

CHILDREN 1ST response to the call for views on the Carers (Scotland) Bill from the Health and Sport Committee

April 2015

For 130 years, as the RSSPCC and now as CHILDREN 1ST, we have campaigned for every child in Scotland to enjoy a better start in life and for no child to grow up in fear of abuse and violence. We will continue to be a strong public voice for vulnerable children and young people in Scotland, listening to them, to influence public policy and attitudes. Then, now and for another 130 years, as long as Scotland's children need us.

CHILDREN 1ST provide a young carers service in Midlothian, which delivers support to young people who care for someone at home. Our service caters for young people aged seven to 18 and provides support and advice tailored to their individual needs. We know that many young people have different experiences of looking after someone else in the family, some see it as a normal part of family life whilst others don't want to be identified as a 'young carer' for fear of stigma, or being labelled and treated differently.

CHILDREN 1ST also provides the National Kinship Care Service, which provides a helpline, information and advice to kinship care families. In a recent survey with 177 children and young people in kinship care 8% said they would like support to help them care for their family members¹.

We believe that all those with caring responsibilities should be supported to live full and happy lives and that their rights should be respected in line with international conventions such as the United Nations Convention on the Rights of the Child (UNCRC). We therefore welcome the introduction of the Carers (Scotland) Bill and its aim to extend and enhance the rights of adult and young carers in Scotland by empowering them to exercise their rights. We hope that this Bill will help to identify young carers to ensure that they are provided with the appropriate care and support that they need.

General comments

We welcome and support the assertion that protecting the rights of carers and young carers should be at the centre of this legislation. In line with this we believe that a Child's Right's Impact Assessment should be conducted on this Bill to identify the key areas that will impact on children's rights and to ensure that there are no negative unintended consequences.

CHILDREN 1ST supports the Scottish Youth Parliament's call for the definition of "young carer" to be extended to account for young carers who are 18 and over but in

¹ Consultation with children and young people in kinship care 2014
<http://www.children1st.org.uk/media/264204/childrenyoungpeopleconsultationreportkinshipcareorder2014.pdf>

a different education setting such as further education, in a modern apprenticeship, or on an activity agreement.

The Bill currently defines “personal outcomes” for carers in relation to their ability to provide care. CHILDREN 1ST calls for the definition of personal outcomes to be rights- based and attuned to carer’s personal outcomes and needs outwith their caring role.

We would also welcome clarification from the Scottish Government relating to how the local eligibility criteria set by each local authority will be monitored so that carers receive support based on need rather than resource. We are concerned that leaving local authorities to determine their own individual assessments and criteria will lead to inconsistencies in service provision between local authorities.

Links to other relevant legislation

Particular attention should be paid to how the Carers (Scotland) Bill will link to the implementation of the Children and Young People (Scotland) Act 2014. The intention of the Act is to place GIRFEC in statute and to streamline existing practice. It is therefore vital that the young carer statements set out in the proposed Bill, which will identify the needs and support to be provided to young carers, is clearly linked to the provisions for a Child’s Plan set out in Part 5 of the Act. We do not think it is appropriate to start developing processes to support young carers that run parallel to the provisions in the Act and would therefore welcome clear links in the statutory guidance for Parts 4 and 5 of the Children and Young People (Scotland) Act and any proposed guidance for the Carers (Scotland) Bill in terms of provision for young carers.

We would also welcome clarification relating to how the support needs of young carers that will be set out in young carer statements will be resourced and what training and information will be given to the Named Person with respect to the new measures set out in the Bill. The Named Person Service has an important role to play in the identification of young carers and in providing information and advice about the support they are entitled to receive. Training is therefore an important part of ensuring that these new provisions operate effectively.

Given that the Bill intends to further the rights of both adults and young carers we would also welcome clarification of how this links to Part 1 of the Children and Young People (Scotland) Act 2014, which sets out duties with respect to the rights of children. This is particularly relevant with respect to section 1(2) of the Act, which places duties on public authorities to report what steps they have taken to secure better or further effect of the UNCRC requirements.

We also urge the Committee to consider how new support provisions for carers and young carers in this Bill will link with the new assessment for support for some kinship care families who have a kinship care order which will be outlined in secondary legislation and guidance for Part 13 of the People Act.

Additionally, scrutiny of the Bill should also consider its integration with wider policy and legislation including the Public Bodies (Joint Working) (Scotland) Act 2014 and Social Care (Self-directed Support) (Scotland) Act 2013.

Kinship care

We are pleased that through regulations the Bill will allow kinship carers who have caring responsibilities for a disabled child or adult to be within the scope of the Bill's provisions of support. It is important to recognise there are a variety of legal kinship care arrangements in which either kinship carers or children in kinship care may have caring responsibilities.

Identification of carers

We are concerned that there are many carers in Scotland that are not recognised and that appear to be 'under the radar'. Some studies estimate there to be over 100,000 young carers in Scotland—one in 10 of the school age population.² We would therefore encourage the Committee to consider how provisions can be made to ensure that carers and young carers are identified appropriately, and that the changes contained within the Bill can be communicated to them.

For more information on please contact CHILDREN 1ST: policy@children1st.org.uk

² <http://www.carers.org/scotland>