

CARERS (SCOTLAND) ACT 2016

EXPLANATORY NOTES

COMMENTARY ON PARTS

Part 3 – Provision of Support to Carers

Chapter 2 – Duty to provide support to carers

Section 24 - Duty to provide support

72. Where a carer has needs which have been identified in the course of preparing an adult carer support plan or a young carer statement and which cannot be met by services or assistance provided to the cared-for person (other than care provided by virtue of section 25 in order to provide the carer with a break from caring) or cannot be met through the provision of general services in the responsible local authority's area, for example information and advice, this section requires the authority to apply its local eligibility criteria. The needs which meet the local eligibility criteria are referred to as "eligible needs".
73. Subsection (4)(a) places a duty on the responsible local authority to provide support to the carer to meet those eligible needs. The responsible local authority also has a power under subsection (4)(b) to provide support to meet needs which do not meet the eligibility criteria.
74. Subsection (5) applies where a carer's eligible needs might also be met through community care services provided to the carer and assessed under section 12A of the Social Work (Scotland) Act 1968 or services for children and their families provided to the carer under section 22 of the Children (Scotland) Act 1995. If the needs meet the eligibility criteria, then the duty in subsection (4)(a) applies regardless of whether the carer's needs may also be met separately under the 1968 or 1995 Acts.
75. Subsection (6) sets out that the "responsible local authority" in relation to a carer, means the local authority for the area in which the cared-for person resides.