

CARERS (SCOTLAND) ACT 2016

EXPLANATORY NOTES

COMMENTARY ON PARTS

Part 5 – Local Carer Strategies

Section 31 - Duty to prepare local carer strategy

95. Subsection (1) provides that each local authority and relevant health board must jointly prepare a local carer strategy.
96. Subsection (2) sets out what the strategy is and what information it must contain. This must include—
- plans for identifying relevant carers and obtaining information about the care they provide or intend to provide to cared-for persons in the local authority’s area;
 - an assessment of the demand for support to carers in the authority’s area;
 - the support which is available to carers in the authority’s area, whether from the authority itself, the relevant health board or any other persons or bodies that the local authority and relevant health board consider appropriate;
 - an assessment of the extent to which demand for support to relevant carers is currently not being met;
 - plans for supporting relevant carers;
 - plans for helping relevant carers put arrangements in place for the provision of care to cared-for persons in emergencies;
 - an assessment of the extent to which plans for supporting relevant carers may reduce any impact of caring in relevant carers’ health and wellbeing;
 - the intended timescales for preparing adult carer support plans and young carers statements; and
 - any other information as the authority and relevant health board consider appropriate.
97. Subsection (3) requires that a local carer strategy must contain information relating to the particular needs and circumstances of young carers in its area.
98. Subsection (4) requires that, before preparing its local carer strategy, a local authority and relevant health board must jointly consult with such persons and bodies representatives of carers they consider appropriate. They must also take such steps as they consider appropriate to involve carers. Subsection (5) defines what is meant by “relevant carers”: these are carers who reside in the authority’s area (regardless of where they provide care), and carers who live outwith the authority’s area but provide care to a cared-for person in the area.
99. Subsection (6) defines what is meant by “relevant health board”.

Section 32 - Preparation of local carer strategy

100. This section sets out a non-exhaustive list of factors to which the local authority and relevant health board must have regard in preparing their local carer strategy. For instance, this includes the aims set out in section 9(2) of the 2014 Act. They are—
- (a) that children’s services are provided in a way which—
 - best safeguards, supports and promotes the wellbeing of children in the area concerned,
 - 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,
 - is most integrated from the point of view of recipients, and
 - constitutes the best use of available resources, and
 - (b) that services are provided in a way which, so far as consistent with the objects and proper delivery of the service concerned, safeguards, supports and promotes the wellbeing of children in the area concerned.
101. The list of factors also includes, amongst other things, the national health and wellbeing outcomes that are prescribed under section 5 of the Public Bodies (Joint Working) (Scotland) Act 2014.

Section 33 - Publication and review of local carer strategy

102. Subsection (1) requires each local authority and relevant health board to jointly publish the local carer strategy.
103. Subsection (2) sets the date by which the first local carer strategy must be published. This is the date by which the integration authority relevant to the local authority in question must publish its next strategic plan under the Public Bodies (Joint Working) (Scotland) Act 2014. The timing for the publication of the strategic plans under that Act is determined by reference to the date (the “integration start day”) on which the health and social care integration arrangements take effect: this date has been prescribed by the Public Bodies (Joint Working) (Prescribed Days) (Scotland) Regulations 2014¹.
104. Subsection (3) requires the local authority and relevant health board jointly to review their local carer strategy at least every three years. By virtue of subsection (5), the same obligations to consult and involve carers set out in section 31(4) also apply when the local authority and relevant health board reviews their strategy. Following a review, subsection (6) provides that the local authority and relevant health board may decide to prepare a revised strategy or to publish a statement to the effect that they are not revising the strategy. Where the local authority and relevant health board prepare a revised strategy, subsection (7) requires them to take into account the factors specified in section 32 and to publish the revised strategy.

¹ (SSI 2014/284).