



# Carers (Scotland) Act 2016

## 2016 asp 9

### PART 3

#### PROVISION OF SUPPORT TO CARERS

#### CHAPTER 2

#### DUTY TO PROVIDE SUPPORT TO CARERS

#### 24 Duty to provide support

- (1) This section applies where a carer has identified needs which cannot be met by services or assistance—
  - (a) provided to the cared-for person (other than care provided by virtue of section 25 in order to provide the carer with a break from caring), or
  - (b) provided generally to persons in the area of the responsible local authority or, where the carer does not reside in the area of that authority, in the area where the carer resides.
- (2) The responsible local authority must determine whether any of those needs are eligible needs.
- (3) A carer's eligible needs are the carer's identified needs which meet the local eligibility criteria.
- (4) The responsible local authority—
  - (a) must provide support to the carer to meet the carer's eligible needs, and
  - (b) may provide support to the carer to meet the carer's other identified needs.
- (5) Subsection (4)(a) applies—
  - (a) in the case of an adult carer, whether or not the carer's eligible needs may also, following assessment under section 12A(1) of the 1968 Act, call for the provision of community care services to the carer under that section,
  - (b) in the case of a young carer, whether or not the carer's eligible needs may also be met by the provision of services to the carer under section 22(1) of the 1995 Act.

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*Status: This is the original version (as it was originally enacted).*

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- (6) In this section the “responsible local authority”, in relation to a carer, means the local authority for the area in which the cared-for person resides.

## **25 Provision of support to carers: breaks from caring**

- (1) A local authority, in determining which support to provide to a carer under section 24(4), must consider in particular whether the support should take the form of or include a break from caring.
- (2) The Scottish Ministers may by regulations make provision—
- (a) about the form of support that may be provided as a break from caring,
  - (b) where the regulations provide for a break from caring to take the form of the provision of care for the cared-for person, about the role of the cared-for person in relation to how that care is provided.
- (3) Support provided by virtue of subsection (1) may be provided on a regular basis or on a temporary basis and may be provided for varying periods of time.
- (4) In providing support by virtue of subsection (1), a local authority must have regard to the desirability of breaks from caring being provided on a planned basis.
- (5) Section 19(2) of the Social Care (Self-directed Support) (Scotland) Act 2013 applies in relation to support provided as a break from caring as it applies in relation to any other support.

## **26 Charging for support provided to carers**

In section 87 of the 1968 Act (power of local authority to charge for services and accommodation provided under certain enactments)—

- (a) in subsection (1), for “section 3(4) of the [Social Care \(Self-directed Support\) \(Scotland\) Act 2013 \(asp 1\)](#)” substitute “section 24(4) of the Carers (Scotland) Act 2016”,
- (b) in subsection (1A)(a), for “section 3(4) of the [Social Care \(Self-directed Support\) \(Scotland\) Act 2013 \(asp 1\)](#)” substitute “section 24(4) of the Carers (Scotland) Act 2016”.