

# **CARERS (SCOTLAND) ACT 2016**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON PARTS**

#### **Part 6 – Information and Advice for Carers**

##### **Information and advice service**

##### *Section 34 - Information and advice service for carers*

105. Subsection (1) provides that each local authority must establish and maintain, or ensure the establishment and maintenance of an information and advice service for relevant carers in its area.
106. Subsection (2)(a) to (g) sets out in general terms the sort of information and advice that the service must provide.
107. Subsection (3) provides that the information and advice must be provided in a manner that it is accessible to, and proportionate to the needs of, the persons to whom it is provided.
108. Subsection (4) requires that, in providing the information and advice set out in subsection (2), each local authority must identify information and advice that is likely to be of particular relevance to persons who have one or more protected characteristics (within the meaning of section 149(7) of the Equality Act 2010). These protected characteristics are age, disability, gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.
109. Subsection (5) sets out the meaning of “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.

##### **Short breaks services statements**

##### *Section 35 - Short breaks services statements*

110. Subsection (1) requires each local authority to prepare and publish a short breaks services statement. Subsection (2) defines what a “short breaks services statement” means: that is a statement setting out the short break services available in Scotland for carers and cared-for persons.
111. Subsection (3) requires the short breaks services statement to be published in an accessible format and that the information contained within it should be proportionate to the needs of persons within the local authority area. This means that the statement does not need to contain information relating to every short break service in Scotland, only those relevant to the persons who live in that area.
112. Subsection (4) gives the Scottish Ministers a regulation-making power to make further provision about the preparation, publication and review of short breaks services

statements. Regulations under this subsection will be subject to the negative procedure (see section 42).

## **Carers' Charter**

### ***Section 36 – Carers' charter***

113. Subsection (1) requires that the Scottish Ministers must prepare a carers' charter. Subsection (2) defines what a carers' charter is. It must set out the rights of carers as provided for in or under the Act, but may also include such other information as the Scottish Ministers consider appropriate (see subsection (4)). For example, this might include rights under other legislation.
114. Subsection (3) makes clear that the charter is not to give rise to new rights or alter any existing rights.
115. Subsection (5) provides that the Scottish Ministers may from time to time revise the charter.
116. Subsection (6) requires that the Scottish Ministers must consult such persons and bodies representatives of carers, consult other persons as the Scottish Ministers consider appropriate and take such steps as they consider appropriate to involve carers before preparing or revising the carers' charter. This section also states that the Scottish Ministers are required to lay the charter or revised charter before the Scottish Parliament and publish the charter or revised charter in the manner they consider appropriate.