

POLICY NOTE

THE CARERS (SCOTLAND) ACT 2016 (SHORT BREAKS SERVICES STATEMENTS) REGULATIONS 2018

SSI 2018/32

1. The Carers (Scotland) Act 2016 (Short Breaks Services Statements) Regulations 2018 are made in exercise of the powers conferred by section 35(4) of the Carers (Scotland) Act 2016 (“the Act”). The instrument is subject to negative procedure.

Policy Objective

2. As part of the delivery of information and advice to carers, under section 35(1) of the Act each local authority must prepare and publish a short breaks services statement.
3. These regulations make further provision about the preparation, publication and review of short breaks services statements.
4. Available evidence suggests carers often lack reliable and up-to-date information to make decisions about, and access short breaks services. The regulations require each local authority to consider the views of carers and carer representatives in the preparation and review of the statement. This requirement will help to ensure that the statement remains fit for purpose and appropriate to the needs of local carers. It will also help local authorities to plan for future demand and consider an appropriate range of short breaks that meet the needs of carers.
5. The regulations also require each local authority to have regard to the purpose of the short breaks services statement in its preparation and review. The Scottish Government intends to provide statutory guidance on this responsibility and on the purpose of short breaks services statements.
6. Each local authority is also required to provide the contact details of the department or organisation responsible for the short breaks services statement. This will be welcomed by carers and carer representatives who feel that there needs to be a level of accountability, and that at the very least, contact details of the department responsible for the statement should be made available. Current evidence suggests that carers often don't know who directs the services they receive, and is particularly relevant to short breaks.
7. Each local authority must publish its first short breaks services statement no later than 31 December 2018. This will allow time for local authorities to compile and prepare relevant local and national information to ensure that accurate and up-to-date content is included in the statement.

Consultation

8. The Scottish Government consulted on draft Regulations from 31 July 2017 to 24 September 2017. The majority of respondents were supportive of our approach to these Regulations.
9. A number of the points made through the guidance are also helping to inform the development of statutory guidance accompanying the Act.

Impact Assessments

10. An Equality Impact Assessment, Privacy Impact Assessment, and Children's Rights and Wellbeing Impact Assessment for the Act have been partially reviewed and updated to take account of the above instrument. These are available on request. These are expected to be finalised and published before 1 April 2018.

Financial Effects

11. The Business and Regulatory Impact Assessment for the Act has also been partially reviewed to take account of the above instrument. This is also available on request and is expected to be published before 1 April 2018.

Scottish Government
Health and Social Care Integration Directorate
Carers Branch