



Briefing: The Carers (Scotland) Bill – Short Breaks Duty

Purpose: To provide MSPs with a briefing on the proposed amendment to include a sufficiency duty to the Carers (Scotland) Bill to protect short breaks provision.

Background: Providing short break opportunities for carers and cared for people is now widely accepted as vital to sustaining the caring relationship and the health and well being of carers.

However government data¹ and other research² shows that the availability and choice of short breaks across Scotland varies considerably and there is growing evidence of significant cut backs to existing levels of service provision. There is currently nothing within the Bill that will help safeguard the provision of Short Break services across Scotland.

The proposed amendment seeks to provide some protection against any continued loss of services by including a 'sufficiency duty' to ensure that short breaks are not just used as a crisis intervention. The duty would also promote more collaborative working between local authorities and other stakeholders to develop new capacity and choice, taking account of available resources.

A new Short Breaks Duty with accompanying regulations will help establish short break provision as a vital statutory service. Under the duty all local authorities will be expected to provide a range and level of short breaks which it considers to be sufficient to meet the needs of carers and families in its area. That judgment on sufficiency will have to be properly informed by evidence and be open to scrutiny.

Amendment: We propose the inclusion of a Short Breaks Duty on the face of the Bill to place a requirement on local authorities *'to provide, so far as is reasonably practicable, a range of services or assistance which is sufficient to assist individuals who provide care to do so, or to do so more effectively, by giving them breaks from caring.'* Regulations will be needed to expand on the scope of the duty and so that Scottish Ministers can establish matters that must be taken into consideration with implementation.

¹ <http://www.gov.scot/Publications/2014/10/4559/downloads>

² <http://lx.iriss.org.uk/content/scottish-government-respite-care-data-2014-shared-care-scotland-summary>

Replacement Care: The potential additional costs of replacement care were not included in the Financial Memorandum attached to the Bill. This was highlighted by the Finance and Health and Sport Committees at their evidence gathering sessions. The availability of high quality, flexible replacement care is often essential to enable carers to have a break from their caring responsibilities. This is therefore a significant omission.

The Minister's letter of 26th October, in response to the Finance Committee's questions, provides a figure of £16m as the maximum estimate of the cost implications associated with the waiving charges for support under Section 22 of the Bill. However, the letter goes on to say that, 'taking all of this into account, I believe that the cost of any additional replacement care as a consequence of waiving charges can be accommodated within the overall cost envelope currently set out in the FM.' This would suggest the £16m has to be found from other areas of expected expenditure and does not take account of any new demand that might arise from the increased number of adult and young carers receiving an assessment (ACSP or YCS). We feel there is still some ambiguity around the government's spending intentions related to the waiving of charges and further clarification is needed.

Contact: Don Williamson Tel: 01383 622462
Email: don.williamson@sharedcarescotland.com