – “Adult carer support plan” clear?
Please indicate in the comments box any information that should be added, removed, or particular parts of the chapter which would benefit by being presented differently.

Yes / No

Comments

3) Is the information presented in Chapter 3 – “Young carer statement” clear? Please indicate in the comments box any information that should be added, removed, or particular parts of the chapter which would benefit by being presented differently.

Yes / No

Comments

4) Is the information presented in Chapter 4 – “Support as a carer” clear? Please indicate in the comments box any information that should be added, removed, or particular parts of the chapter which would benefit by being presented differently.

Yes / No

Comments

5) Is the information presented in Chapter 5 – “Carer involvement in services” clear?
Please indicate in the comments box any information that should be added, removed, or particular parts of the chapter which would benefit by being presented differently.

Yes / No

Comments

6) Is the information presented in Chapter 6 – “Hospital discharge” clear? Please indicate in the comments box any information that should be added, removed, or particular parts of the chapter which would benefit by being presented differently.

Yes / No

Comments

7) Are there any rights of carers under the Carers (Scotland) Act 2016 not captured in this draft of the charter that should be included?

Yes / No

Comments

RESPONDING TO THIS CONSULTATION PAPER

Please respond to this consultation using the Scottish Government's consultation platform, Citizen Space. You view and respond to this consultation online at: <https://consult.scotland.gov.uk/health-and-social-care/draft-carers-charter-of-the-carers-act-2016>

You can save and return to your responses while the consultation is still open. Please ensure that consultation responses are submitted before the closing date of 22 October.

Alternatively you can e-mail your response and the completed Respondent Information Form, which is also available separately on the Scottish Government website (see "Handling your Response" below) to: carerspolicy@gov.scot.

If you are unable to respond online, please complete the Respondent Information Form (see "Handling your Response" below) and send it to:

Carers (Scotland) Act 2016: Consultation on a Carers' charter
Carers Policy Branch
Scottish Government
GE.14
St Andrews House
Regent Road
Edinburgh
EH1 3DG

This consultation, and all other Scottish Government consultation exercises, can be viewed online on the consultation web pages of the Scottish Government website at: <http://www.scotland.gov.uk/consultations>.

Handling your response

If you respond using Citizen Space (<http://consult.scotland.gov.uk/>), you will be directed to the Respondent Information Form. Please indicate how you wish your response to be handled and, in particular, whether you are happy for your response to be published.

If you are unable to respond via Citizen Space, please complete and return the Respondent Information Form attached included in this document. If you ask for your response not to be published, we will regard it as confidential, and we will treat it accordingly.

All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

Next steps in the process

Where respondents have given permission for their response to be made public, and after we have checked that they contain no potentially defamatory material, responses will be made available to the public at <http://consult.scotland.gov.uk>. If you use Citizen Space to respond, you will receive a copy of your response via email.

Following the closing date, all responses will be analysed and considered along with any other available evidence to help us. Responses will be published where we have been given permission to do so.

Comments and complaints

If you have any comments about how this consultation exercise has been conducted, please send them to:

Michael Mawdsley
Carers Policy Branch
Scottish Government
GE.15
St Andrews House
Regent Road
Edinburgh
EH1 3DG

Scottish Government consultation process

Consultation is an essential part of the policy-making process. It gives us the opportunity to consider your opinion and expertise on a proposed area of work. You can find all our consultations online: <http://consult.scotland.gov.uk>. Each consultation details the issues under consideration, as well as a way for you to give us your views, either online, by email or by post.

Consultations may involve seeking views in a number of different ways, such as public meetings, focus groups, or other online methods such as Dialogue (<https://www.ideas.gov.scot>.)

Responses will be analysed and used as part of the decision making process, along with a range of other available information and evidence. We will publish a report of this analysis for every consultation. Depending on the nature of the consultation exercise the responses received may:

- indicate the need for policy development or review
- inform the development of a particular policy
- help decisions to be made between alternative policy proposals
- be used to finalise legislation before it is implemented

While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.



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Any enquiries regarding this publication should be sent to us at
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Edinburgh
EH1 3DG

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