



# Carers (Scotland) Act 2016

## 2016 asp 9

### PART 2

#### ADULT CARER SUPPORT PLANS AND YOUNG CARER STATEMENTS

#### CHAPTER 1

#### ADULT CARER SUPPORT PLANS

##### *Duty to prepare adult carer support plan*

#### **6 Duty to prepare adult carer support plan**

- (1) In this Act an “adult carer support plan” means a plan prepared by a responsible local authority setting out—
  - (a) an adult carer's identified personal outcomes,
  - (b) an adult carer's identified needs (if any), and
  - (c) the support (if any) to be provided by the responsible local authority to an adult carer to meet those needs.
- (2) If a responsible local authority identifies a person as an adult carer, the responsible local authority must offer the person an adult carer support plan.
- (3) The responsible local authority must prepare an adult carer support plan in relation to a person if—
  - (a) the person accepts an offer under subsection (2), or
  - (b) subsection (4) applies.
- (4) This subsection applies if a person who appears to the responsible local authority to be an adult carer requests an adult carer support plan.
- (5) A responsible local authority must exercise its functions under this section in a manner which encourages equal opportunities and in particular the observance of the equal opportunity requirements (within the meaning of Section L2 of Part 2 of schedule 5 of the Scotland Act 1998).

*Changes to legislation: There are currently no known outstanding effects for the Carers (Scotland) Act 2016, Cross Heading: Duty to prepare adult carer support plan. (See end of Document for details)*

- (6) For the purposes of this Chapter the “responsible local authority”, in relation to an adult carer, means the local authority for the area in which the cared-for person resides.

**Modifications etc. (not altering text)**

- C1** S. 6(2) excluded (1.4.2018) by [The Carers \(Scotland\) Act 2016 \(Transitional Provisions\) Regulations 2018 \(S.S.I. 2018/34\)](#), regs. 1(1), 2

**Commencement Information**

- II** S. 6 in force at 1.4.2018 by [S.S.I. 2017/152](#), reg. 4

**7 Adult carers of terminally ill cared-for persons**

- (1) The Scottish Ministers must by regulations prescribe timescales for the preparation of adult carer support plans in relation to adult carers of terminally ill cared-for persons.
- (2) For the purposes of this section and section 13, a cared-for person is terminally ill at any time if at that time the person suffers from a progressive disease and death in consequence of that disease can reasonably be expected within 6 months.

**Commencement Information**

- I2** S. 7 in force at 1.4.2018 by [S.S.I. 2017/152](#), reg. 4

**8 Adult carers: identification of outcomes and needs for support**

- (1) The Scottish Ministers may by regulations make provision about the identification of adult carers' personal outcomes and their needs for support, including—
- (a) how personal outcomes and needs for support are to be identified,
  - (b) the process for doing so (including arrangements for the involvement of adult carers and cared-for persons),
  - (c) who may carry out identification,
  - (d) the sharing of information about adult carers and cared-for persons for the purpose of identifying personal outcomes and needs for support,
  - (e) the factors to be taken into account in identifying adult carers' personal outcomes and needs for support,
  - (f) the circumstances in which adult carers' personal outcomes and needs for support should be reviewed.
- (2) In identifying an adult carer's personal outcomes and needs for support, a responsible local authority must, in particular, take into account any impact that having one or more protected characteristic (within the meaning of section 149(7) of the Equality Act 2010) has on the adult carer.

**Commencement Information**

- I3** S. 8 in force at 9.2.2018 by [S.S.I. 2018/25](#), reg. 2(a)

**Changes to legislation:**

There are currently no known outstanding effects for the Carers (Scotland) Act 2016, Cross  
Heading: Duty to prepare adult carer support plan.