



Supporting carers as key partners in care

Published by the
Joint Futures for Carers Project

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A mapping exercise of Scottish Executive and Scottish Parliament legislation, policy and delivery programmes in community care and public involvement.

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1 Introduction

This short report aims to set out some of the key legislative and policy developments for carers over the last few years, ending with the introduction of the guidance to accompany the *Community Care and Health (Scotland) Act 2002*. The significance of this Act for carers is considerable as it introduces new rights to assessment, information and involvement for carers, as well as new responsibilities on public authorities to inform carers.

The *Joint Futures for Carers* project was conceived in 2000. Since then, a range of parallel developments have emerged, many of which are directly relevant to the objectives, and approach of the *Joint Futures for Carers Project*. In particular the establishment of joint working arrangements between local authorities and NHS Trusts are relevant, and the development of the *Patient Focus, Public Involvement* initiative with the establishment of the *Involving People Team* within the Scottish Executive Community Care Division. This re-emphasis on involvement and effective consultation is at the heart of the *Joint Futures for Carers* objectives.

The report does not go into detail on these initiatives or the wider legislative and policy framework it outlines. The purpose of the report is simply to gather into one document recent developments that are relevant to carers, which will support their learning and interventions with planners and decision-makers at local and national level. The report will be one of the tools used in the final phase of the *Joint Futures for Carers Project*, a training and development programme with carers and statutory providers in four pilot areas across Scotland. This programme will also draw on other materials prepared through this project, and where appropriate, will utilise and promote the materials from the *Partners in Change* project, which has been one of the

principle activities under the *Involving People* initiative, and may be a future direction for the approach and learning generated through *Joint Futures for Carers*.

Full details of the projects and initiatives referred to in this introduction are available from the project partners or directly from the Scottish Executive. In this document, we are seeking to highlight the key legal and policy changes that have shaped, and been driven by the carers' agenda in recent years. These include the 1999 Carers' Strategy in Scotland, which came about through pressure from carers and carers' organisations for a Scottish response to the 1995 Carers (Recognition and Services) Act 1995, and UK Carers' Strategy in 1997. We conclude the report as the Policy Guidance to the Community Care and Health (Scotland) Act 2002 is about to be published.

Consistent throughout the developments referenced in this report has been the involvement of carers, and the role of carers and carer organisations in progressing positive change for carers, and seeking to highlight carers in the wider policy context of legislation for Adults with Incapacity, Direct Payments, Regulation of Care, and the Equality and Social Justice Strategies of the Scottish Executive.

This report was a very ambitious undertaking within very limited project resources. It does not claim to be a comprehensive guide to carer, health, and community care law, but a quick reference point for carers and service providers in developing policy and practice to support carers as key partners in the provision of care.

This report is part of the second year activity for the **Joint Futures for Carers** project. The Joint Futures for Carers project is contributing to national developments by analysing and supporting the involvement of carers as key partners in planning and delivering services. The project is funded by the Scottish Executive, to underpin the implementation of the 1999 Carers' Strategy.

The Joint Futures for Carers project is jointly managed by **Carers Scotland**, the national policy development body which researches and campaigns on carer issues, and provides information and support for carers and the **Coalition of Carers in Scotland**, a network of over 60 local carer organisations which provides mutual support and information for its members, and coordinates collective action on issues affecting carers. Both of these organisations are carer led organisations.

In 2002, *Making Local Partnerships Work* was published. This report was the main product of the first year of the *Joint Futures for Carers* project and was the result of comprehensive consultation with carers and local carers' groups across Scotland. That report presented a number of key findings:

A Community care

- The Scottish Executive should provide additional guidance to local authorities to reinforce the importance of carer consultation and encourage best practice
- Local authority planning structures should be made more open, accessible and 'carer-friendly,' and seek to address carer issues as a matter of course

- Community care planners must take steps to improve consultation methods and practice, including better information and feedback.

B NHS

- In the absence of a statutory duty on the NHS to consult with carers, the Scottish Executive should provide guidelines on carer consultation for NHS staff
- NHS staff should receive training on the role, contribution and needs of carers and how to consult carers.

C Joint Planning

- The joint planning bodies should ensure that carers, as care partners, are fully involved in the development of joint planning structures and activities that relate to carer needs and services.

D Carer Organisations

- Service agencies should acknowledge the important role played by carer groups and organisations in identifying and supporting individual carers and help them to access the resources and support they need to carry out this role effectively.

E Groups with specific needs

- All those who work with carers must take account of the needs and circumstances of carers – including minority ethnic carers, rural carers and young carers – who face additional barriers when seeking information or support, and take steps to ensure that they have an equal voice in planning and delivering local services.

F Consultation methods and practice

- NHS and local authorities, supported by the Scottish Executive, should take positive steps to review and improve their consultation practice.

G Training & support

- The joint planning partners, in collaboration with Joint Futures for Carers, should develop a programme of training and support for carers, planners and other staff, and encourage in-house and professional training courses to address carer issues.

Since the inception of the *Joint Futures for Carers Project*, the Joint Future Agenda for joint planning, resourcing and delivery of Community Care has been rolling out across local authorities and health services across Scotland. This project was conceived to support that process, and ensure that carers' voices, and the role they perform – increasingly – in providing community care is recognised and supported within the new arrangements.

The findings of the report will be helpful in developing the working cultures in the NHS and in local authorities in understanding the needs of carers and carers organisations and finding ways in which to encourage “real” consultation, collaboration and involvement in service planning and development.

There are many aspects of legislation and policy in relation to carers to refer to in this mapping exercise. It is important for the context to look at legislation and policy in the areas of:

- Community Care
- Health
- Community Planning
- Social Justice and Equality

The question of starting point is, however, important so that the process of legislation and policy development is understood. In order to do this the diagram on page 5 sets out the journey taken from the Carers (Recognition and Services) Act 1995 to the development and implementation of the Community Care and Health (Scotland) Act 2002.



A CARERS (RECOGNITION AND SERVICES) ACT 1995	
	Carers (Recognition and Services) Act 1995
General Synopsis	This Act was to provide for the assessment of the ability of carers to provide care. It was the first time that legislation attempted to address specifically the needs of carers and the first steps taken to define the rights for carers.
Key objectives	To provide legal recognition of carers for the first time, and support carers through the community care assessment process.
Specific implications & relevance for carers	To provide legal recognition of carers for the first time, and support carers through the community care assessment process. Carers were able to request an assessment for themselves, within the assessment process for the service user. The impact of this Act has varied across the UK with fewer carers benefiting than was hoped, according to Carers UK research.
Website	www.hmso.gov.uk/acts/acts1995

B A NATIONAL STRATEGY FOR CARERS CARING FOR CARERS - FEB 1999	
Policy/Publication	A National Strategy for Carers (UK)
General Synopsis	<p>The Westminster government set out its approach to the recognition of carers in a national strategy for carers. "Caring about Carers" was published in February 1999. The document had three strategic aims:</p> <ul style="list-style-type: none"> ● Information – new charter, new standards, consistency of charging, health information, helpline, use of internet ● Support – involved in planning and providing services, consultation with organisations, involvement of carers. ● Care – own health needs met, new powers for local authorities, help carers take a break including new special grant, financial support for working carers to be kept under review.
Key objectives	A new substantial policy package about carers. The package included new legislation, second pension, consultation on proposals, reducing council tax, support for services and centres, help to return to work, a new census question, support for young carers, and breaks for carers.
Specific implications & relevance for carers	The importance of this strategy is that the UK Government was clearly stating its intention that carers would have better information, be supported better and would be cared for better themselves. It gives carers a point of reference to challenge in terms of developments.
Website	www.doh.gov.uk/carers.htm

C MAKING IT WORK TOGETHER A PROGRAMME FOR GOVERNMENT - SEPTEMBER 1999	
Policy/Publication	Making it work together: A Programme for Government
General Synopsis	This document set out the work programme for the new Scottish Executive. It clearly stated that the approach of the Scottish Parliament and the Scottish Executive would be "Working Together".
Key objectives	<p>Key aspects of relevance to carers include:</p> <ul style="list-style-type: none"> ● the introduction of a Carers Strategy for Scotland ● proposals for services for people with a learning disability ● an Education, Training and Lifelong Learning Strategy for the NHS in Scotland ● the establishment of a Scottish Social Services Council to recognise and increase the skills and professionalism of the social care workforce ● Improvement of the standards of care through the new independent inspection of day and home care, and nursing and residential care homes ● publishing a Scottish Social Inclusion Strategy ● the establishment of Social Inclusion Partnerships ● the establishment of an Equality Unit ● the improvement of disabled access to public buildings
Specific implications & relevance for carers	It impacts at all levels of local authorities and health services. The involvement of individuals, groups and organisations in planning services is a key point. Community and voluntary sector seen as important in this process. It opened up key opportunities for carers' legislation.
Website	www.scotland.gov.uk/library2/doc03/miwt-00.htm

D STRATEGY FOR CARERS IN SCOTLAND - NOVEMBER 1999	
Policy/Publication	Strategy for Carers in Scotland
General Synopsis	The main action areas within the strategy are the promotion of new and more flexible services for carers, the introduction of national standards for such services, monitoring by the Scottish Executive of the performance of health and social services in supporting carers, the introduction of carers' legislation to allow carers' needs to be met more directly.
Key objectives	There would be better and more targeted information for carers at a national level as well as specific attention to the needs of young carers. The strategy clearly set out the intentions of the Scottish Government to address the range of issues faced by carers and those they care for.
Specific implications & relevance for carers	Voluntary organisations in their service delivery and advocacy roles need to be aware of the strategy and its implications for carers in order to provide effective support. This is equally the case for Primary Care services.
Website	www.scotland.gov.uk/library2/doc10/carerstrategy.asp

E CARERS LEGISLATION WORKING GROUP JANUARY 2000 – JANUARY 2001	
Policy/Publication	Report of the Scottish Carers Legislation Working Group
General Synopsis	The Carers Legislation Working Group was set up in January 2000 as part of the Strategy for Carers in Scotland. The report sets out the main discussions of the group and its recommendations. The group identified the need for legislative change as well as the recognition of carers as key partners. It highlighted that carers need resources and support. The role of the NHS in supporting carers. The introduction of carers' assessments as a key recommendation, along with the recognition of young people with caring responsibilities.
Key objectives	It concluded that carers are in a unique position. Carers require specific rights and support because they are involved in caring for another person, not because of their own needs or condition. There should be appropriate treatment for carers, not special treatment.
Specific implications & relevance for carers	This working group laid the foundations for a consultation paper in relation to carers legislation.
Website	www.scotland.gov.uk/health/carerslaw/wglthc-01.asp

F CARERS LEGISLATION – CONSULTATION PAPER - APRIL 2001

Policy/Publication	Carers Legislation : Consultation Paper
General Synopsis	The Scottish Executive wished to seek views on what they saw as the key questions arising from the report by the Carers' Legislation Working Group. Most of the Group's recommendations for legislative change were subsequently incorporated into the Community Care and Health (Scotland) Act 2002. Other recommendations made by the Group on issues of best practice are to be considered in the new Practice Development Guidance that will follow on from the 2002 Act. This will be available some time in 2003.
Key objectives	The findings and agreed legislative amendments were included in the Bill on long term care and related issues which was introduced into the Scottish Parliament.
Specific implications & relevance for carers	This was part of the process in finalising the Community Care and Health (Scotland) Act 2002.
Website	www.scotland.gov.uk/health/carerslaw/lthc-00.asp

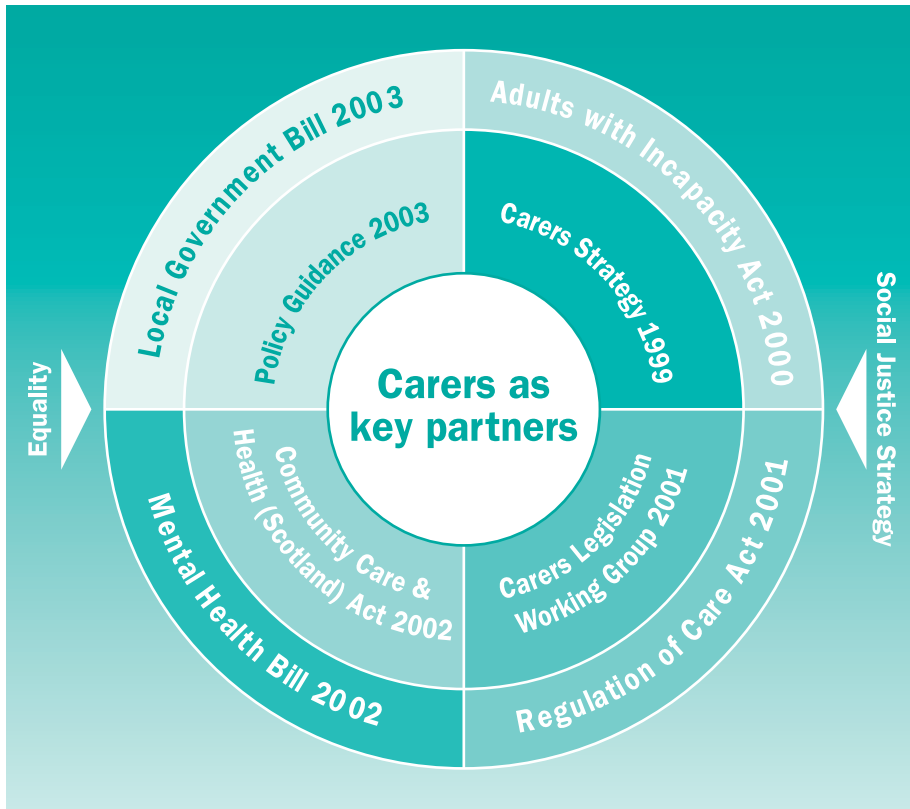
G COMMUNITY CARE AND HEALTH (SCOTLAND) ACT 2002

Policy/Publication	Community Care and Health (Scotland) Act 2002
General Synopsis	This Act is expected to deliver major improvements in community care services, including free nursing and personal care. It will lead to improvements in care services by legislating to provide free nursing and personal care, expanding local joint working and pooled budget arrangements between NHS Scotland and local authorities.
Key objectives	<p>The new provisions introduced for carers include:</p> <ul style="list-style-type: none"> ● right to assessment in their own right ● duty on local authorities to inform carers of their right to an assessment ● duty on public authorities to take into account carers' views when putting together a community care package ● rights to assessment for parent carers, and young people under 16 who proved care at home ● the power for the Scottish Executive to request Carer Information Strategies from the NHS <p>These new rights are based on the principle of carers as key partners in the provision of care. The policy guidance to accompany the legislation is due out in March 2003, and sets out the responsibilities on local authorities and health services in implementing the Act. In addition, it seeks to give people greater control by broadening access to direct payments for home care services enabling them to purchase their own services. It will also enable local authorities to provide care home places elsewhere in the UK. Deferred payments will also be in place so that residents do not need to sell their homes.</p>
Specific implications & relevance for carers	These are important developments for carers and clearly efforts require to be made to ensure that carers are aware of the developments and rights. There are also issues of different ways of working for Primary Care Services.

Just as the journey from the Care (Recognition and Services) Act 1995 to the Community Care & Health (Scotland) Act 2002 has strengthened recognition of carers and their conceptualisation as key partners, other associated community care legislation, passing in parallel through UK and Scottish parliaments, equally mirrors growing recognition of carers.

These all have an impact on carers and it is important to be “carer centred” when identifying implications for carers and those that they care for.

The Community Care and Health (Scotland) Act 2002, Children (Scotland) Act 1995, Adults with Incapacity (Scotland) Act 2000, Regulation of Care (Scotland) Act 2001 and the Mental Health (Scotland) Bill 2002, are among the key Acts and Bills relating to carers in Scotland. These legislative developments must also be considered in the wider policy context, and the Scottish Executive strategies that underpin them - Carers’ Strategy, Equality Strategy, Social Justice Strategy.



A CHILDREN (SCOTLAND) ACT 1995	
Policy/Publication	Children (Scotland) Act 1995
General Synopsis	This reformed the law of Scotland relating to children, to the adoption of children and to young persons who as children have been looked after by a local authority.
Key objectives	It made new provision with respect to the relationship between parent and child and guardian and child in the law of Scotland. It also made provision with regard to residential establishments for children and certain other residential establishments.
Specific implications & relevance for carers	Carers can find out about their rights and responsibilities as a parent or guardian.
Website	www.hmsso.gov.uk/acts/acts1995/Ukpga_19950036_en_1.htm#tcon

B ADULTS WITH INCAPACITY (SCOTLAND) ACT 2000

Policy/Publication	Adults with Incapacity (Scotland) Act 2000
General Synopsis	The purpose of the Act is to provide for decisions to be made on behalf of adults who lack legal capacity to do so themselves because of mental disorder or inability to communicate. The decisions concerned may be about the adult's property or financial affairs, or about their personal welfare, including medical treatment.
Key objectives	The following principles must be applied for all decisions made on behalf of an adult with impaired capacity. They must: <ul style="list-style-type: none"> ● benefit the adult ● take account of the adult's wishes and the wishes of the nearest relative or primary carer, and any guardian or attorney ● restrict the adult's freedom as little as possible while still achieving the desired benefit ● encourage the adult to use existing skills or develop new skills
Specific implications & relevance for carers	Carers need to be aware of this Act to ensure that their rights and the rights of the person they are caring for are being addressed accordingly.
Website	www.scotland-legislation.hmso.gov.uk/legislation/scotland/acts2000/20000004.htm

C REGULATION OF CARE (SCOTLAND) ACT 2001

Policy/Publication	Regulation of Care (Scotland) Act 2001
General Synopsis	This establishes two regulatory bodies.
Key objectives	It establishes the Scottish Commission for the Regulation of Care. It establishes a system of care regulation, encompassing the registration and inspection of care services against a set of national care standards and any necessary enforcement action. It also establishes a new independent body, the Scottish Social Services Council, to regulate social service workers and to promote and regulate their education and training and makes a number of amendments and minor changes in related areas and legislation.
Specific implications & relevance for carers	Carers need to know about the national standards as well as the mechanisms for appeal in the case of assessments. The Care Standards are a key tool for carers in securing quality care provision from other providers.
Website	www.scotland-legislation.hmso.gov.uk/legislation/scotland/acts2001/20010008.htm



5 Policy context

A FRAMEWORK FOR MENTAL HEALTH SERVICES IN SCOTLAND (SEPT 1997)

Policy/Publication	Framework for Mental Health Services in Scotland (Sept 1997)
General Synopsis	Published in September 1997 it aimed to support national and local action to provide care and support for people with mental health problems. The framework requires health, social work, housing agencies and the voluntary sector to work together to provide a complementary range of services.
Key objectives	<ul style="list-style-type: none"> ● production of comprehensive mental health strategies ● requirement to have six year Joint Mental Health Strategies ● the mental health strategy needs to be consistent with other strategies most notably for carers the community care plan.
Specific implications & relevance for carers	An important element of the strategies is to empower people who receive a service and also those who care for them to become actively involved in the planning process.
Website	www.scottish.parliament.uk/parl_bus/bills/b64s1.pdf

B MODERNISING COMMUNITY CARE (OCT 1998)

Policy/Publication	Modernising Community Care (Oct 1998)
General Synopsis	This document encourages joint working between care providers, to provide quicker and better decision making for service users and carers.
Key objectives	<p>It emphasises the need to include service users and carers in the planning and purchasing of services.</p> <p>It encourages the development of more flexible home care services and respite care and emphasises that carers' needs should be properly addressed and met.</p> <p>£5 million was targeted towards local authorities in 1999-2000 for implementing the Plan recommendations. The Scottish Executive monitored how these resources were being spent.</p>
Specific implications & relevance for carers	Part of the process towards the Regulation of Care (Scotland) Act 2001.
Website	www.scotland.gov.uk/library/documents-w3/mcc-00.htm

C TOWARDS A HEALTHIER SCOTLAND (FEB 1999)	
Policy/Publication	Towards a Healthier Scotland (Feb 1999)
General Synopsis	This White Paper states how the Government intended to tackle health issues in Scotland.
Key objectives	<p>The main objectives are:</p> <ul style="list-style-type: none"> ● Coherent attack on health inequalities, a special focus on improving childrens and young peoples health, and major initiatives to drive down cancer and heart disease rates. ● Linked action at three levels. Improving life circumstances, tackling lifestyles, direct work. ● Measures taken include links to social inclusion policy such as help for families with young children, education, housing, community care, employment and training, transport, environment and crime. ● Action to improve diet and physical activity. ● Action on health topics ● Agencies working together to improve Scotlands health. ● Health Demonstration projects. ● Research, evaluation, targets and monitoring. ● People involved in decisions about their health.
Specific implications & relevance for carers	Key issues relating to community care as well as the involvement of people in decisions about their health. Carer involvement in service planning is seen as crucial.
Website	www.scotland.gov.uk/library/documents-w7/tahs-00.htm

D AIMING FOR EXCELLENCE: MODERNISING SOCIAL WORK SERVICES IN SCOTLAND (MARCH 1999)	
Policy/Publication	Aiming for excellence : Modernising Social Work Services in Scotland (March 1999)
General Synopsis	This introduced a new regulatory framework to improve protection and standards of care.
Key objectives	<p>The establishment of a new independent Scottish Commission for the Regulation of Care to be responsible for registration, inspection and enforcement of care standards.</p> <p>The establishment of a new Scottish Social Services Council to regulate care staff.</p>
Specific implications & relevance for carers	Carers should be encouraged and supported to become familiar with the relevant standards, and to feel confident in asking questions of other care providers, against the framework of the standards.
Website	www.scotland.gov.uk/library/swsg/modern-00.htm

E SOCIAL INCLUSION STRATEGY (MARCH 1999)

Policy/Publication	Social Inclusion Strategy (March 1999)
General Synopsis	<p>It states the five key principles of the Government’s approach to social exclusion which are integration, prevention, understanding, inclusiveness and empowerment.</p> <p>The Government also produced “<i>Social Justice... a Scotland where everyone matters</i>”, committing the Scottish Executive and public authorities to a set of targets to be achieved through planned action and monitored change.</p>
Key objectives	There are 10 targets set for achievement by 2020 with 29 milestones which are short-term targets against which progress towards the main targets can be measured.
Specific implications & relevance for carers	Knowledge of the targets and the milestones is helpful in planning and developing services. There are opportunities for carers to get involved in local planning through the Community Planning provisions in the Local Government Act 2003.
Website	<p>www.scotland.gov.uk/library/documents-w7/sist-00.htm</p> <p>www.scotland.gov.uk/library2/doc07/sjmd-00.htm</p>

F SOCIAL INCLUSION PARTNERSHIPS (FROM APRIL 1999)

Policy/Publication	Social Inclusion Partnerships (from April 1999)
General Synopsis	Social Inclusion Partnerships (SIPs) are one of the vehicles that the Government are using to promote inclusion and prevent exclusion in urban and rural areas.
Key objectives	There are 48 SIPs across Scotland some of which are area based (e.g. South Edinburgh, Greater Pollok) and some which are thematic (young people, ethnic minorities). There is a SIP structured around young carers in Dundee
Specific implications & relevance for carers	Awareness of the SIPs across Scotland and potential partnership working. Carers can become involved in SIPs. There may be a possibility some funding for projects.
Website	www.communitiesscotland.gov.uk

G DESIGNED TO CARE (DEC 1999)	
Policy/Publication	Designed to Care (Dec 1999)
General Synopsis	Renewing the National Health Service in Scotland – this was the White Paper that announced the main points of the new Labour Governments proposals for re-structuring the Health Service.
Key objectives	<p>Two key aspects were “the patient-focused service built on partnership” and “retaining the benefits of devolved management and retain distinctive roles for Health Boards and Trusts”.</p> <p>The White Paper emphasised the importance of Primary Care Services with a clear and strong commitment to supporting people in their own communities and homes.</p>
Specific implications & relevance for carers	Supports the need for partnership working and the involvement of users and carers in planning and decision making.
Website	www.scotland.gov.uk/library/documents1/execsumm.htm

H OUR NATIONAL HEALTH: A PLAN FOR ACTION A PLAN FOR CHANGE (DEC 2000)	
Policy/Publication	Our National Health: A Plan for Action a plan for Change (Dec 2000)
General Synopsis	This states the requirement to develop new models of joint working, between professionals, between professionals and the public, and across organisational boundaries in the public sector.
Key objectives	The Action Plan contains a statement recognising that it is not just the NHS which provides health care services. Other organisations including local authorities, voluntary organisations, independent providers and community health groups all have key roles to play. Developing partnerships is a key element of the action plan.
Specific implications & relevance for carers	Carers need to be aware of partnerships developing in areas in order to be able to become involved in the process of collaboration and joint working.
Website	www.scotland.gov.uk/library3/health/onh-00.asp

I FAIR CARE FOR OLDER PEOPLE (SEPT 2001)	
Policy/Publication	Fair Care for Older People (Sept 2001)
General Synopsis	This was a report by the Care Development Group looking at the introduction of free personal care for older people, to be delivered through the provisions in the Community Care and Health Act 2002.
Key objectives	<p>Recommended action to the Scottish Executive across the following themes :</p> <ul style="list-style-type: none"> ● Current provision and gaps, deficiencies and duplication ● Resource deployment ● Defining personal care ● Demography and future demand ● Assessment of need ● Payments ● Cross Border and Tax issues ● Opportunity Costs and Sustainability
Specific implications & relevance for carers	Knowledge and understanding of the issues and support to organisations working with older people.
Website	www.scotland.gov.uk/library3/health/cdgr-00.asp

J PATIENT FOCUS AND PUBLIC INVOLVEMENT (DEC 2001)	
Policy/Publication	Patient Focus and Public Involvement (Dec 2001)
General Synopsis	This framework document states the intention that users and carers need to be involved in designing and planning their own care, and in improving services.
Key objectives	To achieve these aims a culture change and shift is required in the way that services are delivered and also in the interaction between the service and the user. This framework helps the service provider address these issues.
Specific implications & relevance for carers	Clearly there is a role for carers and carers' organisations to be involved in this process at local and national level.
Website	www.scotland.gov.uk/library3/health/pfpi-00.asp

K BEYOND BOUNDARIES – A DEVELOPMENT APPROACH TO IMPROVING INTER-AGENCY WORKING (JUNE 2002)	
Policy/Publication	Beyond Boundaries – A development approach to improving inter-agency working – June 2002
General Synopsis	This is looking at methods of improving inter-agency working with user and carer involvement a core aspect.
Key objectives	<p>Themes include:</p> <ul style="list-style-type: none"> ● Building effective partnerships ● Using a development approach to support inter-agency work ● Roles and responsibilities ● Involving users and carers. ● These and other themes, were tested out in pilot Local HealthCare Co-operatives (LHCCs) and the report highlights learning points from each of the sites.
Specific implications & relevance for carers	Useful learning points outlined for partners including LHCCs and voluntary sector organisations in developing partnership approaches. It also looks at how to involve users and carers appropriately.
Website	www.scotland.gov.uk/library5/health/bbex-00.asp

L THE SAME AS YOU – A REVIEW OF SERVICES FOR PEOPLE WITH LEARNING DISABILITIES	
Policy/Publication	The Same as You – A Review of services for people with learning disabilities
General Synopsis	This has been published as a result of the Learning Disability Review and involved those who use services and their carers. The review highlights the need for considerable change in accessing mainstream services.
Key objectives	The review has 29 recommendations which impact on local authority and health services. The result of this review should be better, appropriate and accessible services which will benefit those with learning disabilities and their carers.
Specific implications & relevance for carers	The recommendations have implications for local authorities and health services in particular. There is an opportunity for carers to be involved in developing services.
Website	www.scotland.gov.uk/ldsr/docs/tsay-00.asp

M LOCAL GOVERNMENT ACT, 2003: COMMUNITY PLANNING

Policy/Publication	Local Government in Scotland Bill (May 2002)
General Synopsis	Community planning is promoted as being at the core of local service development and delivery. Not passed by the Scottish Parliament at the time of this publication.
Key objectives	Responsibility is given to local authorities to lead on bringing together different agencies and sectors in partnership to develop a plan. The plan sets out the priorities for an area and identifies the contributions which each partner can make.
Specific implications & relevance for carers	Partnerships are inherent in the legislation and it is important to ensure that carers are part of the overall picture in community planning.
Website	www.scottish.parliament.uk/parl_bus/bills/b53s1.pdf

N PARTNERSHIP FOR CARE: SCOTLANDS HEALTH WHITE PAPER

Policy/Publication	Partnership for Care: Scotland's Health White Paper
General Synopsis	This White Paper seeks to improve health care through development of partnerships with patients and staff.
Key objectives	<p>The key points include:</p> <ul style="list-style-type: none"> ● improvement of waiting times ● more local health care – a wider range of services delivered locally in communities. Stronger role for Local Health Care Co-ops, evolving into new Community Health Partnerships ● abolition of NHS trusts and new requirements to devolve authority to frontline units and involve their professionals. ● a new Scottish Health Council, to involve the public in NHS Scotland ● patients to be partners in decision making – plans for an Integrated Care Record owned jointly by patients and their health care professionals. A new statement of patients' rights and responsibilities and new complaints procedure. ● professional training and development for staff to encourage new skills to meet the needs of the NHS. A new approach to workforce planning. ● build a new model NHS designed by clinicians with patients in the driving seat and removing barriers between primary and hospital care.
Specific implications & relevance for carers	The key points have implications for professionals and the need to involve carers in health decisions ensuring that carers are seen as “key partners in the provision of care.” Specific reference to carers on participation and health improvement.
Website	www.scotland.gov.uk/library5/health/pfcs-00.aspx

A A REAL BREAK – GUIDEBOOK ON THE PROVISION OF SHORT-TERM-BREAKS	
Policy/Publication	A Real Break – Guidebook on the Provision of short-term-breaks
General Synopsis	The guidebook was published in association with the National Strategy for Carers (UK), February 1999. It states that there is no “blue print” for good practice, or a “grand strategy” to be recommended. There is one fundamental principle: to respond fully and as sensitively as possible to those who are cared for in the community. Based on good and bad experiences the guidebook highlights lessons learned from users and carers of a variety of short break schemes.
Key objectives	The publication covers a range of practice topics on designing and promoting short breaks, preparing users and carers, supported by a good practice checklist.
Specific implications & relevance for carers	The guidebook is a useful support and training tool for carers, users of services and providers alike. It states the challenges and hurdles in a clear and useable manner. It clearly states that the provision of short-term breaks is a two way process and that good quality short-term breaks will “put the user and the carer at the centre of planning and decision making about the provision of short-term breaks.
Website	www.doh.gov.uk/pub/docs/doh/realbrea.pdf

B CARERS NORTHERN IRELAND – INVOLVING AND CONSULTING	
Policy/Publication	Carers Northern Ireland – Involving and Consulting
General Synopsis	A guide to giving carers an effective voice which supports the importance of communication between services and the carer and identifies what is helpful as well as what hinders the process.
Key objectives	It highlights for all stakeholders what constitutes quality consultation as well as helping carers develop strategies for becoming involved in planning processes.
Specific implications & relevance for carers	It is a useful support guide for carers. It maps out the development of carer involvement and who the guide is for, clearly stating who are all the key stakeholders.
Website	www.carersonline.org.uk/carersuk/downloads/Involveconsult.pdf

7 Groups and regulatory bodies

A JOINT FUTURES GROUP ON COMMUNITY CARE

Group/Body	Joint Futures Group on Community Care 2001
Remit	This formed part of the Scottish Executive's plans for responding to the Royal Commission on Long Term Care. The terms of reference for the Royal Commission was to examine the short and long-term options for a sustainable system of funding for long-term care for elderly people both in their own homes and in other settings.
Specific implications & relevance for carers	Carers are very much a partner with this group. An opportunity to be involved in the development and implementation of strategies, policies and plans.
Website	www.show.scot.nhs.uk/isd/Joint_futures/ www.scotland.gov.uk/news/1999/12/se1539.asp

B SCOTTISH SOCIAL SERVICES COUNCIL

Group/Body	Scottish Social Services Council
Remit	The Scottish Social Services Council is responsible for raising standards in the Scottish social service workforce. Their vision is for a competent, confident workforce, capable of delivering high quality services that has the confidence of the public, and those who use services and their carers.
Specific implications & relevance for carers	The Council states that it will put service users and carers at the centre of everything they do. They will ensure that the workforce have suitable training and qualifications for their job. They will ensure that certain standards are met regarding conduct, practice, education and training.
Website	www.sssc.uk.com

C SCOTTISH COMMISSION FOR THE REGULATION OF CARE

Group/Body	Scottish Commission for the Regulation of Care
Remit	The Care Commission's aim is to ensure the improvement in the quality of care services in Scotland. The rights of people who use services are paramount.
Specific implications & relevance for carers	The Care Commission will put in place a new and effective system of regulation. This puts the safety and wellbeing of users at its heart. Carers will want to be sure that improvements are implemented.
Website	www.carecommission.com

D THE MENTAL HEALTH TRIBUNAL FOR SCOTLAND

Group/Body	The Mental Health Tribunal for Scotland
Remit	The Tribunal will act as a judicial body which will authorise compulsory treatment orders. It will also deal with appeals and reviews of compulsory treatment orders, short-term detention, compulsion orders and other mental health disposals affecting mentally disordered offenders. The Tribunal substantially replaces the role of the sheriff in mental health legislation.
Specific implications & relevance for carers	Carers need to know the procedures for the tribunal. Needs of carers are to be taken into account.
Website	www.scotland.gov.uk/consultations/health/dmhb-11.asp

E THE MENTAL WELFARE COMMISSION FOR SCOTLAND

Group/Body	The Mental Welfare Commission for Scotland
Remit	The Commission has a statutory duty to protect people who may be incapable of adequately protecting themselves or their interests. This extends to all people with mental disorder whether they are in hospital, Local Authority, voluntary-run or privately-run accommodation or in their own homes.
Specific implications & relevance for carers	Carers know that there are support mechanisms for themselves and those they care for.
Website	www.mwscot.org.uk/index.htm

F SCOTTISH PARLIAMENT: HEALTH AND COMMUNITY CARE COMMITTEE

Group/Body	Health and Community Care Committee
Remit	The remit of this committee is to consider and report on issues relating to the health policy and the National Health Service in Scotland and such other matters as fall within the responsibility of the Minister for Health and Community Care.
Specific implications & relevance for carers	Knowledge of the members of the committee are helpful in terms of raising issues. Carers and the Scottish Parliament: A Handbook was produced by Carers Scotland and the Coalition of Carers in Scotland in February 2002 to inform carers on parliamentary procedures and how to access the Parliament.
Website	www.scottish.parliament.uk/official_report/cttee/health.htm

This short exercise to identify key legislative and policy developments led by, or impacting on, carers in Scotland set out to highlight the range and breadth of legislation, policy, and programmes for central and local government, and across the health service and the public. Its objectives were ambitious and its resources limited. Within these constraints, this report has met the aims of the exercise:

- To outline current policy and programmes from the Scottish Executive, NHS Scotland and related bodies; local government and other relevant agencies
- To identify related developments in
 - Carers' Strategy
 - Community Care
 - Community Planning and Development
 - Social Inclusion
 - Public Involvement
 - Joint Future.

The report has outlined the key legal and policy changes affecting carers in Scotland in the last four years. In doing so it has highlighted the considerable pace of change, and the breadth of that change across policy areas. What this report cannot do is capture the impact of these changes on individuals, especially carers and the people they care for.

The purpose of the *Joint Futures for Carers* project has been to identify the level of involvement of carers in local decision-making to implement these changes, and to build skills with carers and service providers to improve involvement, consultation, planning and outcomes for carers and service users at local and national level.

Carer involvement in developing policy and campaigning for changes in their legal status and the practice of service providers who support them and their families has been crucial in securing improved recognition and support for Scotland's growing number of carers. The *Joint Futures for Carers* project is seeking to build on that movement, and support carers locally and nationally to continue to shape the agenda for carers in the future.

This project was conceived at the onset of the *Joint Future Agenda*, to ensure that carers were involved as *key partners in care* from the beginning of the process to join-up resources and processes in local health and community care. As the experience of carers (highlighted in the earlier project report *Making Local Partnerships Work*) evidenced, carers and the voluntary organisations that support them have still a considerable way to go to secure a permanent voice at the table.

There has, however, been significant progress during the lifetime of the *Joint Futures for Carers* project. The policy guidance for the Community Care and Health (Scotland) Act 2002, and the development of indicators of positive outcomes for carers in the 'Joint Performance, Information and Assessment Framework' (JPIAF) for local authorities and health service providers are key to building in good practice on working with carers as key partners. The evidence from this project, and the expertise and commitment of the Advisory and Project Management Groups have contributed to these positive developments, by providing accurate information of carers' experiences and implications for statutory bodies at key moments in the policy development process.

The project partners, Carers Scotland and the Coalition of Carers in Scotland, are grateful to all carers who have taken part in the project to date and continue to inform its development. We also thank the members of the Advisory and Project Management Groups who have guided the project, and the external consultants who have assisted in the development of materials and evidence for *Joint Futures for Carers*.

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