

NORTH LANARKSHIRE COUNCIL

REPORT

To: SOCIAL WORK COMMITTEE		Subject: CONSULTATION BY THE SCOTTISH EXECUTIVE ON PROPOSALS FOR NEW LAWS TO HELP CARERS
From: DIRECTOR OF SOCIAL WORK		
Date: 23 August 2001	Ref: GS/DM	

1. PURPOSE OF REPORT / INTRODUCTION

- 1.1. The purpose of this report is to advise Committee of a consultation document containing proposals for new laws to help carers issued by the Scottish Executive, and to seek homologation of the response prepared by the Council and its partners. A copy of the consultation paper has been placed in the Member's Library; a copy of the response is attached as an appendix to this report.

2. BACKGROUND

- 2.1. The Scottish Executive launched The Strategy for Carers in November 1999 and supported it with additional monies within the local government settlement. A North Lanarkshire Strategy for Carers and spending plans on services for carers have been the subject of recent reports to Committee.
- 2.2. The national strategy stated a commitment to draw up proposals for new legislation to allow carers' needs to be assessed directly. At present this is only a legislative requirement where the person being cared for consents to having their needs assessed. In January 2000 the Executive set up an Independent Carers Legislation Working Group to consider the issues and make recommendations. The Executive consulted on the contents of the report and invited submissions to be made by 6 July.

3. PROPOSALS / CONSIDERATIONS

- 3.1. The key recommendations of the Working Group, on which responses are sought by the Executive, include:
- Carers should be seen as partners in providing care and like other providers of care, may need resources to help them carry out this role.
 - Former carers should continue to be supported after their caring ends.
 - Carers should have a statutory right to assessment in all circumstances.
 - The NHS should have a statutory duty to identify carers and offer them information and advice.
 - Young carers should be entitled to an assessment in their own right in all circumstances.
 - Carers should have an entitlement to short breaks in defined circumstances.
 - Parent carers should have equivalent rights to assessment as other carers.
 - Voucher schemes enabling purchase of care may provide carers with more control when scheduling breaks.
 - Legislative proposals may have resource implications for local authorities, the NHS and other bodies.

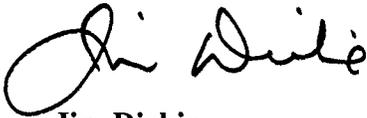
4. FINANCIAL / PERSONNEL / LEGAL / POLICY IMPLICATIONS

4.1. None at this time.

5. RECOMMENDATIONS

5.1. Committee is asked to:

- (i) approve homologation of the response set out at Appendix 1 and;
- (ii) otherwise note the contents of this report.



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Director of Social Work
2 July 2001

For further information on this report please contact Duncan Mackay, Manager, Community Care (Adult Services) (TEL: 01698 332067)

Appendix 1

Consultation on New Laws for Carers – Response from North Lanarkshire Council, Lanarkshire Health Board, Lanarkshire Primary Care NHS Trust and Lanarkshire Acute Hospitals NHS Trust

1. Do you agree that carers need resources, which should be separate from services provided to the cared-for person?

Yes. Carers often provide a high level of support to the person they look after, without which that person would require input or additional input from providers of service. Carers should be seen as partners in providing care and support and not as service users. However, it should not be forgotten that some carers might also require services in their own right for their particular needs. This is likely to be the case for older carers.

2. What kind of resources do you think carers need?

Resources are required to enable a carer to continue caring if they wish to do so. Resources required include the opportunities for short breaks away from their caring role and access to information, advice and support. Opportunities for training in areas such as moving and handling, using equipment, dealing with difficult or challenging behaviour, first aid should be provided without cost. Opportunities for peer support and advocacy should be available through organisations such as the Princess Royal Trust for Carers, Carers Networks and local carers support groups. Staff from Social Work, Health and voluntary agencies should be trained to identify and recognise the needs of carers and provide support directly or by facilitating contact with carers organisations.

3. Should carers be charged for resources provided to them?

Carers should not be disadvantaged by undertaking a caring role and therefore it would be inappropriate to charge carers for the resources they need in order to fulfil this role. Carers who also need direct care on their own behalf should have access to services in line with current charging policies. Where this is the case those policies should be clear and consistent.

4. Should former carers continue to be supported for a period after their caring ends? If so, what sort of support are they likely to need at this point?

Yes. Clearly carers have a need for support if the person they care for goes into long term care or dies. There are likely to be issues in relation to housing, benefits, return to work and changes in lifestyle, and often issues related to loss and bereavement. It should be recognised that a carer may have these support needs as a direct consequence of their former role as a carer. Information of high quality should be available to enable former

carers to make informed choices and to access appropriate support.

5. Should carers be entitled to an assessment in their own right in all circumstances?

Yes. It is recognised that carers have needs directly related to their caring role, and it is important, through an assessment process, that their particular needs are identified. There will undoubtedly be resource implications for Local Authorities which would need to be addressed through Local Government funding from the Scottish Executive.

6. Would a legal duty on local authorities to provide information and offer assessments to carers be workable?

We have agreed (see question 5) that carers should have a right to an an assessment of their needs and highlighted potential cost implications. Provision of information as a legal duty is more problematic as it is difficult to specify and may not necessarily result in information of high quality. The North Lanarkshire Strategy for Carers has committed the Local Authority and its partners to developing an information service which aims to ensure carers have access to good and appropriate information.

7. What would be the most effective way of increasing carers' take-up of assessments and support?

The new funds made available for carers have enabled Local Authorities to raise the profile of carers and increase the focus on developments responsive to their needs. In North Lanarkshire the importance of local support through voluntary and statutory agencies has been recognised and funds deployed to further develop carers support. A Carers Centre is already funded and a Carers Organisation has been recently set up with the aim of bringing carers together. Those, combined with a commitment to develop information services, promote carers assessments and be responsive to the needs of carers from minority groups, should result in an increase in carers take-up of assessments and support.

8. How could the NHS help support carers more effectively?

The NHS in Lanarkshire recognises the importance of the role played by carers. In recognition that carers are key partners in the provision of care, the NHS in Lanarkshire has for many years directly funded a number of carer organisations to provide direct support and advice to carers. This includes the Princess Royal Trust for Carers and Crossroads. As well as this form of direct funding the NHS in Lanarkshire has also sought to involve carers at a strategic planning level in the direction and design of services.

It is however acknowledged that carers could be supported in a more efficient manner. With this in mind it is proposed by Lanarkshire Primary NHS Trust to undertake a

distinct and significant piece of work to identify how it can better help carers. In addition, it is proposed by Lanarkshire Acute Hospitals NHS Trust to undertake a one year pilot study to assess, plan, meet and evaluate the needs of carers in how best to bridge the gap between hospital discharge and care in the community.

It is anticipated that through completion of the above work the NHS in Lanarkshire will be better equipped to help carers more effectively.

9. Would a legal duty on the NHS to identify carers wherever possible, offer them information and refer them on to other agencies be workable?

No, we would not agree that a legal duty on the NHS would add any material benefit to the current arrangements.

The NHS in Lanarkshire recognises clearly that it would be of significant benefit if carers could be identified wherever possible and made aware much more easily of advice and support available to them and those for whom they are caring. For many carers the NHS as a whole will be a complicated organisation and knowledge of pertinent services will be available through those whom they contact. A more systematic way of disseminating information, and referral onto other agencies where appropriate, should be pursued but there is an issue as to which part of the NHS would be expected to identify carers and how this would be resourced. The work referred to at question 8 will be beneficial in pursuing this direction.

10. Should young carers be entitled to an assessment in their own right in all circumstances? How could this be done in a way that supports family relationships?

Young carers are particularly vulnerable in that their involvement in caring for a family member can seriously restrict their social, physical and educational development. In addition they are often 'hidden', in the sense of not coming to the attention of welfare professionals or their caring role is unacknowledged.

In order to ensure the appropriate level of support is provided, the needs of young carers should be assessed in all circumstances, but it is important that this is undertaken as part of a process that seeks to identify the needs and requirement for services of the family as a whole. The development of a mechanism for family self assessment through family discussion would hopefully ensure that young carers were supported in a manner that did not perpetuate inappropriate levels of caring responsibilities for young carers.

11. Should carers have a statutory right to breaks from caring? If so, under what circumstances and how could this work?

It is recognised that breaks from caring are often vital for carers to enable them to carry

on caring. Short breaks currently are commonly provided through residential respite, day care and home or family based respite. These are major funding commitments for local authorities- well over £1 million annually is spent on residential respite care alone for adults and children with disabilities in North Lanarkshire. These resources are targeted towards those in greatest need following a comprehensive assessment. However, demand continues to far outweigh availability and is likely to do so for the indefinite future. Proposals in the Working Group Report properly strengthen carers right to assessment. Caring is a broad term; some people care for 24 hours a day 7 days a week every week and may be in desperate need for regular breaks; others may carry our caring tasks for a couple of hours a week and have no need at all. Therefore a statutory right is not in all cases appropriate – our view is that access to services such as respite should continue to be informed by the assessment process.

12. How might such a right affect local authorities' overall flexibility to provide a range of appropriate support for carers and others?

North Lanarkshire Council is committed to developing options which maximise flexibility, control and choice through the use of direct payments, shared care etc. A statutory right to breaks would reduce the Council's ability to arrange services for people in the greatest need.

13. Do parent carers have sufficient rights already under the Children (Scotland) Act 1995, or should a new enhanced right to carers' assessments extend to them?

Notwithstanding parents' rights under childrens legislation, parent carers' rights should be in line with the rights of other carers.

14. Is there a case for voucher schemes to allow cared-for people and their carers to schedule breaks to suit them better?

If these schemes increase flexibility and choice for clients and their carers they should be considered as an option. The development of Direct Payments Schemes may be sufficient to enable carers to make appropriate choices without the use of vouchers.

15. What do you estimate are the resource implications of the Group's recommendations for local authorities, other agencies and bodies, or for cared-for people?

Paragraph 13, chapter 3 of the Working Group Report states *"it is not possible to quantify the resource implications of our recommendations"*.

We agree.