

Title of Policy	Social Care (Self Directed Support) (Scotland) Act 2013: (“the 2013 Act”) Carers (Waiving of Charges for Support) (Scotland) Regulations 2014
Summary of aims and desired outcomes of Policy	<p>The 2013 Act contains a power for local authorities to support carers.</p> <p>Section 3 of the Act introduces this power in relation to adult carers. Section 22 of the Children (Scotland) Act 1995 (“the 1995 Act”), does the same for young carers.</p> <p>The aim is that carers and young carers will not be charged for the support they could receive under provisions in the legislation. To achieve this, it is necessary to have Regulations which bring the policy into effect.</p>
Directorate: Division: team	Chief Nursing Officer, Patients, Public and Health Professions: Care, Support and Rights Division: Carers Policy

Executive Summary

1. This assessment has been made in relation to Regulations that will accompany and complement the legislation and policy framework for Self-directed support, specifically in support to policy affecting carers and young carers.

2. The Social Care Self-directed Support (Scotland) Act 2013 and supporting documents (including EQIA) are available at:
<http://www.scotland.gov.uk/Topics/Health/Support-Social-Care/Support/Self-Directed-Support/Bill>

Background

3. There are approximately 650,000 unpaid carers in Scotland and up to 100,000 young carers, saving the Scottish economy over an estimated £10 billion per year.

4. The Regulations sets out various types of support to carers and young carers with circumstances in which the local authority is required to waive charges for the support carers and young carers receive.

5. Local authorities may charge individuals in circumstances other than those listed in the Regulations, and do this in accordance with COSLA guidance. For example, this might occur when an individual who is a carer also receives other services from a local authority not relating to their caring responsibilities. However, local authorities are not permitted to charge a service user any more than appears practicable for him or her to pay.

6. These Regulations deliver the Ministerial commitment made during the Stage 3 debate on the SDS Bill that carers will not be expected to pay for services delivered to them directly under Section 3 of the SDS Act and under section 22 of the 1995 Act in relation to young carers.

7. The National Outcomes the policy relates to are:

- we live longer, healthier lives;
- we have tackled the significant inequalities in Scottish society;
- our people are able to maintain their independence as they get older and are able to access appropriate support when they need it; and
- our public services are high quality continually improving, efficient and responsive to local people's needs.

The Scope of the EQIA

8. The waiving of charges applies to support provided to all carers in Scotland under section 3 of the 2013 Act if they are provided with the support after the carer's assessment is carried out. Similar arrangements would apply to support provided to young carers under section 22 of the 1995 Act. The Regulations are intended to apply equally to all affected and to have no significant differential effect on the basis of protected characteristics. Therefore, we have decided that a relatively limited Equality Impact Assessment is appropriate.

9. Support will be provided and charges waived for support after a staged process to the carer's assessment process. There is no automatic entitlement to support. However, we would expect local authorities to fully take into account the situation of the carers who have a carer's assessment and to determine if the needs can be met by support.

10. Whilst there is to be no differential effect based on the protected characteristics, we do know that some carers, including some older carers and some BME carers can sometimes need targeted support so that they can continue to care in the best health possible.

11. The introduction of the Regulations will ensure a more consistent approach across Scotland to the waiving of charges for the support. We do not envisage any negative impacts for any of the protected groups as a result of these Regulations.

Key Findings

12. We received 39 responses to the consultation from local authorities, health boards, COSLA, the Third Sector, individuals and others.

13. None of the respondents raised significant issues from the equalities perspective and the process did not identify any group that would be adversely affected by the Regulations.

14. A variety of sources have been used to collect demographic information, including: the Scottish Household Survey 2001 to 2008 and the Census 2001. The Census 2011 will provide a further opportunity to collect data on the characteristics of carers and young carers.

15. The Scottish Household Survey 2001 and 2008 demonstrate that 54% of carers are over the age of fifty.

16. There is no evidence to suggest that the Regulations will have a positive or negative impact based on disability. Carers who are themselves disabled will however have particular needs for support.

17. The 2001 Census shows that a higher proportion of carers are female. The split is 60% female and 40% male. There is no evidence to suggest that the Regulations will impact on people based on their sex.

However, it is necessary for local authorities to be alert to issues around gender with, for example, sons caring for mothers and daughters caring for fathers which might mean the need for support to deal with any difficulties around this.

18. There is no evidence to suggest that the Regulations will have a positive or negative impact based on age, gender reassignment, sexual orientation, race, or religion. Again, however, local authorities need to be alert to the impact of caring on carers due to age, race, etc when carrying out the carer's assessment.

Recommendations and Conclusions

19. None of the responses to the consultation have suggested that there would be a negative impact on the basis of protected characteristics. Instead, responses have suggested that the policy aims would affect all carers and young carers.

20. It is expected that the Regulations will have a positive impact on carers and young carers.