

## Scottish Government consultation on the National Care Service Briefing paper on the right to a break from caring

*This briefing paper focuses on the **right to a break from caring**<sup>1</sup> proposals outlined in the consultation document and aims to summarise the key points and options presented.*

### Background

[The Independent Review of Adult Social Care \(Feeley Report\)](#) set out a bold and ambitious vision for adult social care in Scotland that has the potential to transform the lives of people with social care needs and unpaid carers.

Many unpaid carers contributed to the review and the report made several recommendations on how Scotland's unpaid carers could be better supported. This included a specific recommendation to introduce the 'right to respite'. The Scottish Government supports this recommendation and has set out options for how they think such a right could be delivered as part of its National Care Service consultation.

### Why is a right to breaks important?

Access to regular breaks is vital to unpaid carer health and wellbeing, yet evidence consistently shows that many unpaid carers struggle to get a break from their caring role. Prior to the COVID-19 pandemic research by Carers UK found that 40% of unpaid carers hadn't had a break for a year and 25% hadn't had a break in five years.<sup>2</sup> The Scottish Government consultation paper estimates that as few as 3% of unpaid carers currently receive statutory support for breaks from caring.

The diversity of caring means that there are many different reasons why an unpaid carer might find it difficult to access the right break, however unpaid carers often report experiencing similar barriers:

- Lack of information on breaks from caring
- Affordability of breaks or concerns over funding
- Availability of suitable short breaks provision, particularly for complex conditions
- Eligibility criteria and/or bureaucracy in accessing breaks through formal or statutory routes

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<sup>1</sup> While the term 'respite' is widely understood, it is contested as implying a burden or negative representation of the relationship in which care takes place. The Scottish Government consultation therefore refers to 'breaks from caring' or 'short breaks'.

<sup>2</sup> [https://www.carersuk.org/images/News\\_and\\_campaigns/Caring\\_Behind\\_Closed\\_Doors\\_Oct20.pdf](https://www.carersuk.org/images/News_and_campaigns/Caring_Behind_Closed_Doors_Oct20.pdf)

A new legal right to a break would seek to prevent many unpaid carers (and cared-for people) from reaching crisis point, but perhaps more importantly would help ensure unpaid carers could balance caring with other activities that are important in their lives, such as recreation, leisure interests, community involvement, or simply to have time to rest.

However, as might be expected, the considerations for how a right to breaks will be delivered for Scotland's unpaid carers are many and complex. Many different factors must be considered including, *who would have the right to a break, what level of support would they be entitled to and how would this be decided*. We have set out the government's proposals here, but they will be described in more detail at our briefing events.

## **What does the Scottish Government consultation say about the right to breaks?**

The Scottish Government has accepted the Feeley recommendation on the right to breaks and sets it within the context of a wider outcomes-focused approach covering support from early intervention through to more acute and specialist provision.

The consultation paper sets out different factors that need to be taken into consideration such as **fairness** and **transparency**, and the importance of **personalisation** and the value of **preventative support**.

The Scottish Government says a new right must also be able to balance the delivery of preventative measures, through early intervention and access to more universally available, non-statutory short break opportunities, with the availability of more intensive and specialist support for those unpaid carers who need it.

The consultation paper outlines several other factors for consideration and sets out the benefits or disadvantages:

### **Standard support versus personalised support**

*Standard support*: the paper defines this as all unpaid carers having the same entitlement or 'standard package' of breaks from caring. This could be a set number of days or weeks, or the same financial package.

*Personalised support*: by this Scottish Government means unpaid carers would receive short break support determined by their level of need. This would be broadly similar to how breaks from caring are considered as part of an Adult Carer Support Plan or Young Carers Statement under the Carers Act.

*Benefits/disadvantages*: The consultation paper says that a standardised approach would be transparent – everyone would be certain on what they are entitled to – but it would be inflexible to the diverse needs of unpaid carers and could disadvantage those with more intense caring roles where their level of need is higher. The lack of personalisation means that while a

higher level of standardised approach could address the issues for intense caring roles, it could be excessive for less intense caring roles, and as a result be prohibitively expensive to implement.

### **Universally available to all carers versus carers above certain thresholds**

The Scottish Government says the challenge in providing a right to all unpaid carers, or only to those who meet thresholds, is one of balancing affordability with the desire to provide preventative support. The consultation paper sets this out as follows:

*All carers:* Public funds are such that if every unpaid carer in Scotland – potentially around 1 million people – were to receive a standard package of respite, it would have to be very thinly spread meaning that every unpaid carer would receive only a very small package regardless of the intensity of their caring role.

*Carers above a certain threshold:* Setting a threshold for accessing support – this could be set by hours of caring or intensity of caring role. This could mean that a smaller number of unpaid carers get a greater level of support.

*Benefits/disadvantages:* A universal entitlement would likely set the level so low that it would not deliver benefit to many unpaid carers who have more intense caring roles. However, setting a threshold could mean that the preventative element is missed, and some unpaid carers may not get a break.

The Scottish Government has suggested two ways to address this:

- Set a graded series of thresholds to access different packages/levels of support
- Set a right for every carer to access personalised support. This would work in a similar way to the existing approach under the Carers Act

Essentially, the options presented can be summarised as: *everyone having the same level of entitlement to take a break from caring* - OR - *a level of entitlement that is personalised to an unpaid carer's needs* - OR - *a mix of both*. The different options can be explained as follows:

- a) A universal standard short break entitlement – a flat rate which is the same for all unpaid carers
- b) A standard entitlement for some carers – based either on assessment or according to hours caring – leading to the same entitlement for everyone eligible
- c) A graded level of entitlement – where the short break entitlement is graded, based on intensity of caring role. For example, a higher entitlement for those with more intense caring roles
- d) A standard entitlement where the need for a break is identified through an Adult Carer Support Plan or Young Carers Statement – which could be the same for all or graded based on intensity of the caring role

- e) No standard entitlement – instead personalised support identified through an Adult Carer Support Plan or Young Carers Statement
- f) A smaller guaranteed standard entitlement, alongside a more personalised entitlement for those with a more intense caring role

The Scottish Government has also suggested that e) could be ‘strengthened’ by additional provisions including:

- A statement of principle that every unpaid carer is entitled to have sufficient rest and regular breaks from caring (potentially referring to a certain number of days or weeks break from caring.)
- If an unpaid carer is not achieving this entitlement, then their identified personal needs must include a need for support to achieve sufficient rest and regular breaks from caring.

A final option is offered which is to increase preventative breaks support through the expansion of non-statutory support, for example the Short Breaks Fund.

Whichever approach is developed, unpaid carers will continue to have the right to choose how support is provided, including breaks from caring, in line with the options for self-directed support.

The proposals also make it clear that any process to establish a right must be person-centred and proportionate, but in all instances, verification will be required as will a support planning process.

### **Other considerations**

As well as recommending a ‘right to respite’, the Feeley Report also highlighted problems related to the availability of suitable respite care provision and recommended, ‘*a range of options for respite and short breaks should be developed.*’ The consultation does not specifically address this recommendation but, if a new right to a break is to be effective and deliver the improvements expected, there is a need to consider the current availability of short breaks across Scotland, including replacement care. A right to a break is of little value if there is insufficient availability or choice to enable carers to exercise this right.

### **Why should carers get involved?**

The review and reform of adult social care in Scotland has the potential to transform the lives of unpaid carers, and those they care for. It states in the introduction that there is an ambition to move from a system that supports people to survive to one that empowers them to thrive. It is crucial that those who will be at the heart of the new system are involved in building it. This consultation offers unpaid carers a chance to have their say.

## How can you get involved?

The consultation paper is 137 pages long and includes 95 questions. You can read it and [respond directly to the consultation here](#). The closing date is 2<sup>nd</sup> November 2021.

However, we understand that many carers won't have the time to do this and not all the questions will feel relevant to you. For this reason, we are developing a range of briefing papers providing more detail on the issues that we think matter most to carers. These will be published on the [NCO website page](#) as they become available.

You can join our engagement events where you will have the opportunity to find out more about the Government's proposals and to make your views known. [You can register for events here](#).

We will also be asking for your views on our social media platforms over the coming weeks. If you are interested in participating in our online polls, you can follow us on [Twitter](#) and [Facebook](#). This is a good way to have your say if you can only give a few minutes of your time.

## About the National Carer Organisations

The National Carer Organisations are Carers Scotland, Carers Trust Scotland, the Coalition of Carers in Scotland, MECOPP, Shared Care Scotland, and the Scottish Young Carers Services Alliance. We have a shared vision that all Scotland's unpaid carers will feel valued, included and supported as equal partners in the provision of care. The NCOs aim to achieve this through the representation of unpaid carers and giving them a voice at a national level.

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