POLICY NOTE

THE CARERS (SCOTLAND) ACT 2016 (PRESCRIBED DAYS) REGULATIONS 2017

SSI 2017/207

1. The Carers (Scotland) Act 2016 (Prescribed Days) Regulations 2017 ("the Regulations") are to be made in exercise of the powers conferred by sections 22(2) and 22(3) of the Carers (Scotland) Act 2016 ("the Act"). The instrument is subject to negative procedure.

Policy Objective

2. The Regulations make provision about the date for publication and first review of each local authority's local eligibility criteria. Local eligibility criteria are the criteria by which a local authority must determine whether or not it is required to provide support to an individual carer to meet that carer's identified needs. These criteria must be in place, therefore, in time for it to be applied by local authorities in the course of preparing an adult carer support plan or young carer statement when these new schemes, provided for under the Act, take effect i.e. from 1st April 2018.

3. Under section 22(2) of the Act, local authorities are obliged to publish their local eligibility criteria no later than 6 months from a date prescribed by Scottish Ministers. These Regulations prescribe 1st October 2017 as the start of the 6 month period for the setting and publication of local eligibility criteria.

4. Under section 22(3) of the Act, local authorities are obliged to carry out a first review of their local eligibility criteria before the end of a period prescribed by Scottish Ministers.

5. These Regulations prescribe that the first review of local eligibility criteria must be carried out within a period of 3 years from the date when the criteria were first published. The intention is to ensure that local eligibility criteria are reviewed within a reasonable timeframe, but allowing sufficient time to give local authorities flexibility to align those reviews with other local service planning.

Consultation

6. There has been limited consultation with COSLA and the national carer organisations on these technical regulations.

Impact Assessments

7. An Equality Impact Assessment (EQIA), Privacy Impact Assessment (PIA), and Children's Rights and Wellbeing Impact Assessment (CRWIA) have been partially reviewed and updated to take account of the above instrument. These are available on request. Further reviews and updated are expected to be published before 1st April 2018.

Financial Effects

8. The Business and Regulatory Impact Assessment (BRIA) has been partially reviewed and updated to take account of the above instrument. This is available on request. A further review and update is expected to be published before 1st April 2018.

Scottish Government
Health and Social Care Integration Directorate
Carers Branch