
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under the Carers (Scotland) Act 2016 and come into force on 31 July 2021.

Regulation 3 amends regulation 2 of the Carers (Scotland) Act 2016 (Adult Carers and Young Carers: Identification of Outcomes and Needs for Support) Regulations 2018 (“2018 Regulations”) to ensure that any immediate or urgent personal outcomes and needs for support in relation to an adult carer of a cared-for person who is terminally ill (“relevant adult carer”) are identified during the first conversation that takes place under regulation 2 of the 2018 Regulations.

Regulation 4 sets out the timescales in which the first conversation which the responsible local authority has with a relevant adult carer in accordance with regulation 2 of the 2018 Regulations (“substantive conversation”) must take place. The substantive conversation must take place within 5 working days of the notification date (which is defined in regulation 2). This conversation can also take place on any other date requested by the relevant adult carer that suits the authority.

Regulation 5 makes provision for the timescales in which an adult carer support plan must be prepared by a responsible local authority in relation to a relevant adult carer. Where a substantive conversation takes place in the timescales in regulation 4(a), a responsible local authority is required to prepare an adult care support plan within 10 working days of the notification date. Where a substantive conversation takes place in accordance with the timescales in regulation 4(b), the responsible local authority must prepare the plan within ten qualifying working days from the notification date. Paragraph (3) sets out what a qualifying working day is for the purpose of this regulation. Where the notification date is a working day, this will be a qualifying working day.

Regulation 6 amends regulation 3 of the 2018 Regulations to ensure that any immediate or urgent personal outcomes and needs for support in relation to a young carer of a cared-for person who is terminally ill (“relevant young carer”) are identified during the first conversation which takes place under regulation 3 of the 2018 Regulations.

Regulation 7 sets out the timescales in which the first conversation which the responsible authority has with a relevant young carer in accordance with regulation 3 of the 2018 Regulations (“substantive young carer conversation”) must take place. The substantive young carer conversation must take place within 5 working days of the relevant date (which is defined in regulation 2). This conversation can also take place on any other date requested by the relevant young carer that suits the authority.

Regulation 8 makes provision for the timescales in which a young carer statement must be prepared by a responsible authority in relation to a relevant young carer. Where a substantive young carer conversation takes place in the timescales in regulation 7(a), a responsible authority is required to prepare a young carer statement within 10 working days of the relevant date. Where a substantive young carer conversation takes place in accordance with the timescales in regulation 7(b), the responsible authority must prepare the statement within ten qualifying working days from the relevant date. Paragraph (3) sets out what a qualifying working day is for the purpose of this regulation. Where the relevant date is a working day, this will be a qualifying working day.