



Carers (Scotland) Act 2016

2016 asp 9

PART 4

CARER INVOLVEMENT

27 Duty to involve carers in carer services

- (1) Each local authority must take such steps as it considers appropriate to involve the persons mentioned in subsection (3) in carer services of that local authority.
- (2) Each health board must take such steps as it considers appropriate to involve the persons mentioned in subsection (3) in carer services of that health board.
- (3) Those persons are—
 - (a) carers in the area of the local authority or, as the case may be, the health board, and
 - (b) such persons and bodies representative of carers as the local authority or, as the case may be, the health board considers appropriate.
- (4) “Carer services” means services provided, or to be provided, by the local authority or, as the case may be, the health board to—
 - (a) carers in relation to the care they provide, or intend to provide, for cared-for persons,
 - (b) cared-for persons in relation to the care they receive.
- (5) Subsection (4) does not apply to—
 - (a) services which are contained in a children's services plan (within the meaning of section 8 of the 2014 Act) if the persons mentioned in subsection (3) have been consulted in relation to the preparation of that plan,
 - (b) services provided by virtue of functions which have been delegated under an integration scheme (within the meaning of section 1(3) of the Public Bodies (Joint Working) (Scotland) Act 2014) or which are to be carried out in conjunction with those functions.
- (6) “Involvement”, in relation to carer services, includes involvement in considering—
 - (a) what needs might call for the provision of services,
 - (b) what services might be provided to meet those needs,

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- (c) how those services might be provided, and
- (d) how the provision of those services might be evaluated.

Commencement Information

I1 S. 27 in force at 1.4.2018 by S.S.I. 2017/152, reg. 4

28 Carer involvement in hospital discharge of cared-for persons

- (1) Each health board must ensure that, before a cared-for person is discharged from hospital, it involves any carer of that person in the discharge.
- (2) A health board fulfils the duty in subsection (1) by—
 - (a) taking such steps as it considers appropriate to—
 - (i) inform the carer, as soon as reasonably practicable, of the intention to discharge the cared-for person, and
 - (ii) invite the carer to give views about the discharge of the cared-for person, and
 - (b) taking account, so far as it is reasonable and practicable to do so, of any views given by the carer in making decisions relating to the discharge of the cared-for person.
- (3) This section applies only—
 - (a) where the health board can identify without delay that a person is the carer of the cared-for person, and
 - (b) where it appears to the health board that the cared-for person is likely to require care following discharge.
- (4) In this section “health board” means—
 - (a) in the case of the state hospital (within the meaning given by section 102 of the National Health Service (Scotland) Act 1978), the State Hospitals Board for Scotland constituted by order under section 2(1)(b) of that Act,
 - (b) in the case of a hospital mentioned in subsection (5), a health board constituted under section 2(1)(a) of that Act.
- (5) The hospitals referred to in subsection (4)(b) are—
 - (a) a health service hospital (within the meaning given by section 108(1) of the National Health Service (Scotland) Act 1978), or
 - (b) where a person receives accommodation or services in a hospital other than a health service hospital under arrangements made by a health board, such a hospital.

Commencement Information

I2 S. 28 in force at 1.4.2018 by S.S.I. 2017/152, reg. 4

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29 Involvement of, assistance to and collaboration with carers

In section 1(1) of the Social Care (Self-directed Support) (Scotland) Act 2013 (general principles applicable in carrying out certain care functions), after paragraph (c) insert—

“(d) Part 2 or 3 of the Carers (Scotland) Act 2016.”.

Commencement Information

I3 S. 29 in force at 1.4.2018 by S.S.I. 2017/152, reg. 4

30 Care assessments: duty to take account of care and views of carers

(1) Section 12A of the 1968 Act (duty of local authority to assess needs) is amended in accordance with subsections (2) to (4).

(2) In subsection (1)(b)—

(a) for sub-paragraph (i) substitute—

“(i) if an adult carer provides, or intends to provide, care for that person, of the care provided by that carer,

(ia) if a young carer provides, or intends to provide, care for that person, of the care provided by that carer.”,

(b) in sub-paragraph (ii)—

(i) “both” is repealed,

(ii) “and of the views of the carer” is repealed,

(iii) “, in either case,” is repealed.

(3) After subsection (1) insert—

“(1A) In subsection (1)(b)(i) and (ia), the reference to the care provided by a carer means—

(a) in the case of an adult carer who has an adult carer support plan, the information about that care set out in that plan,

(b) in the case of a young carer who has a young carer statement, the information about that care set out in that statement.

(1B) In—

(a) assessing the needs of a person for services under subsection (1)(a),

(b) deciding under subsection (1)(b) whether those needs call for the provision of any services, and

(c) deciding how any such services are to be provided,

a local authority must take account of the views of the carer, in so far as it is reasonable and practicable to do so.”.

(4) In subsection (8)—

(a) before the definition of “community care services” insert—

““adult carer” and “adult carer support plan” have the meanings given by the Carers (Scotland) Act 2016,”,

(b) after the definition of “person” insert—

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““young carer” and “young carer statement” have the meanings given by the Carers (Scotland) Act 2016.”.

(5) Section 23 of the 1995 Act (children affected by disability) is amended in accordance with subsections (6) and (7).

(6) In subsection (4)—

(a) for paragraph (a) substitute—

“(a) if an adult carer provides, or intends to provide, care for the child, of the care provided by that carer,

(aa) if a young carer provides, or intends to provide, care for the child, of the care provided by that carer,”,

(b) in paragraph (b)—

(i) sub-paragraph (ii) is repealed (together with the “and” immediately before it),

(ii) for “child or carer” substitute “ or child ”.

(7) After subsection (4) insert—

“(5) In subsection (4)(a) and (aa), the reference to the care provided by a carer means—

(a) in the case of an adult carer who has an adult carer support plan, the information about that care set out in that plan,

(b) in the case of a young carer who has a young carer statement, the information about that care set out in that statement.

(6) In—

(a) determining the needs of a child under subsection (3),

(b) deciding whether to provide any services under section 22(1), and

(c) deciding how any such services are to be provided,

a local authority must take account of the views of the carer, in so far as it is reasonable and practicable to do so.

(7) In this section—

“adult carer” and “adult carer support plan” have the meanings given by the Carers (Scotland) Act 2016,

“young carer” and “young carer statement” have the meanings given by the Carers (Scotland) Act 2016.”.

Commencement Information

I4 S. 30 in force at 1.4.2018 by S.I. 2017/152, reg. 4

Status:

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Changes to legislation:

There are currently no known outstanding effects for the Carers (Scotland) Act 2016, PART 4.