

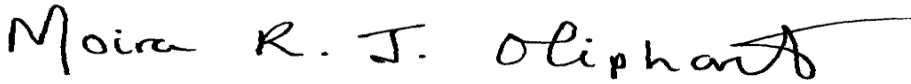
CRWIA front sheet

<p>Policy/measure</p> <p>A general description of the policy/measure</p>	<p>Carers (Scotland) Act 2016</p> <p>It is the intention of the Scottish Government that Scotland's adult and young carers should be 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. In relation to young carers, the intention is similar to that for adult carers but that young carers should have a childhood similar to their non-carer peers. The objective of the Act is to make real this ambition by further the rights of both adult and young carers.</p> <p>The Scottish Ministers view the Act as an important opportunity to extend and enhance the rights of both adult and young carers in Scotland. This means:</p> <p>(a) Extending the rights of young carers¹; and</p> <p>(b) Extending the rights of adult carers², including the carers of persons under 18 years old³, to the extent that the care is or would be provided by virtue of the person's age.</p>
<p>Project initiation document</p> <p>Add link to the document</p>	<p>The Policy memorandum for the Act sets out the background to the Act. http://www.scottish.parliament.uk/S4_Bills/Carers%20(Scotland)%20Bill/b61s4-introd-pm.pdf</p>
<p>Initiating department</p> <p>The responsible team or division. If this is a cross-cutting policy, name the team that has overall</p>	<p>Care, Support and Rights Division, Carers Branch.</p>

¹ In the Act, "young carer" means a carer who is under 18 years old, or has attained the age of 18 years while a pupil at a school, and has since attaining that age remained a pupil at that or another school.

² Section 1(2)(b) sets out that the definition of carer does not apply if the care is provided by virtue of a contract or as voluntary work. Subsection (3) gives Scottish Ministers a regulation-making power to set out what is meant by a contract for the purposes of section 1(2)(b)(i). For instance, this power might be used to provide that an agreement between a local authority and a kinship carer under the Looked After Children (Scotland) Regulations 2009 is not a "contract" for the purposes of subsection (2)(b)(i). That would mean that care provided under such an agreement would fall within the meaning of carer and the kinship carer would be a carer for the purposes of the Act.

³ The term "disabled children/child" is not used in the Act. Section 1(2) of the Act states that with regard to the meaning of "carer", subsection (1) (meaning of "carer") does not apply in the case of a cared-for person under 18 years old, to the extent that the care is or would be provided by virtue of the person's age. This is to ensure that parents are not regarded as carers for the purposes of the Bill, except where they are caring for that child for a reason other than the child's age. This will include parents of disabled children.

responsibility	
Policy aims What the policy or measure is trying to achieve; what are the expected outcomes	<p>To ensure that Scotland's estimated 44,000 young carers aged under 18⁴ are supported to help sustain the caring role (if that is what the young carers want) and to have a life alongside caring. To ensure that the young carers have a childhood first and foremost.</p> <p>To ensure that all carers, including the carers of children, are also supported so that they can continue to care, if they so wish, in good health and to have a life alongside caring.</p>
Timetable What is the time frame for a policy announcement/consultation/implementation?	The Bill was introduced into the Scottish Parliament on 9 March 2015. It was passed in Parliament on 4 February 2016. Commencement is expected in 2017-18.
Date	23 March 2016
Signature	

⁴ Scottish Health Survey (SHeS).

<ul style="list-style-type: none"> • CRWIA Stage 1 • Screening - key questions⁵ •
<ul style="list-style-type: none"> • 1. What aspects of the policy/measure will affect children and young people up to the age of 18? • <i>The Articles of the UNCRC and the wellbeing indicators under the Children and Young People (Scotland) 2014 apply to all children and young people up to the age of 18, including non-citizen and undocumented children and young people.</i> • • The following Bill provisions are expected to affect certain groups⁶ of children and young people up to the age of 18: <ul style="list-style-type: none"> • Section 1 – Meaning of carer • Section 2 – Meaning of young carer • Section 4 – Meaning of personal outcomes • Section 6 – Duty to prepare adult carer support plan • Section 8 – Content of adult carer support plan • Section 10 – Adult Carer Support plan: provision of information to carer etc. • Section 11 – Duty to prepare young carer statement • Section 13 – Content of young carer statement • Section 15 – Young carer statement: provision of information to carer • Section 19 – Duty to set local eligibility criteria • Section 22 – Duty to provide support • Section 23 – provision of support to carers: breaks from caring • Section 25 – Duty to involve carers in carer services • Section 26 – Involvement of, assistance to and collaboration with carers • Section 27 – Care assessments: duty to take account of care and views of carers • Section 28 – Duty to prepare local carer strategy • Section 29 – Preparation of local carer strategy • Section 31 – Information and advice service for carers • Section 32 – Short breaks services statements • • The Bill also contains several regulation-making powers for Scottish Ministers to make further provision in relation to specific matters on the face of the Bill. These provisions have not been considered as part of this CRWIA. Their impact on children and young people is entirely dependent on the content of the secondary legislation. This is dependent upon the Bill being passed, on the regulation-making powers being commenced, on Scottish Minister’s using the regulation-making power, and on consultation with stakeholders to determine the nature of the legislation. Further CRWIAs should be considered as part of the development of any subordinate legislation.
<ul style="list-style-type: none"> • 2. What likely impact - direct or indirect - will the policy/measure have on children and young people? • <i>‘Direct’ impact refers to policies/measures where children and young people are directly affected by</i>

⁵ To note that this stage 1 CRWIA document was produced in line with the Carers (Scotland) Bill as introduced 9 March 2015. The answers to the questions in this section of the CRWIA are designed to reflect the Bill at this stage in order to assess whether a full CRWIA was needed, therefore it does not reflect the final version of the Carers (Scotland) Act as passed on 4 February 2016. To see the full list and further details of sections in the Act as passed that the Scottish Government believe may have an impact on children and young people’s rights and wellbeing, please see stage 6 of the CRWIA.

⁶ That is, children and young people with caring responsibilities; and disabled children and young people.

the proposed changes e.g. in early years, education, child protection or looked after children (children in care). 'Indirect' impact refers to policies/measures that are not directly aimed at children but will have an impact on them. Examples include: welfare reforms, parental leave, housing supply or local transport schemes.

• Provision	• Impact	• Explanation
• s1 – Meaning of carer	• Indirect	• This provision relates to adult carers. In particular, the definition of carer provided in the Bill will bring parents of disabled children and young people within the scope of the Bill. This group of young people will benefit indirectly from the improved help and support their parents will be able to access. Siblings of the cared-for person may also benefit from the improved health and wellbeing of their parent/guardian.
• s2 – Meaning of young carer	• Direct	• This provision ensures that all children and young people under the age of 18 with caring responsibilities in Scotland will be eligible for all the rights conferred under the Bill which apply to young carers.
• s4 – Meaning of personal outcomes	• Direct	• This provision defines personal outcomes, in relation to carers (including young carers), as including outcomes which would, if achieved, enable carers to provide or continue to provide care for the cared-for person. Personal outcomes are relevant to the assessment of a carer's needs for support under Part 2 of the Bill.
• s6 – Duty to prepare ACSP	• Indirect	• These provisions relate to adult carers. The duty to prepare an adult carer support plan lies with the local authority if the adult carer requests one or the local authority offers the adult carer one. Children and young people may be indirectly affected if they are the cared-for person the adult carer is caring for.
• s8 – Content of ACSP	• Indirect	
• s10 – ACSP: provision of information to carer	• Indirect	
• s11 – Duty to prepare YCS	• Direct	• These provisions will impact directly on children and young people who are identified as or self-identify as young carers. They could indirectly impact on disabled children and young people (as the cared-for person) and any siblings of the young carer/cared-for person.
• s13 – Content of YCS	• Direct	
• s15 – YCS: provision of information to carer	• Direct	
• s19 – Duty to set local eligibility criteria	• Direct	• Local eligibility criteria are the criteria used to determine whether a carer or young carer's identified needs

		are eligible needs and therefore whether the local authority is under a duty to provide support to meet those eligible needs.
<ul style="list-style-type: none"> • s22 – Duty to provide support 	<ul style="list-style-type: none"> • Direct 	<ul style="list-style-type: none"> • Local authorities will be under a duty to provide support to carers and young carers whose identified needs meet the local authority’s eligibility criteria. Young carers will be the recipient of such support if their identified needs are eligible needs and therefore benefit positively from this provision as the local authority will recognise and address the unique needs of the young carer as an individual.
<ul style="list-style-type: none"> • s23 – Provision of support to carers: breaks from caring 	<ul style="list-style-type: none"> • Direct 	<ul style="list-style-type: none"> • Local authorities must, when determining which support to provide to carers under s22(4) consider whether the support should take the form of a break from caring. (In this section the definition of “carer” includes “young carers”, who will be directly impacted by this provision).
<ul style="list-style-type: none"> • s25 – Duty to involve carers in carer services 	<ul style="list-style-type: none"> • Direct 	<ul style="list-style-type: none"> • Local authorities and health boards will be under a duty to involve carers in carer services. In the Bill, carer services are defined as services both for the carer and the cared-for person. Young carers will be impacted directly by this provision to the extent that they wish to be involved in the planning of carer services.
<ul style="list-style-type: none"> • s26 – Involvement of, assistance to and collaboration with carers 	<ul style="list-style-type: none"> • Direct 	<ul style="list-style-type: none"> • Local authorities will be required to have regard to the general principles in section 1 of the Social Care (Self-directed Support)(Scotland) Act 2013 when exercising functions under Part 2 (adult carer support plans and young carer statements) and Part 3 (provision of support to carers) of the Bill. These general principals are that the carer must have as much involvement as he or she wishes in relation to the preparation of the ACSP or YCS and the provision of support under s22 of the Bill, and that the local authority must collaborate with the carer in respect of those matters. The carer must also be provided with any assistance required in order to be able to express views or make an informed choice about

		options for self-directed support.
<ul style="list-style-type: none"> s27 – Care assessments: duty to take account of care and views of carers 	<ul style="list-style-type: none"> Direct 	<ul style="list-style-type: none"> This section makes consequential amendments to other Acts which will require the authority preparing assessments of people in need of community care services and of children affected by disability to take into account the care which is provided, or to be provided by any carer. The local authority must also take into account the views of the carer, so far as it is reasonable and practicable to do so, when determining the needs of the person being assessed and deciding what services to provide and how to provide them.
<ul style="list-style-type: none"> s28 – Duty to prepare local carer strategy 	<ul style="list-style-type: none"> Direct 	<ul style="list-style-type: none"> Local authorities must prepare a local carer strategy. Before doing so, they must consult with the relevant health board and such person and bodies representative of carers as the local authority considers appropriate. It must also take steps as it considers appropriate to involve carers.
<ul style="list-style-type: none"> s29 – Preparation of local carer strategy 	<ul style="list-style-type: none"> Indirect 	<ul style="list-style-type: none"> This section sets out a non-exhaustive list of factors to which the local authority must have regard in preparing its local carer strategy. For instance, this includes the aims set out in s9(2) of the Children and Young People (Scotland) Act 2014.
<ul style="list-style-type: none"> s31 – Information and Advice services for carers 	<ul style="list-style-type: none"> Direct 	<ul style="list-style-type: none"> This provision will impact directly on young carers as they will be direct beneficiaries of the information and advice service to be maintained and established by the local authority.
<ul style="list-style-type: none"> s32 – Short breaks services statements 	<ul style="list-style-type: none"> Direct 	<ul style="list-style-type: none"> Each local authority must prepare and publish a short breaks services statement. It must be published in an accessible format and the information contained within it should be relevant to the persons within the local authority area.

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- 3. Are there particular groups of children and young people who are more likely to be affected than others?**

- Under the UNCRC 'children' can refer to: individual children, groups of children, or children in general. Some groups of children will relate to the groups with protected characteristics under the Equality Act 2010: disability, race, religion or belief, sex, sexual orientation. It may be possible to align the CRWIA with the EQIA in these cases. 'Groups' can also refer to children by age band or setting, or those who are eligible for special protection or assistance e.g. pre-school children, children in hospital, children in rural areas, looked after children, young people who offend, victims of abuse or exploitation, child*

asylum-seekers, or children living in poverty.

Groups of children and young people who are more likely to be affected than others include:

- Children and young people who are young carers
- Children and young people who are cared-for persons
- Children and young people who are sibling of young carers, or of cared-for children and young people.

As these groups are not homogeneous, within them there will be groups of children and young people with one or more protected characteristics; of pre-school age; who live in rural areas; looked after children; young people who offend; victims of abuse or exploitation; child asylum-seekers or children living in poverty.

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• **4. Who else have you involved in your deliberations?**

Have you included all policy leads who may have an interest in these developments?

Yes. During the development of the Bill's provisions, consultations were held with the following areas of the Scottish Government:

- Children's Rights and Wellbeing
- Child Protection Policy
- Integration and Reshaping Care
- Colleges and Adult Learning
- Directorate for Legal Services
- Health Analytical Services
- Health Finance
- Higher Education and Learner Support
- Mental Health and Protection of Rights
- Office of the Chief Social Work Adviser
- Primary Care and Support
- Primary Medical Services
- Looked after Children Unit
- Equalities Unit
- Local Government Division.

• These consultations have assisted in ensuring that the development of the Bill's provisions were informed from a robust evidence-base and will be consistent with the Scottish Government's Purpose and the UN Convention on the Rights of the Child.

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• After public consultation, the developing Bill proposals have been subject to the normal process of consultation for all relevant interests within the government prior to submission of the Bill and accompanying documents to Parliament.

• **5. Will this require a CRWIA?**

• *Explain your reasons*

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• Yes. The Bill will bring about a significant change in law which will extend and recognise the rights of young carers. Several Bill provisions will directly impact children and young people.

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• **CRWIA Declaration**

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Tick relevant section, and complete the form.

CRWIA required	CRWIA not required
<ul style="list-style-type: none"> • • X 	<ul style="list-style-type: none"> •
<ul style="list-style-type: none"> • Authorisation • 	
<p>Policy lead</p> <p>Lynn Lavery, Bill Implementation Team Leader, Carers Branch Care, Support and Rights</p> <p>Peggy Winford, Policy Officer, Carers Branch, Care, Support and Rights</p>	<p>Date</p> <ul style="list-style-type: none"> • 23 March 2016
<p>Deputy Director or equivalent</p> <p>Dr Maureen Bruce, Deputy Director, Care, Support and Rights.</p>	<ul style="list-style-type: none"> • Date • • 23 March 2016

**CHILD RIGHTS AND WELLBEING IMPACT ASSESSMENT
for the
CARERS (SCOTLAND) ACT 2016**

Date of publication:

**Executive
Summary**

The Carers (Scotland) Act 2016 aims to better support Scotland's 745,000 adult carers and 44,000⁷ young carers 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. In relation to young carers, the intention is similar to that for adult carers, but also that young carers should have a childhood similar to their non-carer peers.

The aim of this Child Rights and Wellbeing Impact Assessment (CRWIA) is to identify, research, analyse and record the anticipated impact of the Act on children's human rights and wellbeing in Scotland.

The CRWIA has been informed by a range of evidence.

All provisions of the Act have been considered against the available evidence and assessed under:

- the general principles and 41 articles under Part 1 of the United Nations Convention on the Rights of the Child. These articles set out the civil, political, economic, social and cultural rights that all children everywhere are entitled to;
- the three Optional Protocols to the United Nations Convention on the Rights of the Child; and
- the eight wellbeing indicators developed as part of the Scottish Government's Getting It Right For Every Child approach. These indicators are: Safe, Healthy, Achieving, Nurtured, Active, Respected, Responsible, Included.

The Scottish Government considers that the Act will have a positive impact on the rights of children and young people who:

- have caring responsibilities; and
- have a disability, long-term health condition or extra care and support needs.

The CRWIA has been developed as the Act passed through Parliament. As a result, the CRWIA takes account of the Act where it has been amended at Stages Two and Three to address stakeholder concerns. The Scottish Government considered that no further provisions need modified.

⁷ This data is presented on the basis of under 16s and over 16s, as the weighting in the Scottish Health Survey (SHeS) is designed for this age split. Since the Act's definition of young carer relates to under 18s (or a carer who has attained the age of 18 while a pupil at school, and has since attaining that age remained a pupil at that or another school), the figure of 44,000 presented here make an estimate, based on the data, to include 16 and 17 year olds.

Scottish Government (2015) *Scotland Carers*, Edinburgh: Scottish Government.
(<http://www.gov.scot/Resources/0047/00473691.pdf>)

Background	<p>Background to the Carers (Scotland) Act 2016</p> <p>The case for the Act is set out in the Policy Memorandum published alongside the Act⁸. The Act should be read in conjunction with its accompanying documents (Policy Memorandum⁹, Delegated Powers Memorandum¹⁰, Supplementary Delegated Powers Memorandum¹¹, Explanatory Notes and Financial Memorandum¹² and the letter to Finance Committee¹³ on 19 January 2016 with additional information about costs of the Act as amended at Stage 2).</p>
Scope of the CRWIA	<p>Consideration has been given to whether any of the Act's provisions could be thought to breach any of the restrictions set out in section 29 of the Scotland Act 1998, subsection (2). This includes consideration as to whether the provisions are compatible with the European Convention of Human Rights. After due consideration it has been concluded that none of the Act's provisions are outside the legislative competence of the Scottish Parliament.</p> <p>Young people affected</p> <p>The Act might directly affect the estimated 44,000¹⁴ children and young people who are young carers in Scotland.</p> <p>Children and young people who have health problems or a disability could also be indirectly affected as their parents or guardian might benefit from the provisions of the Act within their role as carers.</p> <p>Wider context</p> <p>The CRWIA should be read in conjunction with the other impact assessments¹⁵ conducted for the Act.</p> <p>The Privacy Impact Assessment (PIA) considers the impact of the Act's provisions on an individual's right to privacy. The Equality Impact Assessment (EQIA) considers the potential impact of the Act's provisions on each of the protected characteristics¹⁶ including consideration of the Act's impact on children and young people, as well as wider characteristics which are also applicable to children and young people (e.g. race, religion or beliefs).</p>
Children and young	<p>The Act has been developed in a collaborative way taking into account the views of children and young people where possible, both directly and</p>

⁸ [http://www.scottish.parliament.uk/S4_Acts/Carers%20\(Scotland\)%20Act/b61s4-introd-pm.pdf](http://www.scottish.parliament.uk/S4_Acts/Carers%20(Scotland)%20Act/b61s4-introd-pm.pdf)

⁹ [http://www.scottish.parliament.uk/S4_Acts/Carers%20\(Scotland\)%20Act/b61s4-introd-pm.pdf](http://www.scottish.parliament.uk/S4_Acts/Carers%20(Scotland)%20Act/b61s4-introd-pm.pdf)

¹⁰ http://www.scottish.parliament.uk/S4_Acts/Carers_Act_DPM.pdf

¹¹ [http://www.scottish.parliament.uk/S4_Acts/Carers%20\(Scotland\)%20Act/SPAct61ADPMS042016.pdf](http://www.scottish.parliament.uk/S4_Acts/Carers%20(Scotland)%20Act/SPAct61ADPMS042016.pdf)

¹² [http://www.scottish.parliament.uk/S4_Acts/Carers%20\(Scotland\)%20Act/b61s4-introd-en.pdf](http://www.scottish.parliament.uk/S4_Acts/Carers%20(Scotland)%20Act/b61s4-introd-en.pdf)

¹³ http://www.scottish.parliament.uk/S4_FinanceCommittee/General%20Documents/Letter_to_Finance_Committee_19.01.2016.pdf

¹⁴ Scottish Government (2015) *Scotland Carers*, Edinburgh: Scottish Government.

¹⁵ These are: the Business and Regulatory Impact Assessment, Privacy Impact Assessment and Equalities Impact Assessment. Published March 2015. <http://www.gov.scot/Topics/Health/Support-Social-Care/Unpaid-Carers/CarersAct/ImpactAssessments>

¹⁶ The Equality Act 2010 sets out the personal characteristics that are protected by law. These "protected characteristics" are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation.

**people's
views and
experiences**

indirectly.

Within government

Early consultations were held with the following areas of the Scottish Government with policy responsibility for children and young people:

- Children's Rights and Wellbeing
- Looked After Children Unit
- Kinship Care
- Equalities Unit

These discussions ensured that the development of Act's provisions aligned with current policy and recent legislation such as the Children and Young People (Scotland) Act 2014.

Consultation

The likely effects of the proposals were assessed through a range of evidence, including:

- A full Scottish Government public consultation on the proposed Carers Legislation between January and April 2014. In that time, 16 consultation events were also held including an event specifically with young carers and young adult carers. An analysis of consultation responses has been published on the Scottish Government website: <http://www.gov.scot/Publications/2015/03/7622>
- In total, 1,587 responses were submitted to the Scottish Government from approximately 22 organisations representative of children and young people. The Scottish Government's response to the consultation can be found on the Scottish Government website: <http://www.gov.scot/Publications/2015/03/2211>
- An informal survey on the Act with young carers at the Young Carers Festival 2015 and a survey with young carers at the Young Carers Festival 2014 to gather information on the experiences of young carers.
- Written submissions to the Scottish Parliament's Health and Sport Committee's Call for Evidence for Stage One of the Act between March and April 2015. These responses can be found on the Scottish Parliament's website: <http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/88814.aspx>
- Oral evidence taken by the Health and Sport Committee during Stage One scrutiny of the Act in the Scottish Parliament between May and June 2015. In particular, the Committee held an oral evidence session which focussed exclusively on young carers on 12 May 2015.

The official reports of these sessions can be found on the Scottish Parliament's website:

<http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/88088.aspx>

- Health and Sport Committee's oral report on its visit to Glasgow to meet with the Marie Curie expert voice group. This included discussions with young carers. The minutes of the Committee's

	<p>feedback from this can be found on the Scottish Parliament website: http://www.scottish.parliament.uk/parliamentarybusiness/report.aspx?r=9995</p> <ul style="list-style-type: none"> • Discussions by the Scottish Parliament’s Cross-Party Group on Carers in June 2015. The minutes of the meeting can be found on the Scottish Parliament’s website: http://www.scottish.parliament.uk/CrossPartyGroups/Carers/minutes_20150602.pdf • Health and Sport Committee’s Stage One Report. This can be found on the Scottish Parliament’s website: http://www.scottish.parliament.uk/S4_HealthandSportCommittee/Reports/HS042015R10.pdf <p>Research Scottish Government Carers Act Team officials and Analytical Services colleagues also examined evidence from a range of studies, reports and surveys to support the views and experiences gathered of children and young people. These include:</p> <ul style="list-style-type: none"> • Census 2011 • Scottish Health Survey 2012-13
<p>Key Findings</p>	<ul style="list-style-type: none"> • Young carers Carers can experience poor mental and physical health, also associated with, and compounded by, inequalities from social class, gender and ethnicity. A number experience poorer physical and mental health than their non-carer peers. Furthermore, fewer young carers than non-carers are in higher and further education and their school education can be negatively affected. <p>Caring can affect childhood experience and children’s day to day lives; impacting on the opportunities to make and maintain friendships and develop social skills¹⁷. This in turn can contribute towards social isolation¹⁸. They can be reluctant to invite friends home due to the caring situation. Young carers are less likely to take part in organised social and leisure activities because of tiredness or travelling requirements¹⁹.</p> <ul style="list-style-type: none"> • Numbers of young carers There are approximately 44,000 identified young carers aged 4-17 in Scotland.

¹⁷ Roche, J. & Tucker, S., 2003. Extending the social exclusion debate: an exploration of the family lives of young carers and young people with ME. *Childhood*, 10(4), pp. 439-456.

¹⁸ Roche, J. & Tucker, S., 2003. Extending the social exclusion debate: an exploration of the family lives of young carers and young people with ME. *Childhood*, 10(4), pp. 439-456

¹⁹ Banks, P. et al., 2001. Seeing the Invisible Children and Young People Affected by Disability. *Disability and Society*, 16(6), pp. 797-814.

This is the best estimate of the overall number of young carers in Scotland. The figure is derived from carers identified through the Scottish Health Survey (SHeS) but, as with all surveys, methods, design and nature of the population affect the data gathered²⁰. It is known that it can be difficult to identify young carers and consequently some do not appear in surveys nor identify to public services. This may be because they do not self-identify as a 'young carer'²¹. Social norms where the expectation is that children and young people are cared for rather than provide care for others can contribute towards the invisibility of young carers²². Consequently it is likely that there are a higher number of young carers than recorded, but the scale and profile is unknown.

Analysis of the carers identified in Scotland's 2011 Census provides a profile of groups of young carers and young adult carers. These comprise 37,393 carers aged 4-24²³ of whom 10,002 are 4-15 years and 27,391 are 16 – 24 years.

- **Profile of young carers**

Gender: More young carers are female (54%) than male (46%)

Young Carers Ethnicity

There are young carers in all ethnic groups, but the three with the highest proportion are:

5.3% of white; gypsy/travellers are young carers.

3.9% of Pakistani, Pakistani Scottish or Pakistani British are young carers.

3% of white Scottish are young carers.

Age

A higher proportion of young carers are in the older age groups: 53% of young carers are 13-15 years old; 30% are 10-12 years; 14% are 7-9 years and 4% are 4-6 years.

Caring Intensity

A number of young carers report providing a high number of hours of care weekly. 13% carers aged 4-15 and 26% aged 16-24 provide over 35 hours care equivalent to full-time employment.

²⁰ Scottish Government 2015. *Scotland Carers*, Edinburgh: Scottish Government.

²¹ Christie, E., 2006. *The Experience of Young Carers in the Context of a Range of Parental Conditions*. Unpublished PhD Thesis: Robert Gordon University.

²² Smyth, C., Blaxland, A. & Cass, B., 2011. 'So that's how I found out I was a young carer and that I actually had been a carer most of my life.' Identifying and supporting hidden young carers. *Journal of Youth Studies*, 14(2), pp. 145-160.

²³ Whilst young carers needs and experiences can differ with age, analysis of Scotland Census 2011 found the profile for young carers aged 4-15 and 16-24 is similar. Unless otherwise indicated, the findings reported here are for the single age group 4-24 where there are greater numbers for analysis.

Socio-economic deprivation

There is a clear social gradient in caring and children and young people in the most deprived areas provide more care than in other areas²⁴.

Young carers' health and wellbeing

12% of young carers and young adult carers (aged under 25) have a long-term condition or disability. This is twice the rate for non-carers (6%).

The proportion of young carers reporting they have "bad" or "very bad" health is higher for those providing more hours of care: 2.8% of those caring for 35+ hours, 1.7% caring for 20-34 hours and 0.8% caring for 1-19 report they have bad or very bad health. Only 0.8% of young people not caring report "bad" or "very bad" health. Regardless of age, carers' self-reported health and wellbeing deteriorates with age across all levels of caring intensity.

Young carers are twice as likely as other young people to report a mental health condition:

- 3.7% of young carers compared to 1.4% non-carers report having a mental health condition.
- The proportion of all young people with a mental health condition increases with age but remains higher among carers compared to those not caring.
- For those aged 4-15; 1.3% of carers and 0.4% non-carers report a mental health condition.
- For those aged 16-24, 4.5% of carers compared to 2.4% non-carers report a mental health condition.

Mental health conditions are more common amongst young carers in the most deprived areas:

4.6% of young carers in the most deprived areas report mental health conditions compared to 2.6% of young carers in the least deprived.

There is a similar pattern, in smaller numbers, for mental health conditions amongst young non-carers with 2.1% in the most deprived areas reporting a mental health condition in comparison to 0.9% in the least deprived.

- **Young carers and education**

Much research indicates that a young person's education can be adversely affected if they are a carer, although studies vary in the proportion of young carers affected. This ranged from:

27% of young carers at secondary school reporting that they had school-related problems²⁵
to 43% finding their school work was 'affected by their caring role'²⁶ including attendance²⁷;

²⁴ Scottish Government 2015. *Scotland Carers*, Edinburgh: Scottish Government.

²⁵ Dearden, C. & Becker, S., 2004. *Young Carers in the UK : the 2004 report*, London: Carers UK

²⁶ Barnardos, 2006. *Hidden Lives: Unidentified Young Carers in the UK*, Essex: Barnardos

²⁷ Carers Trust Scotland 2015. Time to be Heard for Young Adult Carers. Bridging the Gap: Young Adult Carers in Scotland. https://www.carers.org/sites/default/files/ttbh_scotland_report_-_final_0.pdf

to 70% of adult respondents reporting retrospectively their education had been affected by their caring roles²⁸
The higher level of caring in more deprived areas should be borne in mind as deprivation is associated with school absences²⁹.

Alongside this school could be a place to be with friends and a source of “respite”³⁰. There are studies where young carers report caregiving duties did not effect on their schoolwork³¹.

The cared-for person

Caring takes place in a relationship. Consequently the interests of the carer and the cared-for person can be shared and coincide; or they can differ and even be in conflict.

Almost 44,000 children aged 15 years and under (one in 20) in Scotland reported a health problem which limits their day to day activities either a lot or a little, according to Scotland’s 2011 Census. The Pupil Census identified 10,000 children with autism. There will be some overlap with the above categories but together these give an indication of the numbers of children that have parents and others caring for them. Furthermore, this is likely to be an underestimate of the total number of disabled children and young people who could benefit from the Act’s provisions, as the data does not cover the number of disabled children and young people aged 16-18 years old.

More disabled children and their families have lower household incomes and higher debt and experience more social deprivation than non-disabled children³². On the expenditure side, it is estimated that costs associated with raising a disabled child are 10%-18% higher than the costs of raising a child who is not disabled³³.

- **Other children and young people likely to benefit**

Improvement in the health and wellbeing for young carers and cared for people may have positive impacts on other members of the household such as siblings, who may or may not be carers.

²⁸ Frank, J., Tatum, C. & Tucker, S., 1999. *On Small Shoulders: Learning from the Experiences of Former Young Carers*, London: The Children's Society.

²⁹ Newman, T., 2002. 'Young Carers' and disabled parents: Time for a change of direction?. *Disability and Society*, 17(6), pp. 613-625

³⁰ Barry, M 2011. 'I realised that I wasn't alone': the views and experiences of young carers from a social capital perspective, *Journal of Youth Studies*, 14:5; 523-539; Cree, V. E. (2003) Worries and problems of young carers: issues for mental health, *Child and Family Social Work* 2003, 8, pp 301–309

³¹ E.g. Eley, S., 2004. 'If they don't recognize it, you've got to deal with it yourself': gender, young caring and educational support. *Gender and Education*, 16(1), pp. 6-75; Banks, P. et al., 2001. Seeing the Invisible Children and Young People Affected by Disability. *Disability and Society*, 16(6), pp. 797-814.

³² Bradshaw & Hall (2013) *The Impact of Disability on the Lives of Young Children: Analysis of Data from the Growing Up in Scotland Study*, Edinburgh: Scottish Government.

³³ Blackburn, Spencer, & Read (2010) Prevalence of childhood disability and the characteristics and circumstances of disabled children in the UK: secondary analysis of the Family Resources Survey; *BMJ Pediatrics*, Vol 10 Issue 21.

<p>Conclusions and Recommendations</p>	<p>Based on the evidence gathered, the Scottish Government considers that the Act does not infringe upon the rights of the Child as set out in the Articles of the UNCRC, nor upon the indicators of wellbeing (SHANARRI).</p> <p>The Scottish Government considers that any impact of the Act will be neutral or positive.</p> <p>It is recognised that the data available does not allow for a complete picture of the experience and views of young carers and, in particular, of disabled children and young people.</p> <p>The Scottish Government will continue to consider the rights of young carers and cared-for children and young people as the Act is implemented. Scottish Government will continue to work with and incorporate the views of children and young people and their representative organisations in the development of guidance and regulations to accompany the Act.</p>
<p>Monitoring and review</p>	<p>Scottish Government Carers Branch will be responsible for developing a comprehensive plan for monitoring and review of the Act's provisions as part of implementation planning. Such mechanisms for monitoring and review could include:</p> <ul style="list-style-type: none"> The provision requiring preparation and publication of local carer strategies will enable the Scottish Government to obtain a view of the issues contained in local carer strategies. Over time, this data can be used to monitor the impact of the Act at the local level. Guidance and regulations on the circumstances for review of young carer statements and adult carer support plans. On-going stakeholder engagement with organisations representative of young carers – such as the Scottish Youth Parliament and the Scottish Young Carers Services Alliance – and events such as the Young Carers Festival will also provide the Scottish Government with an opportunity to monitor the impact of the Act; Data obtained through the Scottish Health Survey (SHeS); Data obtained from Growing Up in Scotland New data collections considered necessary and are being considered <p>Scotland's Commissioner for Children and Young People also has a role to play³⁴. The Commissioner has a duty to review law, policy and practice to examine their effectiveness in respecting the rights of children and young people. The Commissioner can investigate on behalf of groups of children and young people. As of April 2016, the Commissioner will also be able to investigate on behalf of an individual and this may include aspects on the provisions relating to children and young people within the Act .</p>

³⁴ Commissioner for Children and Young People (Scotland) Act 2003.

Act - Provision	Aims of measure	Likely to impact on . . .	Compliance with UNCRC requirements	Contribution to wellbeing indicators
s1 – Meaning of carer	<p>This section defines a “carer” as an individual who provides or intends to provide care for another individual.</p> <p>There are further provisions which govern who can be considered to be a carer under the Act.</p> <p>Parents of children and young people who require additional care over and above that required because of the child’s age are included within the definition of “carer” under the Act. Persons who provide care under virtue of a contract are generally excluded from being ‘carers’ within the meaning of the Act, but this is subject to a power for the Scottish Ministers to adjust this by regulations. It is intended that regulations will be made to include kinship carers who care for children with an additional care need, but exclude foster carers.</p>	Cared-for children and young people will experience an indirect positive impact as a result of the provision.	<p>Parents, kinship carers and/or guardians who provide additional care to children and young people over and above that required because of the child’s age, will fall within the definition on carer in the Act. They will therefore be eligible for an adult carer support plan (ACSP) and may benefit from all other provisions that relate to carers under the Act.</p> <p>There is evidence to suggest that parents of such children and young people are in need of better support. By better supporting the carer, the cared-for person will also be better supported.</p>	<p>The provision does not infringe upon any of the indicators. It is likely to have a positive impact on the following indicators:</p> <p><u>Healthy, Nurtured, Included</u></p> <p>Research shows that the outcomes of the cared-for person are inextricably linked to the outcomes of the carer. Cared-for children and young people are likely to benefit from any therapeutic benefit or support received as a result of the new rights conferred upon their carer.</p>

s2 – Meaning of young carer	This section defines a “young carer” as a carer who is under 18 years old or who has reached 18 years while a pupil at school and since attaining that age remains a pupil at that or another school.	Children and young people who are young carers may experience a direct impact from this provision.	The provision complies with Article 1 – definition of a child as every human being below the age of 18.	<p><u>All wellbeing indicators have the potential to be met.</u></p> <p>The Act defines young carers as any carer under 18. This means that, by law, any young person under the age of 18 with caring responsibilities may benefit from all the provisions within the Act which apply to young carers, such as the right to ask for or be offered a young carer statement.</p>
s4 – Meaning of personal outcomes	Personal outcomes are defined in the Act, in relation to carers, as including outcomes which would, if achieved, enable carers to provide or continue to provide care for the cared-for persons.	Children and young people who are young carers may experience a direct impact from this provision.	<p>Organisations representative of young carers have questioned whether this provision complies with Article 31 – right to leisure, play and culture.</p> <p>It was felt that personal outcomes should be defined in relation to a child’s rights, rather than in relation to the caring role.</p> <p>Personal outcomes are fundamental to the assessment of a carer’s needs for support under Part 2 of the Act. The intention is that personal outcomes are identified which include outcomes which when achieved enable carers to provide or continue to provide care for the cared for person. Within this there is scope to set personal outcomes creatively so that a child’s right to leisure, play and culture can be achieved, if these are outcomes identified by the child or young adult. Regulations to be made under Section 14 of the Act will make further provision about how</p>	<p><u>All wellbeing indicators have the potential to be met.</u></p> <p>Personal outcomes are relevant to the consideration of a carer’s needs for support under Part 2 of the Act and provision of such support under Part 3. The extent to which wellbeing indicators may be met will be contingent upon the particular personal outcomes the child or young person chooses to set and the extent to which they regard these personal outcomes as having been achieved.</p>

			<p>personal outcomes and needs for support are to be identified and the factors which will be taken into account in doing so. The policy memorandum to the Act is clear that the intention for young carers is that they should have a childhood similar to their non-carer peers.</p> <p>In cases where the carer is very young (under 5) the focus will be on providing adequate support to the cared-for person so that the child can be managed out of their caring role.</p>	
s6 – Duty to prepare an adult carer support plan	The Act places a duty on the responsible local authority to offer an adult carer support plan (ACSP) to those persons it identifies as a carer or to those carers who request an ACSP.	<p>The duty to offer an ACSP is placed on responsible local authorities. The Act confers a right on adult carers to request an ACSP.</p> <p>Children and young people who require care over and above that required because of their age may experience an indirect positive impact</p>	<p>The provision does not infringe upon any UNCRC Article. Scottish Government considers that it gives further effect to:</p> <ul style="list-style-type: none"> • Article 3 – Best interests of the Child; • Article 5 – Parental guidance and a child’s evolving capacities; • Article 6 – Life, survival and development; • Article 7 – Birth Registration, name, nationality, care; • Article 9 – Separation from parents; • Article 18 (1,2) – Parental responsibilities and state assistance; • Article 23 – Children with disabilities; • Article 24 – Health and health services; • Article 27(1-3) – Adequate standard of living. <p>Adult carers of children and young people who require care over and above that required because of the child’s age will be able to assert their right to request an ACSP which the responsible local authority will be under a duty to prepare. The ACSP will be used to to identify the adult carer’s personal outcomes and needs for</p>	<p>The provision does not infringe upon any of the indicators.</p> <p>The provision may have a positive effect on the following indicators:</p> <p><u>Safe, Healthy, Achieving, Nurtured, Active, Respected Included</u></p> <p>The right to an adult carer support plan for carers of children and young people may result in an improvement in the carer’s health and wellbeing. This has the potential to lead to benefits for their child in terms of helping the parent to discharge their parental responsibilities and</p>

		<p>as their parents/guardians may be better supported in their caring role, which will ultimately be of benefit to the child/young person.</p>	<p>support. The carer's identified needs are assessed against the local eligibility criteria to determine whether support will be provided.</p> <p>There is evidence to suggest that better supporting an adult carer will improve their health and wellbeing which will enable them to continue in their caring role. The child or young person, will be better supported by their parent/guardian/carer and this will reduce the risk of the caring relationship reaching crisis point.</p>	<p>supporting the child to grow up in a healthy, nurturing and safe environment.</p>
<p>s9 – Content of adult carer support plan</p>	<p>This provision sets out what information an ACSP must contain. Among other provisions, this includes:</p> <ul style="list-style-type: none"> • The extent to which the adult carer is able and willing to provide care for the cared-for person; • the support generally available to the adult carer and the cared-for person in the area of the responsible authority. 	<p>Cared-for children and young people may be indirectly affected as the adult carer support plan may record, for example, information about the cared-for child's needs for support.</p>	<p>The provision requires to be considered in the context of:</p> <ul style="list-style-type: none"> • Article 16 – Right to Privacy <p>In order to comply with the requirements of the Act's provisions about the content of the ACSP and in particular provisions which require the inclusion of information about the caring role, local authorities may record information about the cared-for person. Some stakeholders expressed concern about Data Protection and information sharing in this regard. In particular, it has been highlighted this could present a risk to the right to privacy of the cared-for person.</p> <p>The Privacy Impact Assessment³⁵ prepared for the Act sets out how the Scottish Government will ensure that an individual's right to privacy will be protected and enhanced. This will include the</p>	<p>As above.</p> <p>Furthermore, guidance produced under the Act will enhance the Respected indicator. A cared-for child will be required to give explicit consent for any of their personal sensitive data to be recorded, handled and/or shared as part of their parent or guardian's adult carer support plan.</p>

³⁵ <http://www.gov.scot/Resource/0047/00476186.pdf>

			<p>preparation of guidance for practitioners. This will set out that the explicit consent of the cared-for person would be required if the ACSP is to record any of their personal sensitive information.</p> <p>Scottish Government would consider that as a result of the provision, the following Articles will be given further effect:</p> <ul style="list-style-type: none"> • Article 5 – Parental guidance and a child’s evolving capacities; • Article 8 – Protection and preservation of identity; • Article 9 – Separation from Parents; • Article 12 – Respect the views of the child; • Article 13 – Freedom of expression. 	
s11 – Adult carer support plan: provision of information to carer etc.	<p>This section provides that the responsible local authority must provide the information contained in the ACSP to the adult carer to whom the plan relates and to any other person(s) at the carer’s request.</p> <p>Subsection (2) provides that local authority does not have to provide this information where it considers it would not be appropriate.</p>	<p>Cared-for children and young people may be indirectly affected as the adult carer support plan may record, for example, information about the cared-for child’s needs for support.</p>	<p>The provision requires to be considered in the context of:</p> <ul style="list-style-type: none"> • Article 16 – Right to Privacy <p>The provision sets out that the information contained within the ACSP should be provided to the adult carer. The adult carer may also specify any other person with whom they would like to share their ACSP.</p> <p>In complying with this provision, information held on the ACSP may be shared. Some stakeholders are concerned that this may not be consistent with data Protection principles and the right to privacy of the cared-for person (cared-for child or young person) if the ACSP contains any of their personal sensitive data. However, the provision sets out that the local authority does not have to provide this information where it considers doing</p>	As above

so would be inappropriate. In practice, this might be invoked if the local authority is in a situation where they do not have the consent of the cared-for person to share the information contained within the ACSP beyond the adult carer. The Privacy Impact Assessment sets out how guidance and regulations may be used to ensure both the adult carer and the cared-for person's right to privacy will be protected.

As the intention is to create guidance which will set out the requirement to obtain explicit consent from the cared-for for their information to be shared, Scottish Government would consider that this provision gives further effect to:

- Article 3 – Best interests of the child;
- Article 8 – Protection and preservation of identity;
- Article 12 – Respect for the views of the child.

In addition, Scottish Government would consider that the provision gives further effect to:

- Article 5 – Parental guidance and a child's evolving capacities;
- Article 9 – Separation from parents;
- Article 18 (1,2) – Parental responsibilities and state assistance.

<p>s12 – Duty to prepare a young carer statement</p>	<p>The Act places a duty on the responsible authority to offer a YCS to those persons it identifies as a young carer or to young carers who request a YCS.</p>	<p>This may be of direct benefit to children and young people who have caring responsibilities .</p> <p>Cared-for young people may experience an indirect positive impact if the person caring for them is a child or young person (e.g. their sibling). This is because the young carer will be better supported in their caring role which will ultimately be of benefit to the child/young person being cared for.</p>	<p>Some stakeholders felt that by making provision for a separate support plan for young carers, the Act could counter the spirit of Getting It Right For Every Child (GIRFEC). They felt it could also undermine the child’s plan and the intention for there to be one plan for every child.</p> <p>It is the intention of the Scottish Government that the YCS will complement and be consistent with existing legislation which promotes the rights and wellbeing of children and young people, including the Children and Young People (Scotland) Act 2014. The introduction of a YCS provides for the situation where a young carer may not have an established child’s plan. The intention and focus of the child’s plan and young carer statement are different. The child’s plan brings together into one place all the support a child receives. However it is not a vehicle with which to assess all of a child’s needs and therefore other assessment or support tools such as the young carer statement are also required.</p> <p>With regards to young carers at independent schools, the Act provides under s20 that the responsible authority for preparing a YCS is the directing authority of the independent school. The Scottish Government acknowledges that workforce development will be necessary to implement the Act’s provisions. It is expected that such facilities will be made available to directing authorities of independent and grant-aided schools.</p>	<p><u>The provision is expected to have a positive effect on all wellbeing indicators.</u></p> <p>The preparation of a YCS may lead to improved support for the young carer. This could mean that the young carer receives additional help to ensure they are living in a nurturing and safe home; the young carer receives a break from caring and is able to pursue other opportunities such as sport and leisure; that they receive help to overcome any inequalities experienced as a result of their caring role.</p> <p>The Act aims to respect the young person’s caring responsibilities. It aims to help them to achieve their personal outcomes, which may include developing skills or entering further education. Throughout the Act there are provisions which ensure that the young carer’s views are sought and respected taken into account as far as practicable in relation to decisions that may affect</p>
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			<p>We would therefore consider that it gives further effect to:</p> <ul style="list-style-type: none"> • Article 2 – Non-discrimination; • Article 3 – Best interests of the Child; • Article 5 – Parental guidance and a child’s evolving capacities; • Article 6 – Life, survival and development; • Article 7 – Birth Registration, name, nationality, care; • Article 8 – Protection and preservation of identity; • Article 9 – Separation from parents; • Article 12 – Respect for the views of the child; • Article 15 – Freedom of association; • Article 17- Access to information; mass media; • Article 18 (1,2) – Parental responsibilities and state assistance; • Article 23 – Children with disabilities; • Article 24 – Health and health services; • Article 26 – Social security; • Article 27(1-3) – Adequate standard of living; • Article 28 – Right to education; • Article 30 – Children of minorities/indigenous groups; • Article 31 – Leisure, play and culture. 	them.
s15 – Content of young carer statement	<p>This provision sets out what information a YCS must contain. These provisions include:</p> <ul style="list-style-type: none"> • The extent to which the young carer is able and willing to provide care for 	Children and young people who are young carers will be directly affected by this provision as	<p>As with s9 and 11, the provision requires to be considered in the context of:</p> <ul style="list-style-type: none"> • Article 16 – Right to Privacy. <p>The YCS will set out information pertaining to the young carer’s caring role as well as information relating to the cared-for person, who may be a</p>	As above.

	<p>the cared-for person;</p> <ul style="list-style-type: none"> • Whether the nature and extent of the care provided by the young carer is appropriate; • the support generally available to the young carer and the cared-for person in the area of the responsible authority 	<p>the content of the YCS will contain information which pertains directly to them in relation to their role as a young carer.</p> <p>Cared-for young people may be indirectly affected if it is their sibling who provides them with care.</p>	<p>disabled child or young person.</p> <p>Some stakeholders are concerned about information sharing. In particular, it has been highlighted there could be a risk to the right to privacy of the cared-for person.</p> <p>The Privacy Impact Assessment for the Act sets out how the Scottish Government will ensure that an individual's right to privacy will be protected and enhanced.</p> <p>As with s8, we would consider that this provision gives further effect to:</p> <ul style="list-style-type: none"> • Article 8 – Protection and preservation of identity • Article 12 – Respect the views of the child; • Article 13 – Freedom of expression. 	
<p>s17 – Young carer statement: provision of information to carer</p>	<p>This section provides that the responsible authority must provide the information contained in the YCS to:</p> <ul style="list-style-type: none"> • the young carer to whom the YCS relates; • any other person the young carer requests. <p>Subsection 3 sets out that the responsible authority does not have to provide this information where it considers it would not be appropriate.</p>	<p>Children and young people who are young carers will be directly affected.</p> <p>Young people who are the cared-for may be indirectly affected as the YCS may record, for</p>	<p>Originally the Bill contained provisions which provided that the information contained in the YCS should be automatically provided to the young carers named person service and that the named person service should also be notified if a young carer was offered or requested a young carer statement. Some stakeholders raised concerns that this may prevent young carers from coming forward to request a young carer statement and that both provisions mitigated against the young carers right to privacy.</p> <p>Scottish Government recognised those concerns and brought forward an amendment to remove</p>	<p>As above.</p> <p>Young carers will be able to determine with whom the information in the young carer statement is shared.</p> <p>With reference to section 26 of the Children and Young People (Scotland) Act 2014, the information contained in a YCS can only be shared with the young carer's named person service provider if the</p>

		<p>example, information about their needs for support.</p>	<p>those provisions from the Carers Bill, relying instead on the agreed framework under section 26 of the Children and Young People (Scotland) Act 2014 Act. This provides the framework under which such information may be shared between service providers and the named person service provider.</p> <p>As with s9, 11 and 15, the provision requires to be considered in the context of:</p> <ul style="list-style-type: none"> • Article 16 – Right to Privacy <p>The remaining provisions set out that the information contained within the YCS should be provided to the young carer. The young carer may also specify any other person with whom they would like to share their YCS. In complying with this provision, information held on the YCS may be shared. However, the provision sets out that the local authority does not have to provide this information where it considers doing so would be inappropriate. In practice, this might be invoked if the local authority is in a situation where they do not have the consent of the cared-for person to share the information contained within the YCS beyond the young carer. The Privacy Impact Assessment sets out how guidance and regulations may be used to ensure both the young carer and the cared-for person's right to privacy will be protected.</p> <p>Regulations and guidance will be used to ensure that information is not shared inappropriately.</p>	<p>nature of that information is such that it is relevant to or necessary for the exercise of the named person's functions (and does not prejudice the conduct of any criminal investigation or prosecution of any offence).</p> <p>In deciding what information to share, the local authority / health board with responsibility for the YCS must have regard to the views of the child / young carer, bearing in mind their age and maturity. It must also be considered that the likely benefit to the child/young person's well-being of sharing the information contained in a YCS outweighs any likely adverse effect of doing so.</p>
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<p>s21 – Duty to set local eligibility criteria</p>	<p>This section requires the local authority to set local eligibility criteria for its area. Local eligibility criteria are defined as the conditions which a local authority must use to establish whether it is required to provide support to a carer to meet the carer’s identified needs.</p> <p>Before setting its local eligibility criteria, the local authority must involve and consult with such persons and bodies representative of carers as considered appropriate by the local authority. It must also take such steps as it considers appropriate to involve carers.</p>	<p>Children and young people who are young carers may be directly affected by this provision.</p>	<p>The provision does not infringe upon any UNCRC Article.</p> <p>Scottish Government consider that it gives further effect to the general principles of the UNCRC. That is:</p> <ul style="list-style-type: none"> • Article 2 – Non-discrimination; • Article 3 – Best interests of the child; • Article 6 – Life, survival and development; and • Article 12 – Respect for the views of the child. <p>The evidence gathered during consultation indicated strong support for children and young people to have a genuine input into the services that affect them.</p> <p>By ensuring that local authorities must consult with groups representative of carers (including young carers) the Act will enable children and young people to be involved in the setting of local eligibility criteria.</p>	<p>The provision will have a positive effect on the following wellbeing indicators:</p> <p><u>Respected.</u> <u>Responsible.</u></p> <p>Young carers must be involved and consulted by the local authority before it sets its eligibility criteria. In practice, this might mean a group of young carers are consulted and/or organisations representative of young carers.</p>
<p>s24 – Duty to provide support</p>	<p>Where a carer has needs which have been identified in the course of preparing a YCS and which cannot be met through the provision of general services in the responsible local authority’s area (for example information and advice), the local authority is required to apply its local eligibility criteria.</p>	<p>Children and young people who are young carers who have eligible needs may benefit directly from this provision.</p> <p>Cared-for young people</p>	<p>The Act places a duty on local authorities to provide support to meet a carer’s eligible needs. The provision has the potential to advance several of the UNCRC Articles for young carers. Which Articles are engaged will be dependent on the nature of the support to be provided to the young carer. For example, if the young carer identifies a break from caring to pursue leisure activities as a personal outcome they wish to achieve and the local authority determines that the young carer is eligible to receive support, then support can be provided to the young carer to</p>	<p><u>There is the potential for a positive impact on all wellbeing indicators</u> where the young carer has eligible needs and receives support under this provision.</p>

	<p>Needs which meet local eligibility criteria are referred to as “eligible needs”.</p> <p>This section places a duty on the responsible local authority to provide support to the carer to meet those eligible needs. The responsible local authority also has a power to provide support to meet needs which do not meet the eligibility criteria.</p>	<p>whose parents or guardians have eligible needs may benefit indirectly from this provision.</p>	<p>facilitate this outcome. This could be seen to further Article 31 – the right to leisure, play and culture – which may have otherwise been infringed by the young person’s caring responsibilities.</p> <p>Cared-for young people whose parents or guardians may also benefit from this provision similarly stand to have several of their rights advanced. Evidence shows that families with children who have care needs over and above those required because of the child’s age, such as disabled children, are often deprived of basic necessities, such as food, heating, leisure time, or specialist equipment, to sustain the health and wellbeing of their families. This carries repercussions for the cared-for person as the carer may not be able to source affordable and appropriate childcare.</p> <p>Therefore, if the adult carer has eligible needs and subsequently receives support, the Act could advance a disabled child’s rights under, e.g. Article 24 – Health and health services.</p>	
<p>s25 – Provision of support to carers: breaks from caring</p>	<p>This section requires a local authority to consider whether any support provided under section 24 should include a break from caring.</p>	<p>As above.</p>	<p>As above.</p>	<p>As above.</p>

<p>s27 – Duty to involve carers in carer services</p>	<p>This section requires each local authority and health board to take steps to involve:</p> <ul style="list-style-type: none"> • carers; • such persons and bodies representative of carers as the local authority or health board considers appropriate; in carer services. <p>“Carer services” is defined as all services provided by the local authority or health board to carers (in their role as such) and cared-for persons (in relation to care which they receive).</p> <p>S27(5)(a) of the Act provides that children’s services may be excluded from being ‘carer services’ Such services are only be excluded where equivalent consultation with carers and carer representatives has been carried out under the Children and Young People (Scotland) Act 2014. The purpose of this is to avoid unnecessary duplication of consultation requirements.</p>	<p>Children and young people who are young carers may directly benefit from this provision.</p>	<p>As with s21 the provision does not infringe upon any UNCRC Article.</p> <p>The Scottish Government consider that this provision gives further effect to the general principles of the UNCRC. That is:</p> <ul style="list-style-type: none"> • Article 2 – Non-discrimination; • Article 3 – Best interests of the child; • Article 6 – Life, survival and development; and • Article 12 – Respect for the views of the child. <p>The evidence gathered during consultation indicated strong support for children and young people to have a genuine input into the services that affect them.</p> <p>The nature of this provision means that local authorities will have to consult with carers, young carers, and bodies representative of both groups in the provision of carer services. This will ensure that the views and interests of young carers will be taken into account by local authorities.</p>	<p>It is considered that the provision will have a positive effect on the following wellbeing indicators:</p> <p><u>Respected.</u> <u>Responsible.</u></p> <p>Young carers must be involved and consulted by the local authority. In practice, this might mean a group of young carers are consulted and/or an organisation representative of young carers. This will ensure that young carers have valued input into the services and decisions which will impact them directly.</p>
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<p>s28 – Carer involvement in hospital discharge of cared-for persons</p>	<p>This section requires that:</p> <ul style="list-style-type: none"> • before a cared-for person is discharged from hospital, the relevant health board must involve the carer in the discharge. • The health board must take appropriate steps to inform the carer of the intention to discharge the cared-for person and invite the carer to give views about the discharge and take account of these views “as far as it is reasonable and practicable to do so”. • The section applies where the health board can identify a cared-for person’s carer “without delay” and where the cared-for person is likely to require further care after discharge. 	<p>Young people and children who are young carers may be directly affected by these provisions</p> <p>Young people who are the cared-for person may be affected indirectly as a result of this.</p>	<p>This provision does not infringe upon any UNCRC Article.</p> <p>The Scottish Government considers that it gives further effect to the general principles of the UNCRC. That is:</p> <ul style="list-style-type: none"> • Article 2 – Non-discrimination; • Article 3 – Best interests of the child; • Article 6 – Life, survival and development; • Article 12 – Respect for the views of the child and • Article 13 – Freedom of expression. <p>These provisions will ensure that young carers have their opinions and views listened to in the hospital discharge of their cared-for person, impacting on decisions which may directly affect their caring role.</p> <p>Cared-for young people may benefit indirectly from this as a result of their carer bring fully prepared in their caring role before, during and after hospital discharge.</p>	<p>It is considered that the provision will have a positive effect on the following wellbeing indicators:</p> <p><u>Respected.</u> <u>Responsible.</u></p>
<p>s29 – Involvement of, assistance to and collaboration</p>	<p>This section requires a local authority to have regard to the general principles in section 1 of the Social Care (Self-directed Support)(Scotland) Act 2013 when exercising</p>	<p>Children and young people who are young carers may directly benefit from this</p>	<p>As above.</p> <p>The nature of this provision means that young carers are involved in the preparation of their Young Carer Statement. This will give them the opportunity to express their views and for these to</p>	<p>As above.</p>

with carers	<p>functions under Part 2 (ACSP and YCS) and Part 3 (provision of support to carers) of this Act.</p> <p>These general principles are that the carer must have as much involvement as he or she wishes in relation to the preparation of the ACSP or YCS and the provision of support under s24 of the Act, and that the local authority must collaborate with the carer in respect of those matters. The carer must also be provided with any assistance reasonably required in order to be able to express views or make an informed choice about options for self-directed support.</p>	provision.	<p>be listened to and respected by service providers. Some young carers statements will be prepared by health boards and directing authorities (for pre-school children and children at grant-aided or independent schools, respectively).</p> <p>It is intended that equivalent provisions for young carer involvement in these circumstances will be set out in directions or guidance.</p>	
s30 – Care assessments : duty to take account of care and views of carers	This section makes consequential amendments to section 12A of the Social Work (Scotland) Act 1968 and section 23 of the Children (Scotland) Act 1995, which concern assessments of people in need of community care services and of children affected by disability respectively.	Children and young people who are young carers will benefit directly from this provision.	<p>As above.</p> <p>The nature of this provision means that the views of young carers and the nature and the extent of the care they are willing to provide will be taken into account when an assessment of the cared-for person is carried out.</p>	As above.

	<p>The amendments require the authority preparing such assessments to take into account the care which is provided, or to be provided by any carer. This can be identified by reference to the information contained in the ACSP or YCS.</p> <p>The local authority must also take into account the views of the carer, so far as it is reasonable and practicable to do so, when determining the needs of the person being assessed and deciding what services to provide and how to provide them.</p>			
s31 – Duty to prepare local carer strategy	<p>This section requires that each local authority and health board must jointly prepare a local carer strategy.</p> <p>Before preparing its local carer strategy, the local authority and relevant health board must jointly consult with such persons and bodies representatives of carers as they consider appropriate. It must also take such steps as it considers appropriate to involve relevant carers.</p>	Children and young people who are young carers may benefit directly from this provision.	<p>Scottish Government do not consider that the provision infringes upon any UNCRC Article.</p> <p>Scottish Government consider that it gives further effect to the general principles of the UNCRC. That is:</p> <ul style="list-style-type: none"> • Article 2 – Non-discrimination; • Article 3 – Best interests of the child; • Article 6 – Life, survival and development; and • Article 12 – Respect for the views of the child. <p>The evidence gathered during consultation indicated strong support for children and young people to have a genuine input into the service(s)</p>	As above.

			<p>that affect them.</p> <p>By ensuring that local authorities and health boards jointly consult with carers, young carers and organisations representative of these groups in the preparation of the local carer strategy, the views of young carers will be taken into account.</p>	
s32 – Preparation of local carer strategy	<p>This section sets out a non-exhaustive list of factors to which the local authority must have regard in preparing its local carer strategy. This specifically includes the SHANARRI well-being indicators under the Children and Young People (Scotland) Act 2014.</p>	<p>Children and young people who are young carers may benefit indirectly from this provision.</p>	<p>Scottish Government considers that this provision gives further effect to the general principles of the UNCRC. That is:</p> <ul style="list-style-type: none"> • Article 3 – Best interests of the Child • Article 24 – Health and health services <p>This is because the local carer strategy must be developed taking into account the SHANARRI well-being indicators and the aims under s9 of the Children and Young people(Scotland) Act 2014. These are that the local authority must ensure that children’s services in the area concerned are provided in the way which—</p> <p>(i) best safeguards, supports and promotes the wellbeing of children in the area concerned,</p> <p>(ii) ensures that any action to meet needs is taken at the earliest appropriate time and that, where appropriate, action is taken to prevent needs arising,</p> <p>(iii) is most integrated from the point of view of recipients, and</p> <p>(iv) constitutes the best use of available</p>	<p>This provision will ensure that a local authority gives due consideration to <u>all wellbeing indicators</u> when preparing its local carer strategy.</p>

			resources,.	
s34 – Information and advice service for carers	<p>This section provides that each local authority must establish and maintain an information and advice service for carers in its area.</p> <p>The information and advice must be provided in a manner that is accessible and proportionate to the needs of the persons to whom it is provided.</p>	<p>Children and young people who are young carers may benefit directly as a result of this provision.</p> <p>Cared-for young people may benefit indirectly as their carers will benefit directly.</p>	<p>The provision does not infringe upon any UNCRC Article.</p> <p>Scottish Government consider that it could give further effect to:</p> <ul style="list-style-type: none"> Article 17 – Access to information; mass media; and Article 24 – Health and health services. <p>The nature of the provision is such that the information and advice service must be accessible and proportionate to young carers. For instance, this may involve the use of social media as an information and advice platform.</p>	<p>The provision may have a positive effect on the following wellbeing indicators:</p> <p><u>Respected.</u> <u>Responsible.</u> <u>Included.</u> <u>Healthy.</u></p> <p>The information and advice must be provided to the young carer in a form that is appropriate and accessible. Such information and advice could improve the young carer's health and wellbeing.</p>
s35 – Short breaks services statements	<p>This section requires each local authority to prepare and publish a short breaks services statement.</p> <p>This must accessible to and proportionate to the needs of the persons to whom it is provided.</p>	<p>Children and young people who are young carers may benefit directly from this provision.</p>	<p>As above.</p> <p>The nature of the provision is such that the short breaks services statement must be published in an accessible format for the young carer. For instance, this may involve the use of social media as a platform for advertising any short breaks services in the local authority's area.</p>	<p>As above.</p>
s36 – Carers' charter	<p>This section requires that Scottish Ministers prepare a carers' charter to set out the rights of carers as provided in or under the Carers (Scotland) Act 2016. The charter may</p>	<p>Young people and children who are young carers may directly benefit from this</p>	<p>The provision is not considered to infringe upon any UNCRC Article.</p> <p>Scottish Government consider that it could give further effect to:</p> <ul style="list-style-type: none"> Article 17 – Access to information; mass 	<p>The provision may have a positive impact on the following wellbeing indicators:</p> <p><u>Included.</u> <u>Responsible.</u></p>

	<p>contain other information such as rights that Scottish carers have under or by virtue of other Scottish and/or UK legislation or international conventions.</p>	<p>provision.</p>	<p>media.</p> <ul style="list-style-type: none"> • Article 47 – Knowledge of rights. <p>Young people who are young carers will benefit from access to information contained in the carers' charter.</p>	
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CRWIA Declaration

Tick relevant section, and complete the form.

CRWIA required

CRWIA not required

X

Authorisation

Policy lead

Name, title, division

Lynn Lavery, Bill Implementation
Team Leader, Carers Branch, Care,
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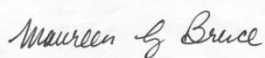
Date

23 March 2016

Deputy Director or equivalent

Name, title, division

Dr Maureen Bruce, Deputy Director,
Care, Support and Rights Division



Date

23 March 2016