

Your rights as a carer

legislation and national guidance

VOCAL - Voice of Carers Across Lothian ● August 2018

Carers' rights in Scotland

The Carers' (Scotland) Act 2016 extends the rights of adult and young carers in Scotland, placing a duty on local authorities to provide every carer with a carer support plan and to provide support to all carers who are eligible.

The Act provides for:

- A new right for carers to receive an Adult Carer Support Plan (ACSP) or Young Carer Statement (YCS), setting out their personal outcomes, identified needs and the support to be provided to meet these needs.
- A duty for local councils to provide support to carers, based on their needs which meet local eligibility criteria.
- A requirement for local councils to establish and maintain an information and advice service for carers.
- They must also publish and review a short breaks services statement.
- A duty for local councils and health boards involve carers and carer representatives in the planning and evaluation of services that support carers.
- A requirement for the responsible local authority to consider support in the form of a break from caring.
- A duty on health boards to inform the carer and to invite their views before a cared-for person is discharged from hospital.

The Act is now in effect, however at the time of writing local authorities are still consulting some aspects including hospital discharge and local eligibility criteria.

● Employment rights

Carers in employment now have more statutory rights to help them manage their work and caring responsibilities, through **the Work and Families Act 2006**. See '*Carers and Employment*' factsheet for more details.

● Adult carer support plan (ACSP)

An adult carer support plan (ACSP) starts with a conversation where you discuss your caring role and what is important to you in your life. It helps plan what could help you work towards your goals. The key points of the conversation are written down with agreed actions and this becomes the adult carer support plan.

If you live in Edinburgh you can request an Adult Carer Support Plan by contacting Social Care Direct on **0131 200 2324**.

Equalities Act 2010

This act began on 1 October 2010 and brought new legislation to protect carers from direct discrimination or harassment because of their caring responsibilities.

The Government Equalities Office (GEO) has produced a series of guides including '*Equality Act 2010: What do I need to know as a carer?*'. For more information call the Equality Advisory Support Service (EASS) on **0808 800 0082** or visit **www.equalityadvisoryservice.com**

Mental Health (Care and Treatment) (Scotland) Act 2003

This Act came into effect in October 2005. It sets out how a service user with a mental health difficulty can be treated and says what their rights are. It states that the rights and views of carers must be taken into consideration as much as possible when any decisions about the service user's care and treatment are made.

Anyone involved in the care and treatment of the person using mental health services must provide carers with the information they need to provide effective care. A carer will not receive information that the service user does not want to share.

For more details of carers rights and the role of a named person under the Mental Health Act 2003 call the Mental Welfare Commission on **0800 389 6809**, email **enquiries@bmcscot.org.uk** or visit: **www.mwcscot.org.uk**

Self-Directed Support Bill

The Self-Directed Support (Scotland) Act became law in 2014. It introduced a new power for local authorities to support carers through direct payments. It also aims to make it easier for people to use direct payments to employ relatives. For more details see: **www.selfdirectedsupportscotland.org.uk**

Patient Rights Bill

The Patient Rights (Scotland) Act 2011 aims to improve patients' experiences of using health services and to support people to become more involved in their health and health care. Included in the Act was the establishment of a Patient Advice and Support Service (PASS). This service provides free, accessible and confidential information, advice and support to patients, their carers and families about NHS healthcare. For more information visit:

www.nhsinform.scot/care-support-and-rights