



# Carers (Scotland) Act 2016

## 2016 asp 9

### PART 4

#### CARER INVOLVEMENT

#### **30 Care assessments: duty to take account of care and views of carers**

(1) Section 12A of the 1968 Act (duty of local authority to assess needs) is amended in accordance with subsections (2) to (4).

(2) In subsection (1)(b)—

(a) for sub-paragraph (i) substitute—

“(i) if an adult carer provides, or intends to provide, care for that person, of the care provided by that carer,

(ia) if a young carer provides, or intends to provide, care for that person, of the care provided by that carer,”

(b) in sub-paragraph (ii)—

(i) “both” is repealed,

(ii) “and of the views of the carer” is repealed,

(iii) “, in either case,” is repealed.

(3) After subsection (1) insert—

“(1A) In subsection (1)(b)(i) and (ia), the reference to the care provided by a carer means—

(a) in the case of an adult carer who has an adult carer support plan, the information about that care set out in that plan,

(b) in the case of a young carer who has a young carer statement, the information about that care set out in that statement.

(1B) In—

(a) assessing the needs of a person for services under subsection (1)(a),

(b) deciding under subsection (1)(b) whether those needs call for the provision of any services, and

(c) deciding how any such services are to be provided,

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*Status: This is the original version (as it was originally enacted).*

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a local authority must take account of the views of the carer, in so far as it is reasonable and practicable to do so.”.

- (4) In subsection (8)—
- (a) before the definition of “community care services” insert—
    - ““adult carer” and “adult carer support plan” have the meanings given by the Carers (Scotland) Act 2016,”
  - (b) after the definition of “person” insert—
    - ““young carer” and “young carer statement” have the meanings given by the Carers (Scotland) Act 2016.”.
- (5) Section 23 of the 1995 Act (children affected by disability) is amended in accordance with subsections (6) and (7).
- (6) In subsection (4)—
- (a) for paragraph (a) substitute—
    - “(a) if an adult carer provides, or intends to provide, care for the child, of the care provided by that carer,
    - (aa) if a young carer provides, or intends to provide, care for the child, of the care provided by that carer,”
  - (b) in paragraph (b)—
    - (i) sub-paragraph (ii) is repealed (together with the “and” immediately before it),
    - (ii) for “child or carer” substitute “or child”.
- (7) After subsection (4) insert—
- “(5) In subsection (4)(a) and (aa), the reference to the care provided by a carer means—
- (a) in the case of an adult carer who has an adult carer support plan, the information about that care set out in that plan,
  - (b) in the case of a young carer who has a young carer statement, the information about that care set out in that statement.
- (6) In—
- (a) determining the needs of a child under subsection (3),
  - (b) deciding whether to provide any services under section 22(1), and
  - (c) deciding how any such services are to be provided,
- a local authority must take account of the views of the carer, in so far as it is reasonable and practicable to do so.
- (7) In this section—
- “adult carer” and “adult carer support plan” have the meanings given by the Carers (Scotland) Act 2016,
  - “young carer” and “young carer statement” have the meanings given by the Carers (Scotland) Act 2016.”.