

# CARERS (SCOTLAND) ACT 2016

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## EXPLANATORY NOTES

### COMMENTARY ON PARTS

#### **Part 3 – Provision of Support to Carers**

##### *Chapter 2 – Duty to provide support to carers*

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

- 76. Subsection (1) requires a local authority to consider whether any support provided under section 24 should include support which provides a break from caring.
- 77. Subsection (2) confers a power on the Scottish Ministers to make regulations (subject to the affirmative procedure (see section 42(2)) about the forms of support that would constitute a break from caring. Where the regulations provide for a break from caring to take the form of the provision of care for the cared-for person, they may also make provision about the role of the cared-for person in relation to how that care is provided.
- 78. Subsection (4) requires that each local authority must have regard to the desirability of breaks from caring being provided on a planned basis.
- 79. Subsection (5) refers to section 19(2) of the Social Care (Self-directed Support) (Scotland) Act 2013 (promotion of options for support). It provides that the duty on local authorities in that section to promote a variety of support and support providers applies equally in relation to support provided as a break from caring.