

SOCIAL CARE (SELF-DIRECTED SUPPORT)(SCOTLAND) ACT 2013

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 3 – Support for adult carers

9. **Section 3** provides a power to authorities to provide support to a carer following an assessment completed under section 12AA (carers assessments relating to carers of those aged 18 or over) of the 1968 Act or section 24 (carers assessments relating to carers of those under the age of 18) of the 1995 Act. Under both provisions a carer who provides care by virtue of a contract of employment or as a volunteer for a voluntary organisation is ineligible for a carers assessment. As a result, such a carer will not be eligible for support under this provision.
10. Subsection (2) requires the authority to consider the outcome from the relevant assessment and to decide if the carer has needs in their own right as regards their ability to care. Subsection (3) requires the authority, where it has decided that the adult has needs, to consider whether those needs could be satisfied fully or in part by support. The definition of “support” in subsection (5) means that this is support that would help the adult to care or to continue in their role as an unpaid carer. If an authority decides that those needs could be met by support, subsection (4) provides a discretionary power to the local authority to provide support to the carer.
11. Subsection (5) provides definitions of “person cared for” and of the “support” which could be provided to a carer under subsection (4). That support is any form of services or assistance which will help the adult to provide, or continue to provide, care. This is distinct from any need which the carer has for community care services (i.e. needs they have as an individual and not in their role as a carer), which would be assessed separately under section 12A of the 1968 Act.
12. Where the local authority has decided to provide such support section 7 would apply, meaning that the carer would be given the choice of the four options for self-directed support set out in section 4.