



Carers (Scotland) Act 2016

2016 asp 9

The Bill for this Act of the Scottish Parliament was passed by the Parliament on 4 February 2016 and received Royal Assent on 9th March 2016

An Act of the Scottish Parliament to make provision about carers, including the identification of carers' needs for support through adult carer support plans and young carer statements; the provision of support to carers; the enabling of carer involvement in certain services; the preparation of local carer strategies; the establishment of information and advice services for carers; and for connected purposes.

PART 1

KEY DEFINITIONS

“Carer”, “young carer” and “adult carer”

1 Meaning of “carer”

- (1) In this Act “carer” means an individual who provides or intends to provide care for another individual (the “cared-for person”).
- (2) But subsection (1) does not apply—
 - (a) in the case of a cared-for person under 18 years old, to the extent that the care is or would be provided by virtue of the person's age, or
 - (b) in any case, to the extent that the care is or would be provided—
 - (i) under or by virtue of a contract, or
 - (ii) as voluntary work.
- (3) The Scottish Ministers may by regulations—
 - (a) provide that “contract” in subsection (2)(b)(i) does or, as the case may be, does not include agreements of a kind specified in the regulations,
 - (b) permit a relevant authority to disregard subsection (2)(b) where the authority considers that the relationship between the carer and the cared-for person is such that it would be appropriate to do so.
- (4) In this Part “relevant authority” means a responsible local authority or a responsible authority (see section 41(1)).

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Carers (Scotland) Act 2016. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

Commencement Information

- I1** S. 1(1)(2)(3)(b)(4) in force at 1.10.2017 by [S.S.I. 2017/152, reg. 3, sch.](#)
- I2** S. 1(3)(a) in force at 31.5.2017 for specified purposes by [S.S.I. 2017/152, reg. 2, sch.](#)
- I3** S. 1(3)(a) in force at 1.10.2017 in so far as not already in force by [S.S.I. 2017/152, reg. 3, sch.](#)

2 Meaning of “young carer”

In this Act “young carer” means a carer who—

- (a) is under 18 years old, or
- (b) has attained the age of 18 years while a pupil at a school, and has since attaining that age remained a pupil at that or another school.

Commencement Information

- I4** S. 2 in force at 1.10.2017 by [S.S.I. 2017/152, reg. 3, sch.](#)

3 Meaning of “adult carer”

In this Act “adult carer” means a carer who is at least 18 years old but is not a young carer.

Commencement Information

- I5** S. 3 in force at 1.10.2017 by [S.S.I. 2017/152, reg. 3, sch.](#)

“Personal outcomes” etc.

4 Meaning of “personal outcomes”

- (1) In this Act “personal outcomes”, in relation to carers, includes outcomes which would, if achieved, enable carers to provide or continue to provide care for cared-for persons.
- (2) The Scottish Ministers may by regulations make further provision about personal outcomes, including provision about—
 - (a) which outcomes may be personal outcomes,
 - (b) the matters to which a relevant authority is to have regard in considering which outcomes may be personal outcomes.

Commencement Information

- I6** S. 4 in force at 1.10.2017 by [S.S.I. 2017/152, reg. 3, sch.](#)

5 Meaning of “identified personal outcomes” and “identified needs”

- (1) In this Act “identified personal outcomes”, in relation to a carer, means the personal outcomes which are identified as relevant to the carer.

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(2) In this Act “identified needs”, in relation to a carer, means the needs for support (if any) which are identified in order to meet the carer's identified personal outcomes.

(3) In this section “identified” means identified by virtue of section 8 or 14.

Commencement Information

I7 S. 5 in force at 1.10.2017 by S.S.I. 2017/152, reg. 3, sch.

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).
- (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.

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Modifications etc. (not altering text)

- C1** S. 6 restricted (temp.) (5.4.2020) by [Coronavirus Act 2020 \(c. 7\), ss. 16\(3\)\(4\), 87\(2\)](#) (with [ss. 16\(12\), 88-90](#)); [S.S.I. 2020/121, reg. 2\(a\)](#) (which amending provision is suspended (30.11.2020) by [The Coronavirus Act 2020 \(Suspension Adult Social Care\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/377\), regs. 1\(1\), 2\(b\)](#) (with [reg. 4](#)))
- C2** 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

- I8** 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

- I9** 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

- I10** S. 8 in force at 9.2.2018 by [S.S.I. 2018/25, reg. 2\(a\)](#)

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Content and review of adult carer support plan

9 Content of adult carer support plan

- (1) An adult carer support plan must contain—
- (a) information about the adult carer's personal circumstances at the time of preparation of the plan, including—
 - (i) the nature and extent of the care provided or to be provided,
 - (ii) the impact of caring on the adult carer's wellbeing and day-to-day life,
 - (b) information about the extent to which the adult carer is able and willing to provide care for the cared-for person,
 - (c) information about whether the adult carer has arrangements in place for the provision of care to the cared-for person in an emergency,
 - (d) information about whether the adult carer has arrangements in place for the future care of the cared-for person,
 - (e) information about the identification of the adult carer's personal outcomes, including about the carer's identified personal outcomes,
 - (f) information about the identification of the adult carer's needs for support, including—
 - (i) if the adult carer has identified needs, those needs,
 - (ii) if no needs for support are identified, that fact,
 - (g) information about the support available to adult carers and cared-for persons in the responsible local authority's area,
 - (h) if the adult carer does not reside in the responsible local authority's area, information about the support available to adult carers in the area where the adult carer resides,
 - (i) if the adult carer's identified needs meet the local eligibility criteria, information about the support which the responsible local authority provides or intends to provide to the adult carer to meet those needs,
 - (j) if the adult carer's identified needs do not meet the local eligibility criteria, information about the support which the responsible local authority provides or intends to provide to the adult carer,
 - (k) information about whether support should be provided in the form of a break from caring,
 - (l) information about the circumstances in which the plan is to be reviewed.
- (2) Each second and subsequent adult carer support plan must also contain information about the extent to which any support provided under a previous plan has assisted in the achievement of the adult carer's identified personal outcomes.
- (3) The Scottish Ministers may by regulations make provision about—
- (a) other information which an adult carer support plan must (or must not) contain,
 - (b) the form of adult carer support plans.

Commencement Information

III S. 9 in force at 1.4.2018 by [S.S.I. 2017/152](#), [reg. 4](#)